TOPICS

SUMMER 2020

bclma
BC Legal Management Association

Informed Opinions on Legal Management

EMPLOYMENT TIPS FOR THE "NEW NORMAL"

by Preston Parsons, Associate at Overholt Law

The COVID-19 pandemic caused significant disruption for businesses, including law firms. Some firms have seen a large influx in work while trying to decentralize and connect a broad workforce. Others have noticed a sharp drop in new matters coming in. Firms have increasingly sought out advice regarding layoffs, terminations, constructive dismissal, privacy matters, and other topics that they typically would not need advice on including employment insurance matters and the legal doctrine of frustration of contract. It was all such a whirlwind!

Since British Columbia began to reopen the economy, firms have had not only the burden of managing their present circumstances, but also of returning to strategic planning for an uncertain, bumpy future. Our "new normal" may continue to evolve into something else, and while there is uncertainty in how that might look, the lessons learned since the middle of March 2020 should give firms strategic guidance moving forward. The following are five points to consider as we continue to move through 2020 and beyond:

1. BE PATIENT.

The pandemic caused considerable mental, emotional, and financial strain on many people. Some individuals were struggling with mental health issues before the pandemic and others have developed them since. Some will develop mental health issues from the fears and strain caused by returning to work in this uncertain time, while others may have developed them from the strain of working throughout the pandemic. Just as the sudden shift to working from home for many – or sudden unemployment for many more – required swift adjustments, the return to the workplace also requires adjustments. Be patient with one another and recognize that there may be learning curves regarding your colleagues' comfort levels with physical distancing at the worksite and the implementation of your COVID-19 Safety Plan. Conflict among well-meaning colleagues may arise. There may be unique family status considerations engaged due to a misalignment between your firm reopening and schools not reopening. Human rights accommodation issues are likely to present themselves en masse. Navigate these matters with patience,

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TOPICS in this issue

DEPARTMENTS

Volunteer Opportunity!

The TOPICS Newsletter Committee is looking for volunteers to join us! We're a dynamic, fun group who are looking for a few members to help source thought-provoking articles that are relevant and beneficial to all subsections. We have 3 lunch hour planning meetings per year (currently remotely) in which we plan out each edition. No business writing skills are required, just your enthusiasm.

This is a great opportunity to both network and contribute to BCLMA and the legal community. If you are interested or have any questions please contact Committee Chair, Heather Orchison at general@bclma.org.

Who We Are
The BCLMA, founded in 1972, is a non-profit organization with 180 Members and 550 Firm Representatives and Individual Members 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 general@bclma.org.

Submissions
If you have an article or story idea you would like to submit, please email Heather Orchison at general@bclma.org. Please note that our prescribed article length is 1000 words. All submissions will be subject to review by the editorial board.

care, and the understanding that a gradual ramp up with adjustments in productivity is to be expected. Where your firm needs guidance on the scope of the duty to inquire and duty to accommodate under BC's Human Rights Code, please reach out.

2. REMOTE WORK IS HERE TO STAY.

It is difficult now to justify the oft-mandatory requirement that people be physically in the office to get their work done. The reality for the foreseeable future is that more work will be done remotely for firms of all sizes. It is important to draft and implement policies to support remote work, such as policies on technology use and network access, bringing-your-own-device, privacy and confidentiality, and even expense policies that clearly define appropriate work-from-home expenses. Written expectations are always more consistent than unwritten expectations. Remember to train members of the firm on workplace policies and have all policies available for reference in a centralized, electronic location.

3. WORKERS' COMPENSATION, MATTERS.

Occupational Health and Safety considerations will continue to come into play for your remote workforce and it is important to engage with employees to determine if their remote work environments present any health and safety risks. Being proactive here will lead to less down time, greater productivity, and less risk of WorkSafeBC's involvement.

4. FUTURE FLEXIBILITY.

Both the Canada Emergency Response Benefit – CERB – and the Canada Emergency Wage Subsidy – CEWS – will soon expire, but that does not mean that your firm cannot consider registering for the future for a Supplemental Unemployment Benefits Plan or the federal Work-Sharing program. Considering how these programs could be used to your firm's benefit is recommended given the likelihood of a second or third "wave" as society reopens.

5. REVISIT YOUR COVID-19 SAFETY PLAN.

Is it working as intended? Should it be updated or improved? Remember to keep both the copy on your website as well as the hard copy in your office current so that there are no discrepancies or confusion caused in the continued execution of the plan. This Safety Plan may be needed for some time into the future so ensure it is

WELCOME & KUDOS

New Member Firms and their Representative

Sandra Bertoia, **Lotz and Company**, Vancouver
Darah Powers, **Murphy and Company**, Vancouver
Gillian McLennan, **Pettit and Company**, North Vancouver
Lisa Ross, **Pulver Crawford Munroe LLP**, Vancouver

New Representatives for Existing Member Firms

Ann Curryer, **Cassels Brock & Blackwell LLP**, Vancouver
Tracy Scher, **Gowling WLG (Canada) LLP**, Vancouver
Rain Henderson, **Henderson Heinrichs LLP**, Vancouver
Elana MacKenzie, **North Shore Law LLP**, North Vancouver

New Individual Members

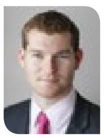
Aisha Jeffery, **DLA Piper**, Vancouver
Shannon McLeod, **Harris & Company LLP**, Vancouver
Jeremy Ingoldby, **Jenkins Marzban Logan LLP**, Vancouver
Nina Erickson, **Lindsay Kenney LLP**, Vancouver
Tania Cullen, **Mandell Pinder LLP**, Vancouver
Christina Wong, **Whitelaw Twinning Law Corporation**, Vancouver

Retired

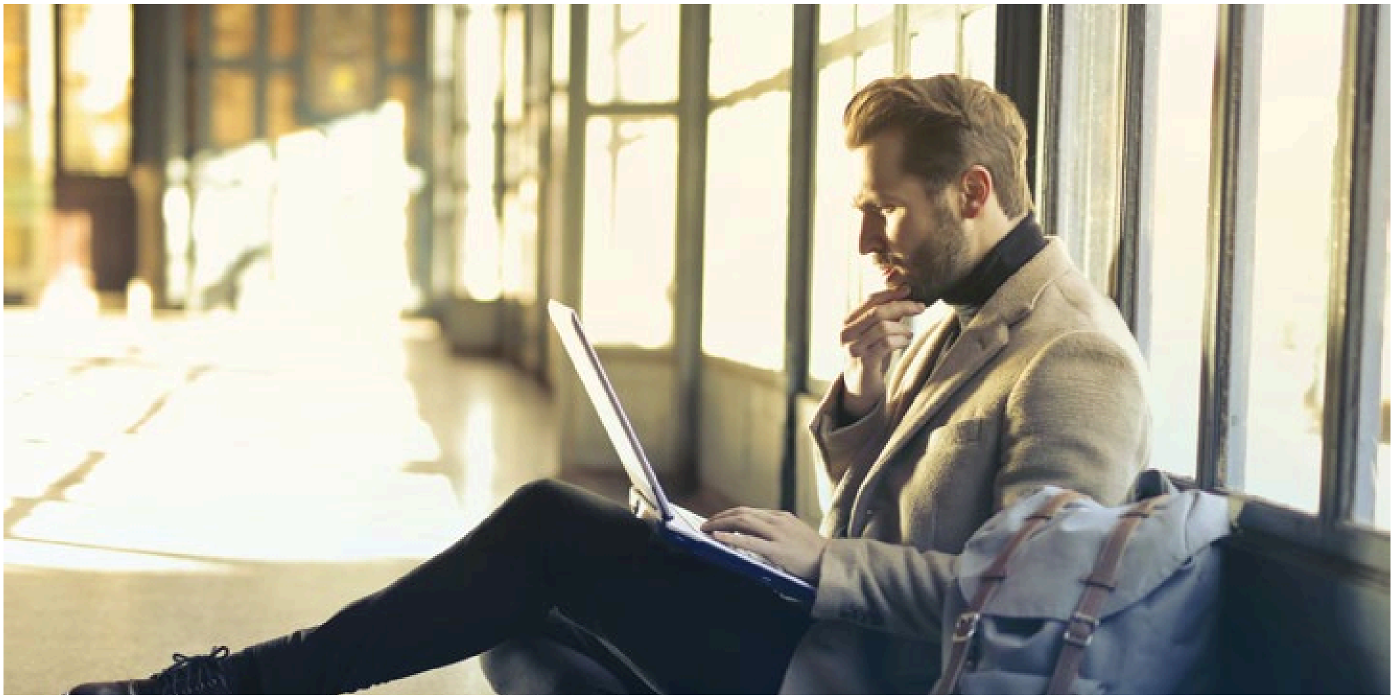
Caroline Burns, **Cassels Brock & Blackwell LLP**, Vancouver/Toronto
Gillian Crabtree, **Edwards Kenny & Bray LLP**, Vancouver
Kathie Smith, **North Shore Law**, North Vancouver

robust and ready to withstand complaints to, or random audits by, WorkSafeBC.

Planning strategically for the months ahead will help make adjusting to future shocks easier, just like mapping out and practicing a fire drill. There may well be another pandemic after a COVID-19 vaccine is developed. The next time, the situation will not be entirely "unprecedented", and the steps taken today to prepare will be well worth the effort.



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



Small Firm Marketing: Common Questions Answered

by Susan Van Dyke, Principal, Van Dyke Marketing

Running a small business successfully is tough in any industry. In British Columbia, approximately 98% of businesses are classified as a small business, so those of us in B.C., and several other provinces actually, are in good company. The challenge, though, is producing high-quality work while positioning yourself and your business for long term success.

You want to make smart business decisions and invest your time and financial resources wisely. Some firms will ponder marketing for a while before they begin, while others take a "let's throw everything at them" approach.

Here are some of the most common questions I get from small law firms:

1. WHY AREN'T WE GETTING ANY BUSINESS FROM OUR CURRENT EFFORTS?

Many small firms spread themselves too thin and try to actively market too many areas of law at once. Often a firm will put on a seminar, but not follow up with attendees or no-shows. If following up isn't part of your initial plan, don't execute until you can. It's that important.

The same goes for advertising. If you're going to run ads, commit to a budget that will allow you to run regular ads with the same message to the same audience.

For instance, if you're looking to develop work in your estate planning, you would probably want to run a few ads about this practice area and include a call to action that encourages readers to register to attend your seminar. Send invitations to all your current clients and contacts who may have an interest in this area. Ensure you have some helpful information for estate planning clients on your website. Many people will check, and you want your credibility in this practice area to be clearly displayed.

Think like a client and know that it takes several attempts to get the attention of your audience before they respond.

Plan, layer and target your marketing efforts. Repeat over time and the efforts will be rewarded.

2. SHOULD WE ADVERTISE?

It depends. If you're trying to reach individual legal services clients such as personal injury, family or criminal law, advertising can be very effective, especially if your ads are impactful and run regularly in targeted publications. Depending on advertising alone, though, can be a mistake. It can generate interest, but you need other marketing support to get prospects to make contact with you.

Advertising business-related legal services can also work well, but it requires careful placement in appropriate publications, coupled with compatible editorial in order to reach decision-makers.

If you're going to run an ad campaign, though, do consider a campaign that will reach your market regularly and over a long period of time – perhaps several months, or even a year. It's a good idea to get some advice from someone other than your friendly advertising sales rep. Get help in designing your ad and ensuring your message is as impactful as possible. That investment can also help in your other communications, so look at how you can leverage that advice and apply it your other marketing initiatives.

Think carefully about directory advertising. Some directories can dominate your ad budget, so consider what a strong online presence might do instead for you.

Advertising can also work well for dominating a geographic market such as a smaller community with image-based messages. Most importantly, know your market, their needs and attitudes, and what they'll respond to best.

3. HOW DO WE GET OUR LAWYERS TO HELP DEVELOP BUSINESS?

If you want your lawyers to contribute to the marketing of the firm and to bring in business, make these expectations clear upfront, then give them the training or tools to get underway. Lawyers are not typically schooled or trained in marketing and many don't understand what it takes to run a business, so provide the training or coaching as needed.

Starting where your lawyers have interest or demonstrated strengths will help. Get your writers to write, get your social lawyers out into the community attending business events and joining boards. Again, just as with your advertising plans, engage in these activities with a long-term commitment.

4. WHERE SHOULD WE SPEND AND WHERE CAN WE SCRIMP?

Leverage your material whenever possible – write an article, create a client bulletin with an invitation to a seminar, and then post it to your blog. Get everything to go the distance for you.

Spending on "foundational items" that are investments in your business will help you produce and distribute communication materials that are essential for efficient long-term success. You'll need a hard-working website that can scale up to include a future blog or include your social media posts. A solid brand look and feel will enable you to establish an image for your future newsletter, alerts, or other communications materials, including a website or blog page.

Invest the time in good website content that's rich in keywords and is helpful and relevant to your clients and prospects. Keep adding online content to build your profile and credibility. The good news is that you can do this at your leisure

SOUNDING BOARD

YOUR BCLMA. YOUR NEWS.

The BCLMA, CBA and Western Compensation Benefits typically conduct the Business Services Compensation (BSC) Survey each year in August. After consultation with several parties, and realizing how critical this survey is for the compensation planning needs of law firms, it was decided to proceed with the survey. With many firms currently on a phase back to the office approach, we decided to postpone the survey by one month, to September.

We will be adding a Supplementary COVID-19 Survey to complement the BSC Survey. This will look at the impact COVID-19 has had on human resources and their firms.

In the last issue of Topics I noted the conference was postponed until September and would take place either in-person or on-screen. For the past two months our conference committee have been reimagining and researching what a BCLMA virtual conference could look like.

The board has collaborated with business partners, members and the conference committee. These days are tough on everyone both economically and with time, as our members juggle work schedules in and out of the office. Zoom fatigue was also a factor. It was decided the best decision would be to cancel the conference and substitute the educational component by offering a virtual speaker's series to our members in September and October.

Thank you to all the committee members who worked so hard at planning our 2020 conference.

We look forward to our next conference, to be held April 21 & 22, 2022. It will be BCLMA's 50th anniversary year.

A big 'Thank You!' to several of our subsection chairs who have offered Zoom meetings during this time of isolation. I think we'll all agree holding virtual events helps provide a sense of community which can help combat loneliness and isolation, while offering networking opportunities and building trust among our BCLMA members.

This year's AGM will be a hybrid event, meaning in person (a small group) and virtual and will be held at the Terminal City Club on September 22 at 12:30 pm. The Terminal City Club's safety plans has strict guidelines in place ensuring the protection and health and safety of everyone on site. I encourage BCLMA members to get involved especially during this time by logging on or coming to the meeting. Physical distancing is guaranteed as we have a very large room booked.

We continue to be positive and optimistic that we will be meeting again safely. We will continue to keep up-to-date on the provincial guidelines and will adjust our meeting set-up and agenda accordingly.

We are excited about our Fall virtual program.

and outside of typical office hours (if there is such a thing any longer).

Your online presence is critical. If your practice is busy, here's where you can get your juniors or even a legal marketing consultant to draft content for your website, blog, or social media sites. Stick to a regular routine of updating your content and leverage existing material as much as possible.

5. SHOULD WE OUTSOURCE MARKETING?

Your non-billable time is best spent with current clients with the greatest potential and your best referral sources. Not only will you bullet-proof these clients from competitors, it will often lead to additional work.

An external advisor – in any area of business – can really help direct your efforts to the greatest value and do some of the heavy lifting for you more economically than if you did so yourself.

Consider the cost of doing some things yourself and whether or not you have the interest and skill in implementing them. Your highest value is in producing legal work, connecting in person with current and prospective clients, and producing materials that relate to your area of law.

Susan is one of the most experienced legal marketing professionals in Canada. She and her team help law firms and lawyers advance with successful strategic and tactical methods. Van Dyke Marketing provides marketing, communications, management consulting and legal marketing recruitment for law firms across Canada. Susan is a regular speaker at retreats and association events on a variety of marketing topics, as well as law firm economics. You can reach Susan at Susan@Vandyke.ca.

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FALL SPEAKER SERIES

How to future-proof your work

For more information on this **virtual speaker series** and to register, visit **www.bclma.org/events**

Registrants will receive an email with a link for the session one week before the presentation.

Questions? Contact Jane at info@bclma.org.

ERIC TERMUENDE

SESSION 1

The One-Degree Shift

THU, SEPT 10
12:00 - 1:00 PM

GENEROUSLY SPONSORED BY RICOH

CYNTHIA MILLS

SESSION 2

Leadership, Crisis, Stress, Neurology, Decision-Making & Presence

THU, OCT 1
12:00 - 1:00 PM

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LINDA EDGECOMBE

SESSION 3

Holy Crap Am I Busy! Changing Our Culture from Overwhelmed to Resilient

THU, OCT 22
12:00 - 1:00 PM

GENEROUSLY SPONSORED BY bmcnetworks, HUNTERWEST, Worldox

2020 Summer Reads

The brilliance of books is the ability to transport the reader to a different place, space, time and genre. The books below were taken from a variety of recommended reading lists. Choose one or all for these summer months and seasons beyond:

Sharks in The Time of Saviors: A Novel by Kawai Strong Washburn. In his debut novel, a Hawaiian family experiences a miracle when their 7 year old son falls overboard while on a cruise and is rescued by a shark. This miracle from the Hawaiian gods has a profound impact on their lives. The story follows the family's struggles as it hurts, heals and reckons with family bonds, and the value of heritage.

A Burning by Megha Majumdar. Three strangers' lives are linked following a terrorist attack in modern day India. A Muslim girl is accused of executing an attack on a train. A gym teacher with right-wing political party aspirations is keen to benefit from the girl's fall. And an outcast may provide the girl's alibi to set her free.

The Long Petal of the Sea by Isabel Allende. An epic historical fiction follows the lives of two young people who escape the Spanish Civil War and become refugees on a ship chartered by the poet Pablo Neruda on its way to their new life in Chile. It follows their stories over decades of political and social turmoil in Chile in the 1990's.

The Jetsetters: A Novel by Amanda Eyre Ward. Charlotte Perkins wins a Mediterranean cruise and drags her adult children along with her. Experience family dynamics on a cruise ship without ever leaving shore.

Vanesa Yu's Magical Paris Tea Shop by Roselle Lim. Why not explore life in Paris by following Vanessa's journey and her uncanny ability to read fortunes from the bottom of teacups.

Beyond the Trees: A Journey Alone Across Canada's Arctic by Adam Shoalts. Shoalts writes about his solo adventure from Eagle Plains in the Yukon to Baker Lake in Nunavut. You may not dare to be as adventurous as the writer but you have the opportunity to follow and experience nature and the great Canadian wilderness from your armchair or your picnic blanket.

MEMBER SNAPSHOTS

LORIN BIRNIE

How long have you been part of BCLMA?
1 1/2 years

Where do you work?
Miller Thomson LLP

Where did you vacation last?
Bucerias, Mexico in February

Where were you born and where did you grow up?
Calgary, Alberta

Have you ever lived abroad?
No, but I travelled around South East Asia for three months.

What are you currently reading or what would you recommend as a must read?
I am currently reading a book called *The Poet* by Michael Connelly.

Favourite BC day trip location
South Okanagan

In my spare time, I like to...
Play soccer, hike, and travel.

Recommend a wine – red or white – for under $20 a bottle
White – Ruffino Classico
Red – Pacific Breeze – Killer Cab

Favourite place to have lunch during the work week
I typically go to the gym during my lunch hour however I don't mind a Cactus Club patio during the summer months.

Favourite or most recent movie you've seen
I haven't seen too many movies lately, but a good TV series on Crave is *Succession.*

Favourite restaurant?
Blue Water Cafe

Spinach Salad with Strawberries, Grilled Balsamic Chicken, Feta and Almonds

Ingredients

Serves 4:

1/2 cup olive oil
3 tablespoons balsamic vinegar
2 teaspoons honey
1 clove garlic, minced
2 chicken breasts (about 1 pound)
8 cups spinach, washed, dried and stems removed
1/2 cup feta cheese, crumbled
1/2 cup slivered almonds, toasted
1 1/2 cups sliced fresh strawberries
3-4 thinly sliced rings of red onions
salt and pepper to taste

Instructions

Combine olive oil, balsamic vinegar, honey and garlic in a small bowl. Whisk to combine. Reserve 1/2 dressing for the salad. Pour the remaining dressing into a small bowl, add chicken and marinate in refrigerator for 1 hour or longer.
In a salad bowl, add the spinach, feta cheese, slivered almonds, strawberries and red onion slices.
Preheat barbecue. Remove chicken from marinade and discard. Cook chicken until no longer pink about 6-7 minutes per side turning several times. Cool slightly and thinly slice.
Toss salad with the reserved salad dressing.
Season with salt and pepper.
Divide salad evenly onto plates, add sliced chicken on top and serve.

Barb Kemp is a passionate home cook and food educator who believes food is the foundation of good health. She writes a blog, a newsletter and offers a free online course on How To Meal Plan for the everyday home cook. Visit recipestotherescue.blogspot.com *for more information.*

Creating Resilience During a Time of Uncertainty

by Bena Stock, Founder, Succeed Counselling

As I write this article I can't help but wonder if what I am writing in May will be helpful to you when you read this in August. Our world has rapidly changed in so many ways and continues changing. It is normal to feel unsettled, anxious, angry, sad, or depressed as we move through the stages of this pandemic. However, our mindset, and our ability to rise to challenges, can be powerful tools to help us through these difficult times. This article offers coping strategies you can use to help shift your mindset, manage your emotions, and build resilience.

Turn "what if?" into "then what?"
Anxiety encourages us to think ten steps ahead and to imagine the worst possible outcome. You might be asking yourself, "What if I get sick? What if my partner or someone in my family gets sick? What if I lose my job?" "What ifs" drive anxiety. If you find yourself getting into a loop of "what ifs," turn to "then what?" Choose one or two worries that are bothering you the most and create concrete contingency plans to deal with the situations if they occur. Share your plan with your family and friends. Then put your plan aside. This can help reduce uncertainty and anxiety.

Take care of social connections. Think of what your social connections were before the pandemic and try to safely recreate them. Call, FaceTime or Zoom your friends, family, and colleagues and talk with them. Stress motivates us to connect. This side of the stress response is driven by the hormone oxytocin. Its primary function is to build and strengthen social bonds. It also makes your brain notice and understand what other people are thinking and feeling, and in that way, it enhances your empathy and intuition. Your biological response to stress is telling you to seek support. Tell someone how you feel instead of bottling it up. It's the safety we find with others that helps us calm the stress response, and more quickly too.

Set limits on the news. Yes, you need to stay informed, but that doesn't mean a constant stream of corona virus news. Consider checking the news twice a day for ten minutes, and try to avoid watching the news before going to sleep.

Be engaged in the present moment. This can mean meditation if you have a meditation practice. It can also mean being grateful for what you have and what you have gained, not ruminating about what you can no longer do or what you have lost. Hunt for the good stuff.

Spend time in nature. Some of the many benefits of nature include stress reduction, improved cognitive functioning, enhanced self-confidence, and even an improved immune system. There is also research that demonstrates that by simply taking a 40 minute walk in the park you can experience improved mood, feelings of vigor, lower blood pressure and lower levels of the stress hormone cortisol. In other words, you can actually improve your health and well-being by simply taking a walk in the park. Moreover, there are no known side effects to what some call "nature therapy." It is readily available, and it's free!

Exercise. By exercising you teach your brain that behaviour matters. Exercise increases endorphins and other feel-good brain chemicals. It also reduces levels of the stress hormone cortisol. It is also a proven remedy for depression and anxiety. Exercise outside for a bigger boost if you can. The mood benefits of just 20 minutes of exercise can last up to 12 hours.

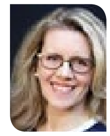
Sleep. The National Sleep Foundation recommends the average adult sleep between seven and nine hours a night. Are you there yet? Practising good sleep hygiene can help you sleep like a pro. Here are a few tips.

- Naturally regulate your sleep-wake cycle by increasing your exposure to light during the day and decreasing your exposure to artificial light at night.
- Maintain a regular sleep schedule. Going to bed and waking up at the same time, even on weekends, helps to regulate your body clock.
- Avoid stimulants like nicotine, soda, caffeinated coffee and tea, alcohol and chocolate, all of which are stimulants that accelerate your heart rate and interfere with sleep.
- Avoid electronics. While catching up on email and social media may satisfy the fear of missing out, doing so keeps us stimulated. Each time we check our email or social media we receive a shot of dopamine, a chemical that our brain releases to stimulate pleasure.

  Moreover, artificial light from your device supresses melatonin production, which is essential to having a restful sleep.

Create a routine. An important step you can take in managing the anxiety that sometimes arises from uncertainty is to create a routine, a structure to your daily life. The issue of "time" becomes very important to creating a schedule. Consider starting something at a certain time and ending something at a certain time. Creating structure allows you to focus on your own internal capacity to do things that allow you to organize your life. Predictability, structure, and routine give us a feeling of normalcy, certainty, and comfort in our day-to-day activities. This gives us a sense of strength and agency.

These ideas and suggestions are ways to help you and your families build resilience during this difficult time. Resilience is the ability to adapt and cope with adversity. Resilience helps us manage life's challenges. I hope these ideas help you and your loved ones become more resilient in this difficult time.



Bena Stock is the founder of Succeed Counselling, a Registered Clinical Counsellor, and a lawyer. Bena was called to the Bar of British Columbia in 1992 and practised primarily in the areas of professional negligence and insurance defence litigation for 24 years. Since leaving the practice of law, she has worked as a counsellor in private practice with individuals, families and teens, and most recently in her former role as Associate Director with the Lawyers Assistance Program of British Columbia she provided counselling to members of the legal community and their families, and has also hosted numerous psycho-educational workshops and presentations. She can be reached at counselling@benastock.com, or 604-338-9896. www.benastock.com

Can I Just Get Rid of this "Junk"?

Early data analysis in ediscovery processing

By Johanna C. Mustapic, President, Triage Data Solutions Inc.

When it comes to electronic evidence are you still confused? You are not alone! Even people who deal with electronic evidence all the time can get confused, partly because in many instances there isn't a right or wrong answer, just options. That being said, the larger the collection of evidence, the more crucial the decisions that you make will be.

First, let's clear up what format of electronic document you want to be getting from your clients in the first place. Emails are the most crucial because they have the most useful metadata, when gathered properly. Information like: Date Sent; Time Sent; To; From; CC; BCC; Subject; Read status; Attachments; Conversation Index and more. This data will allow ediscovery programs to de-duplicate, pull together conversation threads and use other very useful review tools.

If your client is using Microsoft Outlook, then gathering relevant emails is fairly easy. A .pst file (like a zip file) of a folder of emails, or an entire email profile, can be exported quite easily. For just a few emails, clients can drag individual messages from Outlook to a folder on a drive which creates a .msg file per email. For those "one-off's", they can drag the message into an email to you, so you can drag it back out, maintaining that valuable metadata. Other options such as pdf portfolios or emails that are simply forwarded to you are not ideal because the important metadata for de-duplication, threading and, other functions is effectively lost.

Individual "loose" files usually follow the same principles – that a copy of the original file is the best evidence, however they have much less metadata. Still, if they are not gathered properly, and the date a document was created becomes important, not the date on the face of it, then you need to make sure that information is maintained. Another huge reason to collect documents properly is being able to have a computer identify exact duplicates to exclude from processing, or at least to identify where they are without doing this manually.

Speaking of duplicates, people are often confused by how duplicates are identified in an ediscovery program. These programs generate a "hash value" or MD5hash for all electronic files. This is an electronic signature, if you will, of a file. Therefore, if you have a Word document that was converted to a PDF, those are not considered the exact duplicate of each other, even though the content may be the same. Emails are de-duplicated slightly differently, based on the metadata, body of the email, its attachments, and so on, and can be customized slightly, so each program may create a slightly different hash value for the same copy of an email. In addition, the same email may be collected from different email programs, and because they might render with slight variations, they might not be identified as duplicates either. Certainly, if some emails were converted to PDFs and some were not, they would not be able to be automatically de-duplicated against each other.

So, let's assume that your evidence was gathered correctly, what do you do now? You can have the files processed by a vendor to de-duplicate, extract metadata, run filters if you want, convert to images if you need, and give you a load file for your litigation database. If you have a small document collection, and don't have a litigation database, hyperlinks to the files can be created in an Excel spreadsheet for quick and easy review. For large collections of documents, you can host the data in an online database and simply use it for as long as you need. These programs provide quick access to functionality such as email threading, identifying the most inclusive email conversations as well as searches for keywords, and even emotion in the language of the documents. You can also use artificial intelligence like an extra reviewer on your team, but one that never takes a break! There are many of these programs available with varying capabilities and prices.

In almost every electronic evidence collection you will come across some files and wonder, “What are these?” and, “Do I need these?” Usually, if you can’t open them with something like WordPad then they don’t have text in them. Try searching in Google for “what is ... extension?” This should tell you if the file is a system file (which you will almost never need to produce) or a file that goes along with a specific program. These kinds of files are not anything on their own but require many files together to be able to run the program. If the program is important to the case then arrangements should be made to provide access, but the files on their own will more than likely not be worth listing, in most cases.

The number one question I get regarding “Do I need this?” is regarding email attachments. When emails are sent between different programs or formats you will see email attachments show up that are not really “documents”. They may be logo files from an email signature line, or simply a Windows file, often with an .att extension. Most users want to get rid of these files, but there are some things to consider before doing this:

- Is it worth the time to review them in order to get rid of them?
- If so, do you have a program that will make the review go quickly?
- Do you have the md5hash value to make sure you aren’t accidentally deleting the 1 in 100 that is actually a file you want?

If you say yes to the above, I would also recommend that you have an agreement with other counsel on the case that you (and hopefully all parties) will remove these irrelevant items. If you don’t, you will undoubtably get questions later asking “where are these attachments?” because the email you provide will list these "junk" attachments along with the “real” attachments. Additionally, if you remove the junk files but no one else does, was it worth the effort? They usually don't take up storage space, they are just annoying.

Another mistake users make is not producing duplicate email attachments. Although this may seem logical at the time, the problem is that when someone else is reviewing documents you have produced, and email attachments are not included, this makes their review extremely difficult. To try and figure out which attachments

SAVE THE DATE

BCLMA Fall Virtual Speaker Series # 1
The One-Degree Shift
Speaker: Eric Termuende
Date: Thursday, September 10
Time: 12:00 pm - 1:00 pm
Via Zoom

BCLMA Annual General Meeting
Date: Tuesday, September 22, 2020
Time: 12:30 pm – 1:00 pm
Location: Terminal City Club

BCLMA Fall Virtual Speaker Series # 2
Leadership, Crisis, Stress, Neurology, Decision-Making, & Presence
Guest Speaker: Cynthia Mills, The Leaders Haven
Date: October 1, 2020
Time: 12:00 pm – 1:00 pm
Via Zoom

BCLMA Fall Virtual Speaker Series # 3
Holy Crap Am I Busy! Changing Our Culture from Overwhelmed to Resilient
Guest Speaker: Linda Edgecombe
Date: October 22, 2020
Time: 12:00 pm – 1:00 pm
Via Zoom

Managing Partners Event
Three Cs of Effective Leadership: Lessons Learned from the Rise and Fall of Heenan Blaikie
Guest Speaker: Norm Bacal
Date: Wednesday, November 4, 2020
Time: 11:45 am – 1:30 pm
Location: Terminal City Club

BCLMA Annual Winter Social - RECEPTION
Date: Thursday, November 19, 2020
Time: 5:15 pm – 9:00 pm
Location: Sutton Place Hotel
For more information and to register visit www.bclma.org

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 Heather Orchison at general@bclma.org. Please note that our prescribed article length is 1000 words. All submissions will be subject to review by the editorial board.

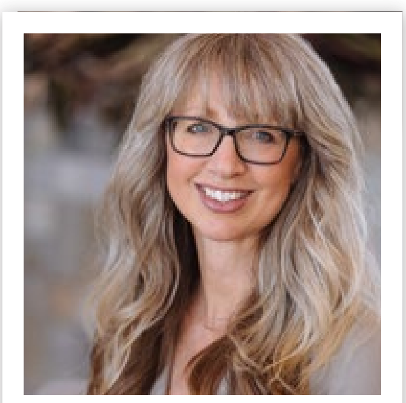
might be linked to other emails is not easy, even if the names of those attachments is provided. A better solution is to include these duplicate attachments but also include the md5hash value for all documents so it is easier for users to find duplicates within the entire collection.

At the end of the day, electronic files can significantly reduce review time over a review of the same documents in printed form, but you need to know the tools to use, you need to spend some time planning your review strategy reflective of the size of the the collection. For those that still love their paper, try to wait as long as possible before pressing print. Even better, get more computer screens – it makes electronic review so much easier!

Johanna Mustapic is a certified paralegal and started Triage Data Solutions in 2000. Her team provides scanning, data entry, eDiscovery and litigation support services. They support all database platforms and host Reveal (www.revealdata.com). To learn more go to www.triagedata.com.

RECESS

MEMBER SNAPSHOTS



LAURIE SMITH

How long have you been a member of BCLMA?
3 years ish

Where do you work?
Kuhn LLP

Where did you vacation last?
New York City

Where were you born and where did you grow up?
I was born in Williams Lake, BC, and grew up in the Interior.

Favourite wine under $20?
Backyard Social Syrah (excellent and local, I think it is under $25).

Favourite BC day trip location
Aldergrove Lake Park (for horseback riding)

Favourite work-week lunch spot?
OJ's or Chopped Leaf

Favourite restaurant
Browns Social House or The Keg

Favourite or most recent movie you've seen
I can never remember movie titles

What are you currently reading or what would you recommend as a must read?
Currently reading *American Dirt* by Jeanine Cummins

Best thing about working in legal?
The complexity of it all.

One thing that not many people would know about you
I am a horse chick through and through.

In my spare time, I like to.....
Ride my horses

If you could pick a movie title to describe your life, what would it be?
A River Runs Through It

Building a successful law firm
Part 3: Financial Management

by Law Firm Leadership Alliance (LFLA): Gary Mitchell, Lisa Dawson, and Mayur Gadhia have come together to collaborate on behalf of law firm leaders and law firms across Canada.

How well can your law firm answer these three questions?

1. What does your cash flow look like for the next week/month?
2. How close to budget are your actual income and expenses?
3. What is each lawyer's realization rate/billable hours?

Your law firm is a business. That requires you to think and act like an entrepreneur. Most partners in law firms are expected to carry the brunt of business decisions with little formal experience running a business. This article is focused on the financial management critical to a sustainable and successful law firm.

Traditionally, financial performance depended on few metrics, such as billable hours, accounts receivables and collections. However, in today's highly competitive market, effective financial management also requires informed business decisions, a robust financial system that is focused on budgeting and forecasting, cash flow managing, key performance indicators (KPIs), and reporting.

More importantly, your financial system must have the ability to generate tailored financial reports on a recurring basis and to interpret those reports to make strategic business decisions. Separately, there are certain compliance obligations from your provincial law society and the Canada Revenue Agency (CRA) that should be factored in to your periodic reporting process.

BUDGETING AND FORECASTING

The budget is a GPS that ties the financial goals directly with the law firm's broader strategy and simply forecasts revenue and expenses. There are numerous options to build a budget. However, for simplicity, consider downloading your income statement at the end of the fiscal year, align it with the firm's vision and strategy, and develop a budget for the following year.

Revenue drives the budget. The projected revenue, by practice area, by timekeeper and by rate of each revenue source is a good place to start. The projection can be made evaluating past matters in combination with new matters and new clients. In addition, the law firm should factor in dynamic and evolving market conditions that would impact each practice area, such as changing regulations, financial markets, economic cycles and client demographics. The resulting budget affects resource allocation and decisions.

Ask yourselves some simple questions: Do we need to shift resources to emerging or growing practice areas? Do we need to invest in document merge tools for document heavy and growing practice areas? If and where should we make investments in the short and long term?

The expense side of the budget is typically straightforward. Recurring costs are reliable. Expenses associated with marketing, technology and capital expenditures (CapEx) can easily escalate, but with a budget, they can be held accountable.

MANAGING CASH FLOW

Depending on the nature of the practice or the position in the growth cycle, digging into credit for recurring expenses is not ideal.

There is a difference between budgeted net profit and forecasted cash flow. The budgeted net profit would normally exclude CapEx, partner distribution and/or contribution, dividend, loan transactions and advance client costs. Loose billing schedules and accounts receivables management, financing expenses and unmonitored vendor payments are indicators of poor cash flow management. Lastly, you need to plan for your obligations under income and excise acts.

Just because the bottom line (i.e. net profit) is black doesn't mean there is no red (i.e. cash flow fire drills).

KEY PERFORMANCE INDICATORS

Successful law firms focus on robust financial metrics that measure broader financial performance: Fees collected (realization of the amount of time worked, recorded, billed, and received), fees collected per lawyer, number of billable hours and expenses as a percentage of revenue. Every firm should take stock of financial metrics based on their service offering and strategic vision of the firm. These metrics will drive behaviours both at the partner level and the staff level as they will likely drive compensation and bonuses.

REPORTING

CRA requires compliance with recordkeeping requirements to support a law firm's filing obligations. In addition, each provincial law society has the ability to conduct mandatory audits of your books and records.

Seek a practice and accounting system that delivers reporting to your law firm leaders, providing them with information that is easy to interpret, will help determine your next actions and support your compliance obligations. Successful law firms have their eyes on all of the above items and work with their CPA and other business advisers to identify and address issues on a timely manner.

As we say, it starts at and from the top. It is law firm leadership that makes the difference. This concludes part 3 of our 4 part series on "Building a Successful Law Firm." LFLA's next segment in the series targets Business Development.

The purpose of LFLA is to provide smaller firm leaders and owners the same level of professional leadership support enjoyed by Canada's largest firms. Collectively we bring over 60 years of knowledge and experience in Administration, Business Development, Financial, HR, Leadership and Operations. We work with smaller firm leaders and owners at three main stages: start-up, growth, and succession. www.lfla.ca

Refreshing Cucumber Mint Cocktail

Serves 2

Ingredients

3 ounces of gin
8 – 12 slices of cucumber
½ lime (sliced)
8 ounces of tonic water
12 mint leaves
2 Tbsp sugar (optional – leave out if you prefer it tart)

Instructions

Add mint, lime, gin and sugar (if using) to a shaker and muddle.
Add cucumber slices to shaker and shake vigorously.
Pour mixture over ice in glasses and top with tonic water.
Stir, let set for a few minutes for the flavours to enhance.
Enjoy!

https://minimalistbaker.com

Current And Future Workspace Considerations For Leaders

by Didhiti Bhoumik, Chief Administrative Officer at Borden Ladner Gervais LLP (BLG)

A lot has happened over the last few months as a result of the COVID-19 pandemic. Many of us have been forced to reinvent ourselves (and are still doing so) in our personal and business lives. Some businesses are currently deep in the logistics of how to bring people back to work safely. But, beyond this short-term plan, we have to think about shaping our long-term future.

Here are the top seven things to think about as we shape corporate real estate and our workspaces over the next decade.

1. PRIORITIZE COLLABORATION.

Those teams that have been successful in working from home during the last few months had likely already established strong working relationships. A collaborative work environment, whether it's in person or virtual, is the key ingredient for a strong company culture. Many of us will go back to our usual workspaces, even though they may look different going forward, but future success will remain rooted in our ability to collaborate.

2. RECONFIGURE YOUR OFFICE SPACE.

After working from home for months, many team members will prefer to have the option to continue to work remotely, at least for a couple of days per week. This is something to consider if your team has proven they can do so productively.

With more employees working from home, you'll need less space than what you have now. However, even if you remain more remote-oriented going forward, you may still need to go into the office for reasons such as colleague and client meetings or complex brainstorming sessions.

Office space needs to be reconfigured to cater to this. Make the space inviting so that it draws people in for the purpose of innovation. The hospitality and events industries, which are currently suffering, will be a big part of this new workspace.

3. REDEFINE SPACE SHARING.

This trend leads to the question of how we are sharing space. When people aren't coming into the office regularly, hoteling, which involves employees scheduling their use of workspaces, can be a great solution that gives you the best bang for your buck.

However, you should consider the stigma that may be attached to the practice of hoteling. Will people be comfortable sharing desks going forward, especially given health concerns? The answer will be different for different corporations, but spacing desks six feet apart and deep cleaning regularly (hoteling or not) will be a must.

4. CONSIDER OPEN-SPACE CONCERNS.

A study conducted by Harvard researchers Ethan Bernstein and Stephen Turban and published in the journal Philosophical Transactions of the Royal Society B revealed that open-plan office design is actually making people less collaborative. There has been a lot of back-and-forth regarding this issue, but I believe it's important not to ignore the research.

If you are designing an open space for innovation, pay attention to see if your people are being interactive and collaborative. If not, you need to figure out why and inject other external factors to make it happen, which could be as simple as adjusting the noise level.

5. DON'T BE TOO ISOLATED.

There is another side to this story, in that we can't be too isolated. As written in a Harvard Business Review article "Work And The Loneliness Epidemic," "Loneliness is a growing health epidemic. We live in the most technologically connected age in the history of civilization, yet rates of loneliness have doubled since the 1980s."

While many of us will be changing our policies around remote working, we can't ignore that humans are social creatures, and we need social connection with our teams. Mental health should be a priority in our lives and within your company, so take proper steps to address that — including facilitating social connection.

6. INCORPORATE RADICAL CHANGE IN WORKPLACE DESIGN.

I like to phrase it like this because it forces us to think differently: We need to incorporate radical changes into our workspaces. While my company is reducing our carbon footprint, we are also increasing the presence of natural elements indoors. Biomimicry will be a big part of our design. We have done numerous surveys over the years, and the things that matter most to our people are air, light, temperature and water quality. Connection to nature comes right after that.

7. FOCUS ON SUSTAINABILITY.

One silver lining to the pandemic has been the positive environmental impact that resulted from so many people staying home. If we see increased remote working into the future, these positive effects will continue to some extent.

I remember Daniel Nocera, a leading chemist and my professor at Harvard last year, telling my class that the planet is a living organism, and it will have an immunological response if we continue to suffocate the environment. We have a duty to prioritize the environment, not as a "nice to have" but as a "must have."

My all-time favorite movie is Life Itself by Dan Fogelman. There is a quote that particularly resonated with me: "Life is the most unreliable narrator." This has become even more apparent today. We all made plans for 2020, and many of them got washed away by the unreliable narrator.

I will finish by quoting Florence Knoll, an American architect and entrepreneur who famously said, "There is no one 'Office of the future;' there is only change." As we invent and reinvent ourselves through the happy days and crisis days, know that the only thing that is inevitable is change.

This article originally appeared here: forbes.com/sites/forbesrealestatecouncil/2020/06/02/current-and-future-workspace-considerations-for-leaders/#58c7b5283cd5 *on June 2, 2020*

Currently as Chief Administrative Officer at BLG, Ms. Bhoumik holds integrated leadership responsibility for multiple functions including Vendor Management Office/ Procurement, Corporate Real Estate (includes Facilities Management and Office Services), Conference and Event Management as well as key strategic projects. She is also a sought after speaker on subjects related to Corporate Real Estate, Change, Project and Vendor Management strategies and organizational vision.

Why Small to Mid-sized Firms are Approaching a Critical Crossroads in Legal Tech

By Peter Zver, President, Tikit Inc, North America

Is there a lot going on at your firm? Are there daily and hourly decisions to be made? You make them, of course. Every so often, there's probably a gnawing, underlying feeling that it might not hurt if the firm was to improve its long-term strategic planning. But, you mostly park those feelings, because day to day there's just a lot to get through, and the "status quo" is doing okay.

On today's urgent technology list, a typical issue may be addressing a Microsoft announcement that in three months' time, support for a server operating system will be dropped. With a three-month window the pressure is on to tackle the situation. So, you ask: "What are the implications?" And you're told it's about security or back-up or something equally alarming. Something about *now is the time to upgrade the server* and *in turn the applications that reside on it*… which in turn may require processing power and storage capacity. It sounds concerning, and expensive. How will you proceed? Chances are that you'll say, "Okay. Get me some costs…what's next?"

And so, it goes by that quickly. Without even really taking a beat, the firm is on its way to doing the thing it did last time, and the time before that, and the time before that. Because it's just there to be done. And, nobody has noticed what you just did. Which is that you sailed straight past the crossroads, the junction, the fork in the road – the moment where you could have just…paused.

STOP, LOOK, LISTEN

What I'm advocating that firms should do is nothing more complicated than recognizing a moment. That's all. Simply recognize the moment when the firm still has a choice. It's the moment when your firm could take a different route. One that's become available to firms over the last five years. A route that has redefined how technology is delivered and consumed by the firm and its clients.

Because unfortunately what we see time and time again is that the split second a firm opts to get costs for a technology upgrade – it has already set one foot on the road to irrevocably re-committing to on-premise solutions. Once committed to investing $X, the firm is often locked in for the next five to eight-year cycle in order to amortize the Capital Expenditure (CapEx). There's no turning back. So, recognize the moment when you could take another path.

But, more than that, be aware that this moment isn't necessarily that easy to spot. Indeed, why does it happen that firms are so likely to miss this metaphorical crossroads where a right turn embarks you on one technology journey and a left turn takes you to quite another? Well there are a couple of factors which obscure the opportunity.

The first is that, as alluded to above, some smaller firms may have less capacity for long-term planning and that includes strategic planning about the role and form of future technology. The consequence is that all too often decisions are essentially tactical, rather than strategic. They are point solutions to a current issue. It appears that now is the moment to upgrade the server, to invest in new processing power and greater storage/CPU capacity for the future. So, you make a tactical decision to go ahead with that because there's no overarching strategy that is guiding a different, more far-sighted course.

The second reason why managing partners and CFOs might miss the moment is because there may be voices in the room which aren't pointing out that you have options. Very naturally and very often there are trusted, experienced people in-house who are comfortable with how things are and want to stick with what they know – all for the good of the firm. In turn, they may be aligned with select trusted tech vendors who are – naturally – promoting their primary interests (their solutions and product suites). The net result is that options tend not to be presented. So, there is no crossroads to negotiate. In fact, it's a bit like cruising up to a traffic cop with a whistle and flags – and he's just waving you to turn right, right, right! So, the moment just flashes by – that moment where you might notice that the route to the left is clear and open and a viable option.

THE ROAD LESS TRAVELLED

So what is it to the left that's so alluring? What is the "road less travelled"? It's simply this: the option to embark on a cloud-based strategy instead of an on-premise one.

It is a road less travelled, for now. As ILTA's 2019 Technology Survey reveals, out of 359 participating firms with 149 or fewer attorneys, just 22 per cent are using cloud-based legal technology solutions. It might be a leap but I'll take it and say that probably the more technologically confident and advanced firms are the ones taking part in the ILTA survey in the first place. It suggests that probably fewer than 1 in 5 small and medium-sized firms as a whole are in the cloud. So far. But I don't think it's going to stay that way for too long given that, from the same ILTA survey and "for the upcoming year", 68 per cent of firms with fewer than 50 attorneys plan to increase their adoption of cloud-based solutions, and 70% of firms with 50 – 149 attorneys plan the same.

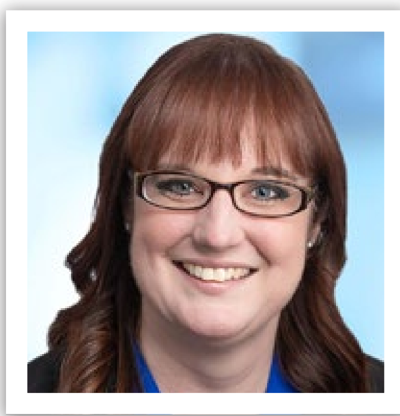
What are the advantages of being in the cloud? I'll quickly list them. You eliminate the time and cost of an on-premise implementation, reduce IT infrastructure costs, achieve rapid utilization, and gain higher levels of data security along with greater resilience and availability, all ensuring business continuity. Upgrades will happen without cost or disruptions; systems can be accessed anytime, anywhere on any device. Capex expenditure is replaced by a monthly subscription and you have infinite elasticity to scale up or scale down as capacity is needed.

Meanwhile, with on-premise you have the capital cost, the lower resilience, availability, security and flexibility. I'll add that one of the problematic factors is that you'll be cajoled into a capital investment which is typically an over-investment, as you'll be buying not only the capacity you need now, but future capacity. This flies in the face of Moore's Law which holds that processing capacity doubles every two years even as the price halves. So, you end up in expensive handcuffs while your competitors are free to take advantage of all that cloud platforms can offer.

That cloud is probably much better for your firm isn't really my point. To be clear, I'm merely advocating that firms don't inadvertently shut-down their chance to properly evaluate their options before committing spend to supporting the "status quo": aka on-premise solutions. They should recognize the opportunity; and get an unbiased view of their options via a legitimate cost/benefit analysis (business case). Have a strategic vision for your technology investments, be aware of when there is a decision to be made and get the best advice on what it should be. Above all, recognize when you've come to a critical strategic crossroads.

Peter Zver is president of Tikit North America, a world-leader in technology solutions for law firms. Tikit North America specializes in timekeeping, marketing and document management deployments for law firms globally, both on-premise and in the cloud.

MEMBER SNAPSHOTS



MAGGIE EDWARDS

How long have you been a member of BCLMA?
Since August 2010

Where do you work?
Harper Grey LLP

Where did you vacation last?
Las Vegas – my happy place!

Where were you born and where did you grow up?
Born in Richmond but grew up for most of my childhood in Fernie and Langley

Favourite BC day trip location?
Sunshine Coast

Favourite work-week lunch spot?
Does my office count? Not really my favourite but that's usually just how it works out.

Favourite restaurant
Fairway Café in Lynden, WA - but maybe that's just because I've been going there since I was 13 so there are a lot of good memories.

Favourite movie?
The Sound of Music

What are you currently reading or what would you recommend as a must read?
Rising Strong by Brené Brown

In my spare time, I like to...
Meditate

One thing that not many people would know about you?
I took wilderness survival for 3 years in Fernie and I can build a mean lean-to shelter....but I won't be signing up for Survivor anytime soon!

What do you most enjoy about working in the legal industry?
It's never boring and always challenging

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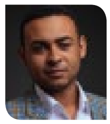
SMALL FIRMS



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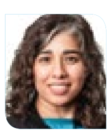
2020 CONFERENCE



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