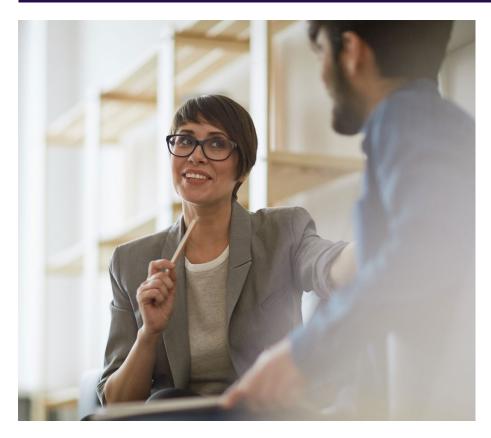


**SPRING 2021** 

below BC Legal Management Association

Informed Opinions on Legal Management



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**P7** 

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## **Designing Conversations to Serve and Succeed**

by Cynthia Mills, Founder, The Leaders' Haven

Every time we open our mouths, we design the world we live in. We either do so with intention, or carelessly go through our days, casting words in all directions. They either build up, unify, and create stellar end results or deflate the people around us, their experience of their own lives and their productivity.

Whoever originated "sticks and stones may break my bones but words can never hurt me," may have uttered some truth in terms of whether we choose to absorb and internalize what others say; but it should not be an excuse for carelessly speaking personally or professionally. Today, we see the evidence of this caution in terms of what words can

bring forth in how society has become polarized and how thoughtless people are with their words, whether on the news, in interviews, on social media, or in general conversations. This has been further exacerbated by labeling others without listening, and certainly without listening to understand the complexity of how a perspective has been formed.

We move so fast that when a conversation comes to us, we approach it as if a timer has been set to see how quickly we can complete it and get back to what we were doing-as if it was a task instead of a human interaction. The problem with this approach is that our own behaviour moved the engagement from relational to transactional. We aren't considering the other person, their reaction, their needs, and ultimately how we could be co-creative and leverage the conversation to its best possible outcome. Instead, we have exchanged information, gotten an answer, and moved on; potentially missing incredible opportunities to coach, develop, or co-create a solution that we would never have reached on our own.

cont. p.3



**BC Legal Management Association** 

#### **Editorial Committee**

**Heather Orchison,** Chair BCLMA

general@bclma.org

**Keith Cassidy,** Topics Editor Borden Ladner Gervais LLP Direct: 604.640.4157 kcassidy@blg.com

### **Lifen Lee**

Hastings Labour Law Office Direct: 604.609.6699 Il@hllo.ca

Ronda Smyth, Topics Advertising Richards Buell Sutton LLP Direct: 604.595.2319 rsmyth@rbs.ca

### Carina Umali

Smiths IP

Direct: 604.689.7276 cumali@smithsip.com

#### **Derrick Li**

Lawson Lundell LLP Direct: 604.631.9146 dli@lawsonlundell.com

## Committee Administrative Support Jane Kennedy

Direct: 604.988.1221 info@bclma.org

### **Topics Production**

Kathleen Hogarth Virtual E/A Services www.virtualeaservices.com

### **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.

### Designing Conversations to Serve and Succeed ...... P1

Language is the most powerful gift we have as professionals to engage those around us. Use these tips to design your next conversations and co-create intentional experiences that are more beneficial.

### Making the Shift to Virtual Training...... P7

Here are some tips to keep in mind when transitioning from in-person training to virtual training.

### Stress Doesn't Have to Be the New Normal ...... P10

Exposing your body to long-term stress is simply not worth it. Use these tips to stop the cycle and regain some emotional space.

### 

The ceiling of recent BCHRT 12D awards is rising considerably. Thinking about how your firm's vaccination policy will factor in employee accommodation is key.

### Why Legal Technology is Inevitably Moving to the Cloud P19

As the digital world increasingly favours Cloud data storage, law firms face a significant choice—to store data on-premise, or embrace the benefits of a truly serverless environment.

### The Inside Scoop ...... P23

We chat with representatives of small, medium, and large size law firms about financial management through a pandemic.

### **DEPARTMENTS**

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### Who We Are

The BCLMA , founded in 1972 is a non-profit organization with 180 law firm members and 525 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.

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# **Designing Effective Conversations**

Are we/you equipped to lead the conversation?

Is this conversation one we/you SHOULD be involved in?

What do we/you need to understand first?

Is this an opportunity to learn, consult, influence or decide?

Is the purpose to be informed, negotiate, or move to action?

Do we/you need to be right?

Do we/you REALLY believe something is at stake, or can this be someone else's "win?"

LISTEN!

If you're labeling, you're not listening.

Are we/you listening from ego or generosity?

When we/you speak, remember to know the outcome you seek first. Remember your words literally create the world you & others live in.

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Designing conversations is a make-or-break skill for today's success and one of the most frequently mentioned deficits in coaching conversations. "I don't feel equipped to lead this exploratory dialogue or even to be in this conversation." "I don't know how to approach this person in order to get them to hear me." "I don't know how to use my voice or to influence." "I don't know what not to say." "I don't know how to influence the group dynamic." "I don't know whether to start with the group or with individual conversations." "I don't know that I've ever thought about shaping a conversation in order to achieve a desired outcome."

We converse to inform, negotiate (persuade to a preference or convince to win); or move to action-now or in the future, within a framework of specific accepted behaviour. The only person we can control in our conversations is ourself. However, we can increase the likelihood of the type of response we will receive by inquiring and not accusing. Rarely does it benefit us to make a definitive statement, unless we are in a performance review, with a pattern of deficient results that clearly denote it's not working. Most of the time, sharing an opinion, or contributing "what I've seen so far," or "what I've come to understand to date" creates a perception that you are open to

others' input and helps people step into a conversation. Ask, "What has been your experience so far? What do you see is contributing to our processes that seem to be creating gaps in our results?"

Conversations are between people, and most people want to make a contribution, do a great job, and be part of something terrific. In a professional setting, we need to remember, "We manage processes. We lead people."© To lead others, we must create an environment through conversations that people want to continue co-creating. Remember that does not mean avoiding conflict. Avoidance behaviour never improved anything, changed anything, resulted in getting what you want, helped someone else or built the muscle for leadership. Framing it carefully is critical. When people perceive they are in conflict, it is emotional and personal. However, when framed as a dialogue with different perspectives that are desired to be considered, navigating through these moments can be de-escalated. Seeking to understand what is underneath is critical. What are the values, beliefs, opinions—and importantly, the fears, that are influencing the conversation. Does someone have a need to be right? Are they fearful of losing face? Or are they a bully?

### WHAT IMPACT DO YOU WANT?

Ultimately, slowing down and putting more effort into preparation before engaging another human being is a wise leadership choice and can help every human being each day of their lives. Choosing to be casual about your words will yield consequences at work, at home, and with friends that could be avoided with a little preparation. Incorporate these tips when designing a conversation.

- Remember that each conversation sets a precedent for future conversations
- Establish boundaries and respect
- Choose your words carefully as you design the experience
- . Think about the impact you want to have
- Build on previous conversations for continuity and consistency
- Use words that invite others to come into and openly engage in honest conversation
- Consider how others will feel or think receiving your message; watch their response and adjust
- Know what you want from the conversation and any non-negotiables
- Think of alternatives/counter offers in advance you can live with and decide what to do in each scenario



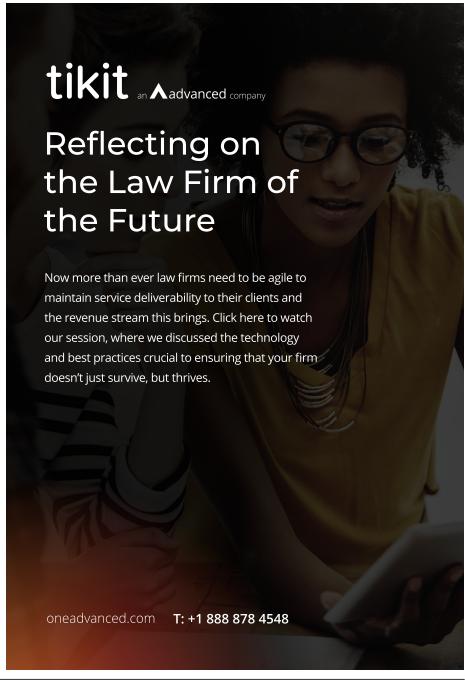
- Keep your tone of voice even—always be honest with yourself about playing or restraining from "the zinger/gotcha card" in order to co-create a great future
- Ponder what could be at stake if you speak now or if you make a request to process and return later to a conversation someone else has initiated, once you feel fully informed and have had time to consider what has been brought to you?

Language is the most powerful gift we have as professionals to engage those with whom we wish to do great work. If we want to serve and be successful, learning to design our conversations—no matter how brief or complex—will ultimately determine the world you and those around you experience every day. Co-create intentionally to live the professional and personal lives you want to experience. Your next words will be evidence of your choices. What do you want others to hear and do?



Cynthia Mills, FASAE, CAE, CMC, CPC, CCRC founded The Leaders' Haven™ to help leaders & teams go beyond business as usual & continuously transform, so they can fulfill their true calling & exceed the

expectations of the people they serve.™ The Leaders' Haven's 4 S's™ model for strategy, governance & leadership transforms leaders, business, industry & organizations. Nicknamed "The Board Whisperer" & "Chief Experience Officer" by clients, Cynthia relishes transformational journeys, shares her insights through The Leaders' View & as a best-selling author, after over two decades as a CEO.



## WELCOME & KUDOS

### **New Member Firms and their Representative**

Caron VanKoughnett, **Buckley Hogan Law Office**, Surrey Mimi Kuhl, **Cobbett & Cotton**, Burnaby

Michelle Dang, **Derpak White Spencer LLP**, Vancouver

Jennifer Tetrault, **First Nations Financial Management Board**, West Vancouver

Lorraine Gruber, Gillespie & Company LLP, Kamloops Eden Cho, Hamilton Fabbro Lawyers, Vancouver Odessa Lauro, LG Law Corporation, Kelowna Andrea Donohoe, Smetheram & Company, Vancouver Lisa Leslie, Swadden & Company, Vancouver Alicia Santry, Race & Company LLP, Squamish Suzie Cho, Watson Advisors Inc., Vancouver

### **New Representatives for Existing Member Firms**

Aninder Sandhu, Branch MacMaster LLP, Vancouver Edna Young, Grant Kovacs Norell, Vancouver Mark Skorah, Guild Yule LLP, Vancouver Nicole Pekrul, Kazlaw Injury Lawyers, Vancouver Eli Trindade, Hammerco Lawyers LLP, Vancouver Sam Sidhu, McCarthy Tètrault LLP, Vancouver Susan Devlin, Mogan Daniels Slager LLP, Vancouver

### **New Individual Members**

Lori Stewart, Brain & Injury Law, Vancouver
Lisa Werk, Brain & Injury Law, Vancouver
Matea Hurley, Camp Fiorante Matthews Mogeman LLP, Vancouver
Arnold Mulder, Clark Wilson LLP, Vancouver
Belinda Diaz, Dentons Canada LLP, Vancouver
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### Retired

Jacquie Wintrup (May 2021), **Lawson Lundell LLP**, Vancouver Lori Maida, **McCarthy Tetrault LLP**, Vancouver





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## Making the Shift to Virtual Training: Tips to Convert Your in-person Training to Virtual Delivery

By Sofia Arisheh, Principal and Senior HR Consultant, Upskill Consulting

The effects of COVID-19 have had a ripple effect on all aspects of our legal industry and firms. A new world meant a new way of operating. Overnight, we were forced to innovate, re-evaluate and re-imagine how we service our clients and our people. This has required new skillsets—from learning new software, to learning how to work together as a remote team most effectively. Given this steep learning curve, the investment in training has become even more paramount, considering that new knowledge and skills are now required to embrace the new ways of engaging with our clients and each other in a remote environment.

As we continue to navigate these unchartered territories, many firms have been faced with the challenge of quickly converting their in-person training to a remote learning experience. This transition has been no easy feat, especially when the goal is to ensure that the training is scalable, flexible, and continues to deliver tangible, long-term benefits to your people, clients, and firm.

Through my consulting work with law firms, the question often asked is, "How do we now offer our training virtually?"

Here are five tips on making the seamless transition from in-person to virtual training.

## TIP 1: EVALUATE YOUR TRAINING NEEDS AND TAILOR CONTENT ACCORDINGLY.

While it is possible to shift all training to a virtual environment, adopting a phased approach will allow you to separate the "wants" from the "needs."

 Be clear on what to transition to virtual learning. Evaluate your training(s) and select which ones are most conducive to virtual delivery and are of the highest importance at this time.

- Create interactive and engaging virtual content. Focus on designing engaging content, and to do this virtually, it must be live, interactive, and in shorter durations, preferably two-hour time slots.
- Think beyond software training. Consider the softer technical skills and broaden your topics to incorporate sessions on the importance of well-being, working together as a remote team, delivering feedback virtually, or managing work/ life balance with remote work.

## TIP 2: DELIVER A HIGH-QUALITY VIRTUAL LEARNER EXPERIENCE.

Creating an engaging learner experience is challenging when you shift it to virtual delivery. A high-quality virtual learner experience is only possible when your learners are involved before, during, and after the training, promoting a higher level of interactivity and engagement and translating into better retention and learning application.

- Include pre-work elements to set the tone and building blocks for learning.
   Provide learners with structured pre-work in advance of the training session to prep them with key concepts and a foundational understanding of what's to come during the training.
- Share training outputs via a post-training email. Capture all outputs of the training session, including discussion points and poll results, and send this to all learners as part of a tangible resource package to continue to hone in on the skills taught.
- Reinforce training with check-ins and opportunities to put new learnings into practice. Help learners fully transfer the skills taught into their day-today execution through reinforcement, including check-ins, job shadowing, or opportunities to put these into practice.

### **TIP 3: INCORPORATE FUN.**

Let's be honest, people are facing Zoom fatigue. If you want your learners to be engaged in your training sessions, you need to create an energizing experience so learners can bring forward their A-game! With many brand new to remote work, incorporating icebreakers and energizers can help our team members have fun and engage more readily

with one another at the onset and throughout our training workshops.

- Assess the size of the audience.
   Choose an icebreaker conducive to the size of the group, tweaking activities to accommodate their size. A best practice is to complete an icebreaker within a 10-minute time frame.
- Share the purpose of the icebreaker.
   Choose an icebreaker that aligns with the objective of the session and share the purpose with the participants.

   Participants must understand the meaning behind the icebreaker to promote engagement and participation.
- Consider delivery of the icebreaker.
   Carrying out an icebreaker face-to-face is very different than if you lead a virtual session. Simplify the logistics and delivery and tie them into the session's objective, helping participants connect the activity with the task or training at hand.

## TIP 4: EXPLORE ALTERNATIVE LEARNING STRATEGIES.

Go beyond the virtual training classroom. Get creative with how you encourage your team members to learn. Leverage various resources and stakeholders, from peers to leaders within your firm. Empowering others to share knowledge and mentor others will help create a culture of collaboration. Some of the alternative learning strategies could include:

- Introduce a buddy system whereby new hires have a go-to person to guide, support, and answer any questions.
- Create a platform for peer-to-peer teaching, encouraging team members to share knowledge openly.
- Provide job shadowing or on-the-job training opportunities, teaching new skills in real-time and reinforcing training.
- Build learning or cohort groups, continuing the dialogue and learning post-training.

### TIP 5: TRAIN THE TRAINERS TO DELIVER VIRTUALLY.

Set up your in-house trainers for success. Delivering top-notch, high-quality virtual training requires exceptional delivery. The ultimate goal of any training is to ensure that the learner walks away from your sessions, being able to apply the skills taught. To do this, trainers





must be trained on how to navigate the virtual space for training offerings. Some of the core skills required to successfully train online could include:

- Preparing for logistics of the virtual session, including pre, during, and after session best practices
- Understanding and fully leveraging technology
- Designing and modifying content to allow for interactivity virtually
- Gauging digital body language to assess engagement levels
- Guiding conversations and managing questions and energy throughout the session

Even in a post-pandemic era, we will continue to evolve and adapt our training offerings. Innovation will be necessary to experiment with and discover better ways to design and deliver our training in a virtual setting. Being virtual is not optional; it is essential and will continue to be our way forward for training.



Sofia Arisheh is Principal and Senior HR Consultant of Upskill Consulting, a boutique human resources firm located in Langley, British Columbia, specializing in professional services and providing HR consulting and

training to small to mid-sized law firms.

Website: https://www.upskillconsulting.ca/ Email: info@upskillconsulting.ca

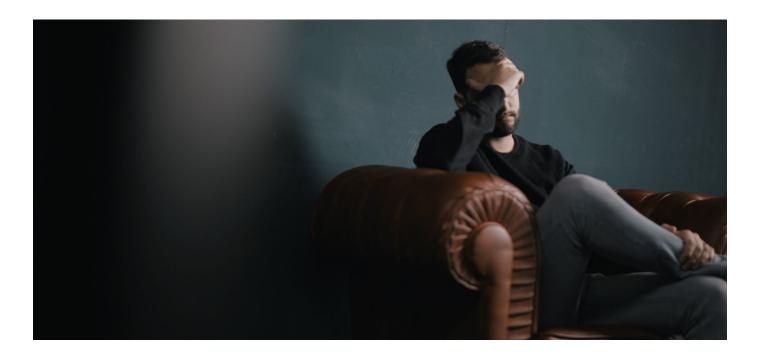
## **Call for Submissions**

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.







### Stress Doesn't Have to Be the New Normal

By Tasleem Jessani, Executive Coach, Founder of Rubiks Coaching

Are your days extremely busy? Does it feel like you have little breaks, and are constantly going from one thing to another? Whether it's dealing with clients, paperwork, clocking in insane hours, or even going grocery shopping, our lives have become one giant to-do list that has little time or space for rest, sleep, or self-care.

Being in a constant state of go-go-go has a tremendous impact on our bodies and our ability to function mentally.

Space is extremely important yet very underestimated. Think about a situation where you don't have a lot of physical space. Anxiety levels heighten because we feel unsafe. The lack of space reduces our ability to move or escape if we're in danger. Essentially, fight-or-flight takes over because physically, we are losing the space to act and move as we need for that moment.

The impact is the same for us **emotionally**. Stress takes up space in our bodies and our minds. It starts to suffocate our ability to move with thoughts, feelings, and emotions. The lack of space to reflect, allow, and respond to our mental state drives us into fight-or-flight mode.

It is important to recognize that the fight-orflight state is meant to last for **short** spurts of time to get us out of danger. In the time we need to run to save ourselves, all our blood draws away from our organs and cortisol takes over to pump energy in our muscles to run. However, when we are in this state for long periods of time, the organs and body functions slow down with the lack of blood and circulation, thus leading to disease. Further, as the unhealthy levels of cortisol eat away at other critical hormones, we find ourselves having trouble sleeping, with gut and digestion issues, and more disease.

The problem here is that long hours working, constantly being on the computer, and carrying high levels of stress are leading more people into unhealthy states and higher levels of anxiety and depression. But instead of slowing down, we just ignore and keep going (think of those all-nighters and then chugging down coffees!) We just continue to perpetuate the cycle.

So, what can you do?

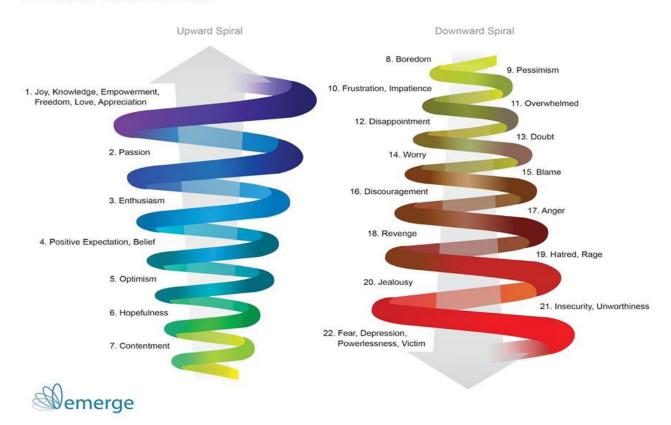
#### MEDITATE!

You're probably thinking, I've heard enough about meditating, and by the way, I'm too busy.

Meditation doesn't have to be anything lengthy or complicated. It is a simple act of quieting the mind by focusing on your body and going inward. It is taking a moment to get out of your head and your thoughts, and just feel what your body is feeling. This can be done quite simply by taking five deep belly breaths into your lower abdomen between meetings. Further, if you're able to lie down on the floor, the direct contact to the floor as well as breathing into your lower abdomen instantly takes you out of fight-or-flight mode!

Here's the best part: by becoming embodied with a regular breathing and meditation practice, you are more easily able to access your intuition. Intuition is our natural ability to feel what is and isn't right for us—specifically what is in alignment for us. High levels of stress and to-dos are often not in alignment, but we don't give ourselves enough time to listen to our bodies to know what *is* right. This active process of quieting the mind and letting the mental mind take a break actually puts us into a parasympathetic state and allows

### **Emotional Guidance Scale:**



our intuition to kick into gear—making decision-making easier and quicker for us!

Try this: every morning, spend 10 minutes doing a body scan. There are many guided meditations available online these days in different apps or even YouTube. Just start your day with the body scan for a month and note the difference. Not only will you start your day off right, but also you will be happier, calmer, and exponentially more efficient AND creative!

## UNDERSTAND THE ROLE EMOTIONS PLAY IN OUR BODY

The Abraham-Hicks Emotional Guidance Scale is a helpful tool to understand that every emotion has a vibration, and some operate on a higher vibration, while others are lower.

From the scale, you can see that anger has a higher vibration than insecurity. This means that it's actually better to feel anger than unworthiness! If you are in a depressed state, starting to feel anger, resentment, or even boredom is actually an improved state and indicates you are moving closer to joy on the vibration scale.

Let's say you are having a tough day. You notice you are feeling frustrated with others by lashing out at people, or simply being snarky. It doesn't feel good. You decide to take a walk and notice that you are now feeling better, but perhaps bored. The walk allowed you to shift your vibration from anger/frustration to boredom, thus moving up the vibrational scale!

The important piece is, don't stop here. Take some time to explore what may get you up from boredom to contentment. Is it reading a good book? Watching a TV show? Playing with your kids or chatting with friends? Perhaps it's cooking a good meal. Regardless, find yourself that self-care activity that will move you up one rung on the vibrational scale, and once you move up, you will find yourself moving faster—likely getting you up to joy if you continue to focus on the right activities.

The common mistake is we try to move from low vibrating emotions (fear, unworthiness) right up to the highest vibrating emotions such as joy and freedom—and that is impossible. But, because we think that's what we should do, we try replicate good feelings with substances (hello wine!),

eating (mmmmm cookies), and the all too popular mindless scrolling of social media.

The most important thing to takeaway here is that long-term stress is not worth it. Every single client I work with is a high-performing individual and achiever who is overloaded and overwhelmed. They come to me desperately looking to stop over-functioning the way they have for years or have been forced to stop functioning because disease took over. Don't let this be you! Start creating space in your body and in your life. Your body will thank you, and you will too.



Tasleem Jessani is an Executive Coach and the Founder of Rubiks Coaching, located in beautiful Vancouver, B.C. She has over a decade of experience coaching leaders within several industry

verticals such as insurance, financial, aerospace, and education. Tasleem's clients have seen accelerated results transforming their teams through mergers, acquisitions, and various organizational changes.

## **SAVE THE DATE**

### **BCLMA Educational Presentation**

Title Birds of All Feathers a discussion on Diversity and

Inclusion

Date Wednesday, June 2, 2021 Time 11:45 am—1:30 pm, via Zoom

For more information and to register visit

www.bclma.org

**Annual Summer "In-Person" Social Reception** 

Location: The Douglas Hotel Patio postponed until Thursday, June 9, 2022

BCLMA Summer Virtual Networking Event — GAME NIGHT! "Survey Says"

Date Thursday, June 3, 2021

Time 5:00 pm - 6:15 pm, Via Zoom

For more information and registration visit

https://bclma.org/events/



**BCLMA 2022 Conference + BCLMA's 50th Anniversary** 

April 21 – 22, 2022 Vancouver Convention Centre East





## **MEMBER SNAPSHOTS**



**PAULA BIFANO** 

How long have you been a member of BCLMA?

Since May 2, 2018

Where do you work? Nixon Wenger LLP

Where was the last place you visited on

Bottle Rock Festival in Napa Valley

Where were you born? Grow up? Regina, Saskatchewan

Have you ever lived abroad? If yes, where and for how long?

California for 1 year

**Favourite BC day trip location**Anywhere in the Okanagan and Shuswap

Favourite place to have lunch during the work week

We have a great lunchroom with an amazing rooftop patio.

One thing that not many people would know about you

That I've lived in California for 1 year

Favourite or most recent movie you've seen

Most recent was Knives Out

What are you currently reading? No Exit by Taylor Adams

In my spare time, I like to.....
Golf, ride my bike, paddleboard, hike

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

I love working with the people. I am in HR and it makes me very happy when I am bringing value and providing a positive contribution to the firm. I also like being able to just walk down the hall to a lawyer to ask employment questions.

If you could pick a movie title to describe your life, what would it be? Dodgeball

## **SOUNDING BOARD** YOUR BCLMA. YOUR NEWS.

### WHAT'S NEW WITH THE BCLMA?

We are getting the ball rolling for our 2022 conference!

We are happy to announce our Committee members:

- Margaret Cividino,
   Miller Thomson LLP, Chair
- Ronit Barenboim,
   Borden Ladner Gervais LLP
- Astrid Waalwijk,
   Owen Bird Law Corporation
- Candy Tsang, Dentons Canada LLP
- Chelsea Birnie, Farris LLP
- Ivy Su, Roper Greyell LLP
- Milana Smiljanic,
   Blakes, Cassels & Graydon LLP
- Amy Sobels,
   Webster Hudson & Coombe LLP
- Angela McCleery, Warnett Hallen LLP
- Sandra Marshall, Lindsay Kenney LLP

They will join our Board Liaisons Naomi Anderson (Clark Wilson LLP), Ruby Jinnah (HHBG Lawyers) and Jane Kennedy (BCLMA) who, over the next 14 months, will prepare for our 2022 Conference.

### 2022 MARKS THE BCLMA'S 50TH ANNIVERSARY AND WE'LL BE CELEBRATING AT THE EVENT.

By the time you read this issue we will have had our AGM and elected three new Directors. We say so long but not goodbye to Elizabeth Jackson (Farris), Lisa Rennie (Blakes) and Margaret Cividino (Miller Thomson). Thank you so much for your service to the BCLMA Board! Watch for profiles of our new Directors in our next issue.

The BCLMA Board underwent a three-year strategic plan from 2017-2020, guided by a consultant from Vantage Point. We looked at where our organization is going over the next few years and how it's going to get there. Working again with Vantage Point, we have embarked on our next strategic plan for 2021 - 2024 which consists of five key components: a vision statement, a mission statement, goals and objectives, an action plan, and details on how often the strategic plan will be reviewed and updated. This important tool helps the board govern the association. Stay tuned for our new plan to be published on the website when it's ready to launch.

You'll notice a fresh look to BCLMA's marketing material, particularly on Instagram and Facebook. Kudos to Alexa Kingsmith who has taken on the role of marketer on our Board and is working her magic for fun, upbeat and more modern social media posts.

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The Board is very grateful to our subsection leaders who have continued to provide great online events for our members on Zoom. We also invite you to register for our next all-member educational, "Birds of All Feathers" with Michael Bach of CCDI on June 3rd.

The Board has made the decision to postpone our Summer Social until June 2022. We know our members are looking forward to reuniting with friends and colleagues so we've planned a virtual games night called "Survey Says" (think Family Feud) on June 3rd. We continue to plan for our in-person winter event in late November.

Enjoy Spring! BCLMA Board of Directors

## TAKING SOME TIME OFF

## Elizabeth Jackson, Farris LLP



Although she's not ready to permanently hang up her hat, Elizabeth Jackson announced she'll be taking some time away from work. During Elizabeth's 16 years at Farris LLP, she has been a dedicated supporter of the BCLMA holding various volunteer positions such as HR Subsection Co-Chair 2013, Chair 2014 and 2015 and Board of Directors for 6 years.

Asked what her advice to new BCLMA HR members would be, Elizabeth responded "BCLMA is a vibrant and incredibly supportive community which assists members to develop and thrive in their chosen field. I would encourage those new to the legal industry or HR profession to actively participate in the Association. This could be achieved by attending the high calibre HR subsection meetings and workshops,

offering suggestions and ideas for future presentations, or volunteering to help organize one. As well, although our new environment presents challenges to network in the traditional fashion, technology actually simplifies things, enabling us to quickly reach out to others and build new connections. As those relationships are developed and nurtured, opportunities to collaborate, share information, and lend support to each other occurs. My professional growth and highly-valued network would not have been possible without the BCLMA."

During her time off Elizabeth plans to improve her golf game, travel with her husband, and rejuvenate. Thank you, Elizabeth, for your tireless work for the BCLMA! Enjoy your time away and good luck with the golf game!





## Human Rights: Rising Awareness, Increased Damages, and the COVID-19 Pandemic

By Preston Parsons with his thanks to colleagues Kai Ying Chieh and Gurpreet Gill (Articling Student) for their contributions to this article.

Human Rights are front-and-centre in many conversations these days. Recently, pay equity and race issues in law firms made big headlines. It is now clear that law firms and other businesses can no longer downplay the consequences of human rights breaches in the workplace: they are coming with much higher price tags and worse media attention.

In the first few months of 2021, one of the hottest human rights topics relates directly to the ongoing COVID-19 pandemic: mandatory vaccinations. In this article, we consider the topic of mandatory vaccinations of employees at work, and the possible consequences of inadequate accommodation in light of a new high watermark award for damages for injury to dignity ("I2D") from the BC Human Rights Tribunal (the "BCHRT").

### **MANDATORY VACCINATIONS**

Can law firms require people to be vaccinated? How does that requirement fare against objections on the basis of religious, political belief, or disability under the BC Human Rights Code (the "Code")? How can law firms accommodate these situations?

A mandatory vaccination policy must be clearly drafted, communicated to employees, and have a clearly identified and reasonable purpose—such as the laudable purposes of preventing the spread of the disease generally, or protecting vulnerable clients. Where an employee objects to vaccination due to *Code*-protected grounds, though, the employer may have a duty to accommodate that employee notwithstanding the legitimate purpose of their policy.

Objections to vaccination commonly fall under one of three grounds: disability, religious belief, or political belief.

The most straightforward of the three grounds is where an employee cites medical reasons to refuse vaccination, such as a known allergy to a vaccine ingredient. Where an employee's objection is confirmed by concrete medical evidence, accommodations may need to be considered.

If an employee claims religious grounds to refuse vaccination, firms should proceed carefully. A religious belief does not need to be directly linked to any widely recognized religion but must be "sincerely held": deeply and integrally linked to the employee's self-definition or sense of spiritual fulfillment.

Further, the belief must be experientially religious in nature because it is objectively required by the religion, the employee subjectively believes it is required, or the employee sincerely believes it engenders a connection to the divine or object of their faith. If the employer has legitimate doubt about the validity of the employee's objection on religious grounds—a sensitive matter—the employer may inquire about the sincerity of the belief by assessing the extent to which it is a part of the employee's daily life and previous religious experiences.

An employee's vaccination refusal due to political belief should also trigger careful consideration. A political belief protected by the *Code* must be founded in something related to government and may be related to matters of social cooperation or public interest. Opinions related to a focused political object, convictions regarding the functioning of a political organization, the functioning of politics, or the political nature and goals of society may constitute political belief. However, belief in a conspiracy theory without any factual basis or clear link to a government actor would likely not qualify as a political belief entitled to protection.

Where these objections arise, the possibility of accommodation must be assessed on a case-by-case basis, to the point of undue hardship. If a business takes the position

that vaccination is a bona fide occupation requirement ("BFOR")—and that exempting the employee from the requirement would occasion undue hardship on the employer—the business must be prepared for the difficult task of defending that assertion.

Where a legitimate ground requiring accommodation exists, the firm will need to carefully assess whether it can maintain mandatory vaccination as a BFOR for that employee's role, or whether it will need to accommodate that employee. Accommodations may include requiring the employee to work with full personal protective equipment, remote work, and/or physically distancing the employee from others at work. In a climate of rising damages under the Code, employers must consider all reasonable accommodation options before terminating an employee's employment on the basis of their refusal to be vaccinated.

### **INJURY TO DIGNITY**

Many businesses believe that the BCHRT's I2D awards are rarely consequential, or the simple cost of doing business. However, I2D awards have been creeping up in this province. The I2D "high watermark" in BC as of December 2013 was \$75,000, resulting from an award that, at that time, more than doubled the prior cap of \$35,000. That \$75,000 award was a substantial sum based on a truly remarkable case. Few other cases have been as severe, leading most I2D awards to be measured against—and to fall well under—that cap.

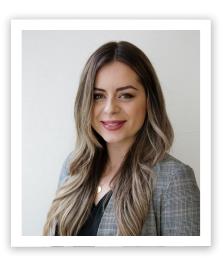
Over the past few years, I2D awards in other provinces have leapt well beyond \$75,000. It was only a matter of time before a new high watermark case would arrive in BC. That time came in January 2021, with the case *Francis v. BC Ministry of Justice* (No. 5), 2021 BCHRT 16 (*"Francis"*).

In *Francis*, issues of race and discrimination were front and centre. Francis, a former BC Corrections officer, filed a human rights complaint against his former employer on the basis of race and colour. Francis alleged that he experienced extensive racist remarks, stereotyping, and accusations of playing the "race card" from not only his colleagues but his supervisors too. This worsened throughout his attempts to escalate his concerns, and even after he filed a human rights complaint.

After accepting that the extensive discrimination occurred, the BCHRT heard evidence of the severe effects of the discrimination on Francis, including his resulting inability to work in any occupation. In light of the severe discrimination and its ruinous consequences, the Tribunal awarded a record-breaking \$176,000 I2D award.

Although it remains to be seen if this decision will be challenged on judicial

## MEMBER SNAPSHOTS



**MATEA HURLEY** 

How long have you been a member of BCLMA?

This is my first year!

Where do you work? CFM Lawyers

Where was the last place you visited on vacation?

Maui

Where were you born? Grow up? I was born in Sisak, Croatia and I grew up in Richmond, BC.

Have you ever lived abroad? If yes, where and for how long?

I have not!

Recommend a wine—red or white—for under \$20 a bottle

Luccarelli Negroamaro Puglia

Favourite BC day trip location

If you like hiking, the Garibaldi trail is one of my favourites.

Favourite place to have lunch during the work week

Field and Social

**Favourite restaurant** 

This is a tough one! Savio Volpe

is amazing. I also recently went to Published on Main and was blown away by their tasting menu.

One thing that not many people would know about you

I was a major band geek in high school.

Favourite or most recent movie you've seen

I recently watched *Free Solo* and I was in awe the whole way through!

What are you currently reading or what would you recommend as a must read?

I'm currently reading *Becoming* by Michelle Obama

In my spare time, I like to.....
Explore nature trails with my puppy!

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

There are so many paths you can take within this industry, and every new job you take on only further enriches your overall knowledge and experience in the business of law.

If you could pick a movie title to describe your life, what would it be? The Pursuit of Happyness

review, employers should be alerted to this considerable boost to the "ceiling" for I2D awards. This affects employers' risk assessments for all types of human rights claims. If a firm implements a mandatory vaccination policy and fails to consider legitimate accommodation requests under the *Code*, the firm risks not only a finding of discrimination, but an I2D award that will be measured against the staggering new \$176,000 high water mark.

#### CONCLUSION

Whether in relation to COVID-19 vaccine requirements, or race, equity, and systemic discrimination allegations, firms must proceed carefully where claims of discrimination and requests for accommodation are made. The cost of not treating these issues with care, is growing.



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 <u>www.overholtlawyers.com</u>



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## Why Legal Technology is Inevitably Moving to the Cloud

Brian Mauch, BCom, JD, Founder and CEO, BMC Networks

I have been involved in legal technology since 1993. I was the first student at my law school to bring a laptop to class and used a dial-up modem to search precedents on QuickLaw ... which was anything but at the time. Instead of practicing law, I started a consulting business that provided an outsourced IT department for law firms. Over the last 27 years, I have seen the adoption of internet-based legal tools grow from email, to web-based research, and now to cloud servers and applications.

Some law firms are rightly concerned about cybersecurity in a cloud-based world and resist exposing their clients' confidential data to the internet, keeping it instead in on-premise servers and server-based applications. However, who is to say that on-premise servers are more secure than hosted servers? When large organizations with huge IT budgets are getting hacked, no computer is 100% secure. Except maybe one that is disconnected from the internet, powered off, unplugged, and buried in a lead case. Even then I have my doubts.

Regardless, it is clear to me that legal technology is inevitably moving to the

cloud. I admit that it's taken me many years to come to this realization. I initially thought that there would always be room for two streams of legal IT: the younger, brand new, or more nimble firms that enthusiastically adopt cloud tools despite the security concerns raised by legal regulators and security-minded individuals; and the tried-and-true on-premise approach favoured by established law firms. But now I'm not so sure.

In the book "The Big Switch: Rewiring the World from Edison to Google", author Nicholas Carr draws a parallel between the development of electricity and that of computing. He describes how computing is turning into a utility just as electricity did, thanks to the cloud. While companies that were early adopters of electricity had to purchase and run their own generators (analogous to on-premise data centres), the alternating current network eventually made the location of the equipment unimportant to the end-user. Carr asserts that increased internet bandwidth has now done the same for computing power.

Hosted cloud servers have been around for at least a decade, but they have not taken the legal market by storm. While some law firms chose to replace their on-premise data centre with hosted servers, many quickly realized that while this removes a significant capital cost, it replaces that cost with an even more significant ongoing operational cost. Since the legal applications were unchanged, they were simply replicating their existing systems in the cloud. Not exactly a great leap forward, but instead more of a tentative half-step.

The major paradigm shift towards what I think of as full cloud computing did not happen until the last few years. Law firms have three major "silos" of data which all need to find homes in the cloud: email, files, and applications. Only once these three major components are fully in the cloud can a law firm have a truly serverless environment, and realize the inherent scalability, accessibility and cost savings benefits that come from a serverless environment.

Email is a no-brainer. Since most law firms operate on-premise Microsoft Exchange servers, it's a natural migration to Exchange Online. It's the easiest domino to fall since this migration can be accomplished with very little impact to existing integrations with other applications. I'm not saying it's easy, though. Email has developed into the primary work product for many lawyers, and migrating decades of critical email is a time-consuming and delicate matter.

You might think that the next domino to fall would be file storage, because it is a fairly straightforward matter of uploading files and folders into a cloud-based storage system. But you would be wrong. Files need to be accessed by applications, and old server-based applications don't play nice with cloud-based storage. So, cloud-based file storage (and a completely serverless environment) will usually have to wait until all of a firms' existing legal applications are replaced by cloud equivalents.

Fortunately, true cloud-based legal applications have become mainstream in the last few years. These applications are hosted on the vendors' servers and are accessed via web browser or mobile apps. These applications do not require law firms to provide server storage, memory, or processing power. They can integrate together using cloud-based file storage systems, so the last two dominoes can fall together. Proceed carefully, as migrating to new legal applications is not only a technical challenge but also a behavioural challenge. Resistance to change is a formidable force in the legal industry, and overcoming that resistance is necessary for a successful migration.

Once a law firm has migrated to a full cloud (i.e. serverless) environment, with email, files and applications all being cloud-based

and hosted by vendors, it can truly benefit from economies of scale and realize all the advantages offered by the cloud. As more and more law firms take this leap, it will no longer make financial sense for software vendors to produce or support server-based applications for the dwindling number of firms still using them, and only cloud-based applications will remain.

If there are no server-based applications left, then law firms won't need to provide their own servers at all, either on-premise or hosted. They will instead be able to leverage the cloud vendors' servers. Using the analogy of Carr's

"The Big Switch", computing will have become like a utility, driving the cost of IT down significantly for law firms. This is why I think that the transition of legal technology to the cloud is inevitable.



Brian Mauch is the founder and CEO of BMC Networks, a Vancouver-based outsourced IT provider that specializes in law firms. Brian obtained both law and commerce degrees from the University of British

Columbia, and then combined his education with his passion for computers to form BMC Networks in 1997. Brian focuses on strategic planning and advice for BMC's clients.

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## **2021 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, with the exception of the Business Services & Benefits and Charge-Out Rates Surveys, which can be 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 Sartène 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 11	March 26	April 6	Nancy Sartene
Biennial Disbursement Survey	April 19	April 30	May 14	Joelle Gullacher
Staff Ratios	May 3	May 14	May 28	Maggie Edwards
Litigation Technology and eDiscovery	June 1	June 15	June 22	Lisa Evenson
Business Services Compensation & Benefits	September 2	September 24	October 22	Kerri Garner
Charge-Out Rate	September 2	September 24	October 22	Kerri Garner
Management Staff Salaries (30+ lawyers)	October 4	October 15	October 29	Carina Bittel

- The last Biennial Disbursement Survey was done in 2018 and the next occurrence will be in 2021 (we skipped 2020 due to the pandemic). This survey is usually completed every other year.
- The Business Services Compensation
- & Benefits Survey (formerly known as the Support Staff Salary Survey) will be compiled by Western Compensation & Benefits Consultants and distributed by the CBA with significant input from BCLMA.
- Charge-out Rates are part of the Business

Services Compensation & Benefits Survey. Please NOTE 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. Thank you. BCLMA Survey Committee

## **MEMBER SNAPSHOTS**



**ELI TRINDADE** 

How long have you been a member of BCLMA?

2 years

Where do you work? Hammerco Lawyers LLP

Where was the last place you visited on vacation?

Costa Rica—right before COVID-19 hit us.

Where were you born? Grow up? Born and raised in a small town in Portugal. Moved to Canada in my late

Have you ever lived abroad? If yes, where and for how long?
Yes, in London, UK for 3 years.

Recommend a wine—red or white—for under \$20 a bottle

Animus Red or White—Portuguese wine.

**Favourite BC day trip location** Deep Cove

Favourite place to have lunch during

the work week

Tacofino

**Favourite restaurant** 

Chickpea

One thing that not many people would know about you

I know the Arabic alphabet and am able to sound out words but have very limited understanding.

Favourite or most recent movie you've

Before Sunset is one of my favourite movies.

What are you currently reading or what would you recommend as a must read?

A travel journal of someone who travelled from Portugal to Singapore by land

from Portugal to Singapore by land. My all-time favourite book is *A Little Life*.

In my spare time, I like to..... Read, walk my dog, create digital art

### **Chickpea Cauliflower Curry**

This delicious curry comes together quickly with batch cooked <u>Flourist Kabuli Chickpeas</u> on hand. Serve it with anything you desire, such as cooked whole grains or <u>homemade flatbread</u>.

### **Ingredients**

- 2-3 tbsp ghee or olive oil
- 1 medium white onion, chopped
- 1 jalapeno pepper, seeded and chopped
- 1-2 tbsp grated fresh ginger
- 1-2 tbsp curry powder
- 2 tsp cumin powder
- 1 tsp salt
- 2 cans coconut milk
- 1 tbsp sugar
- 1.5 cups cooked Flourist Kabuli Chickpeas
- 1 zucchini, coarsely chopped
- 1/2 cauliflower, cut into florets
- 1/2 bunch Lacinato (black) kale, greens removed from stems and torn green onions to garnish

### Instructions

- Heat the ghee or oil in a large pot. Add the onion, jalapeno, and grated ginger.
   Cook on medium heat, stirring here and there, for 5 minutes. Add the curry powder, cumin, and salt, and cook, stirring the entire time, for 3 minutes more until the spices are fragrant.
- Add the coconut milk and sugar and bring to a simmer. Cook at a light simmer for 4-5 minutes.
   Add the cooked <u>Flourist Kabuli</u> <u>Chickpeas</u>, cauliflower and zucchini.
   Cook for 10 minutes on a light simmer, very loosely covered. Add the kale and simmer until just soft, 2-3 minutes.
- Serve hot with or without rice or <u>Flourist Millet</u> or <u>Flourist Golden</u> <u>Quinoa</u>. Top with green onions.

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## The Inside Scoop: COVID-19's Financial Management Implications

by Derrick Li with thanks to Barbara McNab and Jennifer Funk for their contributions to this article.

How was your firm impacted financially as a result of COVID-19? Were the impacts similar between small, medium, and large BC firms? We recently interviewed three BC firm administrators, each representing a different sized firm, to get the inside Scoop.

Barb McNab is the Firm Administrator of Synergy Business Lawyers LLP a firm with 12 Lawyers.

Jennifer Funk is the Firm Administrator of Kornfield LLP a firm with 19 Lawyers.

Derrick Li is the Chief Operating Officer of Lawson Lundell LLP a firm with 170 Lawyers.

Looking back to March/April 2020, what were some of the financial management risks and considerations that were top of mind early in the pandemic? What did your firm do to plan for and weather the storm?

(Barb McNab) I think the biggest hurdle during this time frame was the uncertainty. Our main priority was to make sure we could keep everyone at the firm employed. Working remotely was put in place where it could be, and we reduced expenses where possible.

(Jennifer Funk) We spent some time looking for ways to conserve as much

cash as possible, because there was a great deal of uncertainty as to how long the pandemic might last and to what extent our business (and that of our clients) would be affected. We considered temporary staff layoffs and work from home arrangements for staff, which we had not done much of prior to March 2020. We also spent considerable resources looking into participation in government relief programs, though we didn't end up implementing everything that was available.

(Derrick Li) Protecting our people was without a doubt the number one concern for me early in the pandemic. In my mind, the number one tool to protect our people was to have prudent cash management. We developed a robust cash projections model that was dynamic in that it allowed for several "what if" scenarios to be modeled in front of our Executive Team. We also incorporated lean process

improvement techniques which resulted in savings. Another priority was to ensure that our people had the tools they needed to work effectively, collaboratively, and safely both in the office and under a work from home environment. We also invested time and resources to ensure that client needs remained at the forefront.

Looking forward to 2021, how has COVID-19 changed, if anything, your 2021 Budget/Financial Management planning?

(Barb McNab) The latter half of 2020 was surprisingly busy and has carried through into 2021. Due to the increase in work, we've had to hire new staff/lawyers in 2020 and 2021 to keep up with the work. We are currently working on the forecast for 2021 which will reflect the need for the new hires.

(Jennifer Funk) We have always been very conservative in terms of budgeting, so that has changed very little for us over the past year. (Derrick Li) COVID-19 was an unprecedented year from a financial management trend perspective. It resulted in lower expenses in some historically predictable line item areas such as business development. However, it resulted in increased expenses in technology spend. For instance, how many of us had heard of Zoom before or how many times have we heard the phrase 'you are still on mute' regularly in meetings prior to the pandemic? Our 2021 budget was different in that we had to make assumptions on how expenses would play out in 2021 versus 2020. This involved making assumptions on things such as COVID-19 vaccination rollouts/effectiveness and associated industry impacts. Looking forward, one of the biggest financial management considerations will be the adoption of work from home (WFH) policies.

Based on these responses, COVID-19 clearly impacted the financial management practices of small, medium, and large size law firms. The preservation of cash became a critical reality. With COVID-19 still at the

forefront, law firms of all sizes will need to continue to innovate and adapt. How has COVID-19 impacted your law firm?



Derrick Li serves as Lawson Lundell's Chief Operating Officer and is a member of the Executive Team. Derrick oversees the firm's business and operational functions including

Finance, Business Analytics, IT, HR, BDM, Facilities & Office Services, Library Services and Corporate Records. Derrick's business acumen was developed through a career progression that has spanned a variety of roles including external auditor, management consultant, head of enterprise risk management, lean six sigma champion, Chief Internal Auditor, CFO and COO. In 2019, Derrick was recognized as one of Business in Vancouver's Forty Under 40 winners.

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## **MEMBER SNAPSHOTS**



**ANGELA MCCLEERY** 

## How long have you been a member of BCLMA?

Almost 2 years

Where do you work? Warnett Hallen LLP

Where was the last place you visited on vacation?

Jasper, AB

Where were you born? Grow up? West Vancouver, BC

Have you ever lived abroad? If yes, where and for how long?

Yes, Brussels, 4 months

Recommend a wine—red or white—for under \$20 a bottle

I don't really drink so I don't know

**Favourite BC day trip location** Whistler

Favourite place to have lunch during the work week

Tasty Indian Bistro

### **Favourite restaurant**

I love so many I can't choose!

### One thing that not many people would know about you

I've been skydiving and bungee jumping

Favourite or most recent movie you've seen

Most recent was Moana

What are you currently reading or what would you recommend as a must read?

I'm currently reading *Pillars of the Earth* by Ken Follett

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

Go on hikes with my dog

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

I appreciate the constant learning opportunities

If you could pick a movie title to describe your life, what would it be? Mission Impossible ☺

·

### **Blackberry Gin Fizz Float**

Courtesy of: Sunny Anderson of The Food Network

### **Ingredients:**

1 pint blackberries

2 tbsp sugar

1 tbsp water

1/2 cup roughly chopped mint leaves

8 oz gin

1/4 cup fresh lime juice

Ice, for serving

24 oz ginger ale

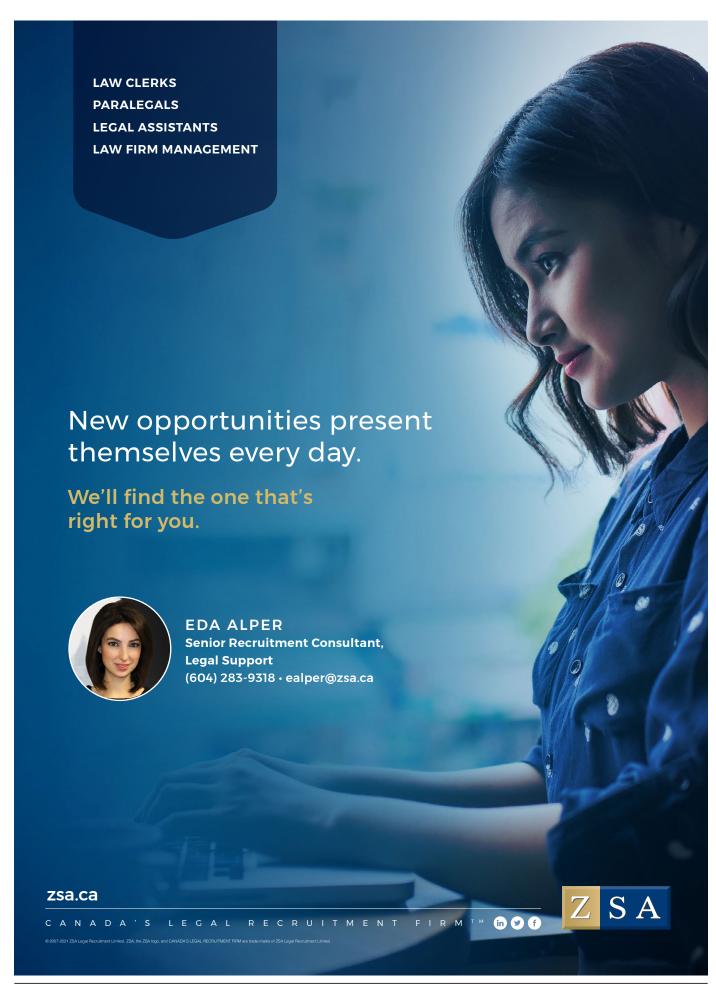
1 pint blackberry sorbet or vanilla ice cream

### **Directions:**

- Heat the blackberries, sugar, and water in a small pot over medium-high heat.
   While warming, smash with a potato masher, until a thick even consistency is reached, about 8 minutes.
- Pour the blackberries through a sieve, into a bowl, pushing some flesh through with the juices, making sure to catch the seeds. Cool in the refrigerator for at least 10 minutes.
- Fill a cocktail shaker with 2 tablespoons of blackberry puree, 2 tablespoons of the mint leaves, 2 ounces of gin, 1 tablespoon lime juice, and a handful of ice. Shake vigorously 5 to 6 times until the drink is ice cold. Strain the mixture into a tall glass. Top with 6 ounces of ginger ale and stir lightly. Repeat for the remaining 3 servings. Finish and serve with a scoop of sorbet or ice cream!







## ■ THE BCLMA TEAM

### **SUBSECTION CHAIRS & CO-CHAIRS**

### **FACILITIES & SERVICE MANAGEMENT**



Mahtab Abdollahi, Co-Chair Dentons Canada LLP 604.622.5153 mahtab.abdollahi@dentons.com



Joelle Gullacher, Co-Chair Bennett Jones LLP 604.891.5155 gullacheri@bennettjones.com

### **FINANCE**



**Renata Drag,** Co-Chair Eyford Partners 604.899.5247 rdrag@eyfordpartners.com



Lisa Carroll-Browning, Co-Chair JFK Law Corporation 604.687.0549 ext.115 lcarrollbrowning@jfklaw.ca

### **LITIGATION TECHNOLOGY & eDISCOVERY**



Lisa Evenson, Chair Harper Grey LLP 604.687.0411 levenson@harpergrey.com



Susan Van Altena, Co-Chair Nathanson Schachter & Thompson LLP 778.945.1479 svanaltena@nst.bc.ca

### **KNOWLEDGE MANAGEMENT**



**Danielle Brosseau,** Chair Harper Grey LLP 604.895.2861 dbrosseau@harpergrey.com

### **HUMAN RESOURCES**



**Bria Taker,** Chair Borden Ladner Gervais LLP 604.632.3410 btaker@blg.com



Marketa Rumlena, Co-Chair Bennett Jones LLP 604.891.5159 RumlenaM@bennettjones.com

### **MARKETING**



Jonathan Dickie, Chair Blake, Cassels & Graydon LLP 604.631.4260 jonathan.dickie@blakes.com

### **SMALL FIRMS**



Marlon Murr, Chair Watson Goepel LLP 604.609.3074 mmurr@watsongoepel.com



Matea Hurley, Co-Chair Camp Fiorante Matthews Mogerman LLP 778.945.8508 mhurley@cfmlawyers.ca

### **LEARNING & DEVELOPMENT**



Judie Boroevich, Co-Chair Borden Ladner Gervais LLP 604.632.3421 jboroevich@blg.com



Barbara Blouin, Co-Chair McQuarrie Hunter 604.408.5411 bblouin@mcquarrie.com

### **INFORMATION TECHNOLOGY**



Greg Holubowicz, Chair Kornfeld LLP 604.331.8324 gholubowicz@kornfeldllp.com



**Dharam Dheensaw,** Co-Chair Harper Grey LLP 604.895.2853 ddheensaw@harpergrey.com

### **2022 CONFERENCE**



Margaret Cividino, Chair Miller Thomson LLP 604.628.2902 mcividino@millerthomson.com

### **BOARD OF DIRECTORS**

**Naomi Anderson**, President Clark Wilson LLP 604.643.3142 nanderson@cwilson.com

**Rubyna Jinnah,** Director / Business Partner Liaison HHBG Employment Lawyers 604.639.1755 rjinnah@hhbg.ca

Alexa Kingsmith, Director / Marketing Harper Grey LLP 604.895.2907 akingsmith@harpergrey.com

**Dorothy Cheung**, Director / Treasurer Bennett Jones LLP 604.891.5368 <u>cheungd@bennetjones.com</u>

Keith Cassidy, Director Borden Ladner Gervais LLP 604.640.4157 kcassidy@blg.com

**Sandra Lowe**, Director Jenkins Marzban Logan LLP 604.681.6564 slowe@jml.ca

Kirsten Whitley, Director McMillan LLP 778.328.1482 kirsten.whitley@mcmillan.ca

### ADMINISTRATION \_\_\_\_\_

### Jane Kennedy

BCLMA Administrator & Membership Services Phone: 604.988.1221 info@bclma.org

### **Heather Orchison**

BCLMA Administrative Assistant Phone 604-315-2087 general@bclma.org