

## Strategic Planning and the High-Performing Law Firm

COLIN CAMERON AND SUSAN VAN DYKE

**A** fractured partnership, compensation concerns, retention headaches, work delegation issues and a myriad of other significant struggles inside a firm are massively disruptive, stressful, distracting and ultimately, very expensive. In the past few years, we've seen managing partners and executive committees who are hard-working and well-meaning but frustrated and tired.



Strategic planning assignments are significant undertakings and sometimes with a lot at stake. Firms invest time and resources to ensure they get it right, and implementation requires long-term commitment to achieve goals.

To get most partners on side, a bespoke plan must:

1. Reflect the culture of the firm and desires of the partners
2. Be powered by your firm's data with a professional financial analysis
3. Be developed at a pace that achieves a tipping point of support by key partners
4. Emphasize implementation of strategies
5. Be facilitated by credentialed experts with experience in law firm planning

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#### Who We Are

Founded in 1972, the BCLMA is a non-profit organization with 193 law firm members and 595 individual members across BC. The BCLMA’s goal is to provide educational and networking opportunities, enhance skills as legal administrators and managers, and 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](mailto:general@bclma.org).

#### Editorial Committee

**Heather Orchison**, Chair  
BCLMA  
[general@bclma.org](mailto:general@bclma.org)

**Keith Cassidy**, TOPICS Editor  
Borden Ladner Gervais LLP  
Direct: 604-640-4157  
[kcassidy@blg.com](mailto:kcassidy@blg.com)

**Lifen Lee**  
Hastings Labour Law Office  
Direct: 604-609-6699  
[ll@hllo.ca](mailto:ll@hllo.ca)

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Richards Buell Sutton LLP  
Direct: 604-595-2319  
[rsmyth@rbs.ca](mailto:rsmyth@rbs.ca)

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Direct: 604-628-2866  
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#### 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 four lunch hour planning meetings per year (lunch provided) 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](mailto: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](mailto: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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Every major component of the firm is connected. For instance, if compensation doesn't reward desired behaviour most lawyers will only focus on current work. When firm governance is unclear or poorly structured, decisions take too long, and leadership is lacking or missing altogether. Leadership is fundamental to a highly functioning operation and essential to implementing your strategic plan.

Talent retention is another significant issue lately. When associate retention is low, partners lose the benefits of leverage and spend too much time on billable work rather than mentorship, business development (BD), recruitment, or management. And average costs of losing an associate are now north of \$300K, and some suggest more.

Let's look at some of these issues further.

## COMPENSATION MODEL ISN'T WORKING FOR US

Many firms mistakenly decide on a compensation system before developing a plan. This often results in one of two compensation models: An "eat what you kill (EWYK)" formula-based model or an equality model with a lockstep compensation system. Both options have risks.

The EWYK model encourages "lone wolf" behaviour at the expense of a team effort or what's in the firm's best interest. It can be divisive and stunt growth as only individual effort is rewarded. The equality model can lead to mediocre firm performance and underperforming partners. We've seen firms lose high performers under this model.

Instead, we recommend a "subjective merit" model where both qualitative and quantitative criteria are considered in partner compensation. A compensation committee typically evaluates partners' contributions with the Managing Partner. As a performance-based model, it motivates high performers, rewards good management, encourages team effort and discourages lone wolf behaviour. Partners are motivated to do non-billable tasks, help achieve firm goals, and encourage the right partner behaviours, such as firm building and leveraging work to associates.

## FIRM GOVERNANCE NEEDS ADJUSTING OR AN OVERHAUL

Many firms have governance systems that are not advancing the firm's interests.

We have seen the following symptoms when the wrong structure is in place:

- » Leadership can't make decisions
- » The firm is stuck and not moving forward
- » There is a lack of focus
- » Decentralized decision-making without oversight
- » Firm-wide confusion of who does what
- » No written firm plan

Many firms run as a democracy where partners operate independently and are not accountable to anyone. Firms are hesitant to manage themselves like other businesses with a CEO with authority and responsibility. Instead, committees handle day-to-day operations, including a management committee with little power to execute a plan, if there is a plan.

Indecision results in lower profitability, missed opportunities, high opportunity cost of partner hours spent on slow decision-making, and a loss of good partners who grow frustrated with the lack of firm progress.

The solution is to appoint a Managing Partner (MP) to act as the CEO and coordinate creating a firm plan approved by the partnership. The MP will execute the plan with authority to achieve the firm's goals. The partnership will evaluate the MP's performance to recognize the MP's efforts like any regular business is key. Once this centralized governance system is in place, your firm will become far more profitable and competitive in the market.

## RETENTION OF ASSOCIATES IS A SIGNIFICANT CHALLENGE

Retention challenges are causing significant disruption for partners and interfering with firm profits and growth. Of course, associates leave for a variety of reasons, however, firms can recalibrate to better accommodate their needs and desires to win loyalty and a long-term commitment.

The associate experience is not what it was 25 years ago, which is stating the obvious. But we regularly engage in discussions with partners who are either puzzled or inflexible to the needs of today's associates. Many are looking for alternative career paths, meaningful opportunities for growth, client contact, fair compensation, some flexibility to work from home, robust mentorship, coaching and skills training, and work/life balance. Partner investment in associate development should be baked into annual plans.

Engaging with associates on these issues, welcoming ongoing dialogue and taking corrective action are essential in creating an associate-friendly culture.

## OUR LAWYERS DON'T KNOW HOW TO DEVELOP WORK

A fulfilling career and an opportunity to earn a greater income usually requires developing skills to attract new work. Again, this investment must be supported by rewarding non-billable time for marketing and BD and skills training. Most associates are interested in learning how to retain clients and win new work, and expect firms to support this growth. Without associate participation in BD the firm's succession plan in rainmaking is hindered.

It takes years to generate work, benefit from referrals and develop a desirable practice. Some leave training too late and provide this support too infrequently. Aside from mentorship, BD is one of the largest investments you should make in associates.

Partners frustrated that associates aren't participating in attracting new work should revisit their training programs, individual business plans, BD budgets and how they reward participating in marketing and BD and origination of work.

Strategic planning connects all your organizational components and links your vision to your goals and actions to create a high-performing firm with an enduring legacy.



Colin Cameron is a chartered accountant and former COO of a large regional Vancouver-based law firm and founder of Profits for Partners, Management Consulting Inc.



Susan Van Dyke has held several senior legal management positions and is Principal of Van Dyke Marketing. Together, Colin and Susan bring 60+ years of vast legal management experience in small to large law firms to their strategic planning projects.

## bclma 2023 Schedule of Annual Surveys

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, and can be purchased through the CBA. Contact them via [email](#) or by phone at 604.646.7863.

The BCLMA surveys are distributed throughout the year at times 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. She can be contacted by [email](#) with any comments.

Survey	Distribution Date	Reply Deadline	Publication Date	Coordinator
Associate Salaries	March 13	March 24	April 5	Nancy Sartene
Staff Ratios	May 1	May 12	May 29	Marketa Rumlana
Business Services Compensation & Benefits	September 1	September 22	October 23	Kerri Garner
Charge-Out Rates	September 1	September 22	October 23	Kerri Garner
Management Staff Salaries (30+ lawyers)	September 25	October 6	October 23	Derrick Li

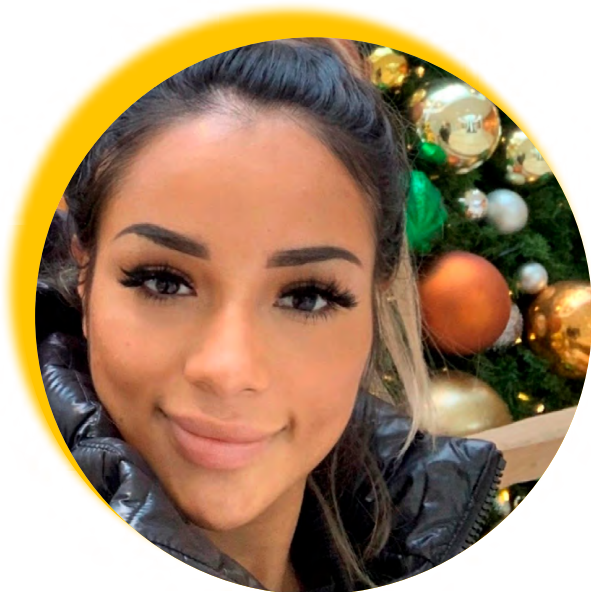
- The Disbursement Survey will be conducted every 5 years, if warranted.
- The Business Services Compensation & Benefits Survey (formerly known as the Support Staff Salary Survey) will be compiled by Western Compensation & Benefits Consultants and distributed by the CBA with significant input from BCLMA.
- The Charge-out Rates Survey is rolled out with 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 SNAPSHOT

IVONNE CARRILLO



Q  
&A

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

Since October 2022

## Where do you work?

BLG LLP

## What would your dream vacation look like?

Luxury Safari to see the animals in Africa! And the stars at night.

## Tell us your favourite quote or joke

"Yesterday is history, tomorrow is a mystery, but today is a gift. That is why it is called the present." – Kung Fu Panda

## What famous person is getting the invite to your dinner party?

Lana Del Rey

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

La Marca – Sparkling wine (usually \$21.99 but on sale for \$19.99 at a BC Liquor store near you!)

## Favourite BC day trip location

See above. With moderation of course.

Also, my grandma's house ☺

## Favourite place to have lunch during the work week

My desk watching my crime shows.

## Favourite restaurant

Blue Water Café in Yaletown

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

I'm in my 30s

## Favourite or most recent movie you've seen

*Bad Teacher*

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

You have to read: *The Alchemist* by Paulo Coelho  
And *The Untethered Soul: The Journey Beyond Yourself* by Michael A. Singer

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

Hang out with my best friend aka mom

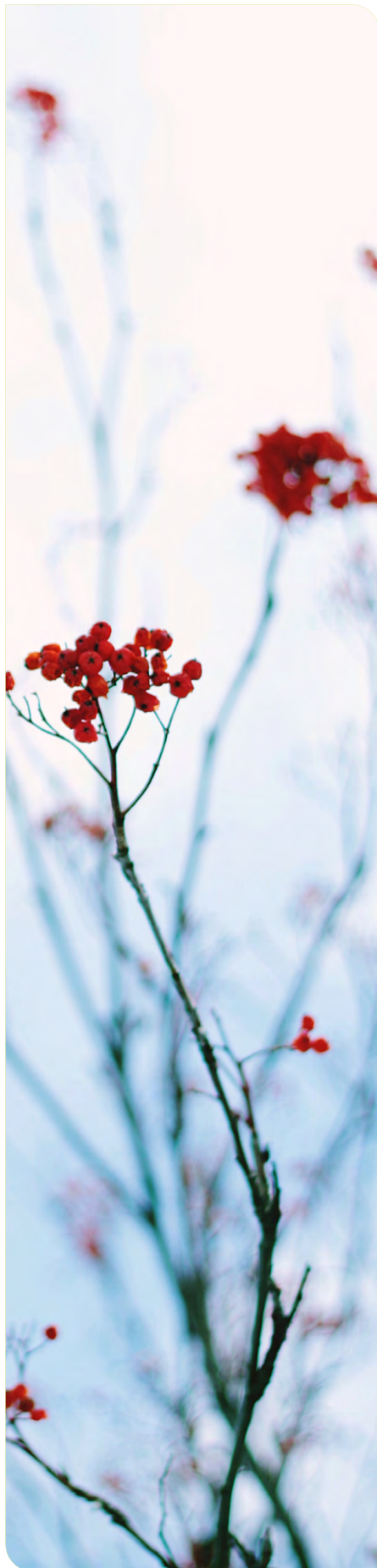
## What do you most enjoy about working in the legal industry?

Working in the legal field has inspired me to continue learning more about BC's and Canada's legal systems and enabled me to pursue my Human Resources background in a legal setting.

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

*Legally Blonde* -- for the mere fact that I work at a law firm and own two Gemini vegetarian chihuahuas.  
All jokes aside, it's a reminder that you can be yourself and still have a successful career!





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# The “Fear Factor” at Work – Why Building Psychological Safety is the #1 Conversation Law Firm Leaders Need to be Having

**MEGAN MCALLISTER**

Most of us don't spend a lot of time thinking about this, but fear is a factor in many workplaces and teams. And it changes both how we feel and the way we behave in the workplace. A feeling of safety is not the default in most workplaces. This is true across many industries. But I am going to venture to say it's even more true in conservative environments, such as law, where a top-down management style has historically been the norm.

The idea of psychological safety (where fear is not present at work) is getting a lot of attention these days. That is because there is compelling and credible data pointing to the fact that when we create more safety, it's both good for people's wellbeing AND it's good for business. In fact, in an often-cited study by internet giant Google, psychological safety was deemed the #1 – yes, the #1 – dynamic for team effectiveness. And in professional services firms, where your “product” is a result of people working together, you want your teams to be as effective as possible.

**Reference** <https://rework.withgoogle.com/print/guides/5721312655835136/>

So what is psychological safety? Amy Edmondson, a Harvard Business Professor, is one of the big thinkers in the space and she talks about psychological safety as:

... “a belief that one will not be punished or humiliated for speaking up with ideas, questions, concerns or mistakes and that the team is safe for inter-personal risk taking.”

**Reference** Amy Edmondson's book “The Fearless Organization”

Keeping Amy's definition in mind, we can see how a lack of psychological safety can play out in the workplace:

- » the subtle (or not so subtle) “covering” that we engage in to play down parts of our identity or experience because we want to fit in and not stand out
- » the silence that comes over the room at the same time a particular leader enters it
- » the holding back of sharing our opinions in team meetings or engagement surveys

- » the “meeting after the meeting” that happens because certain teams don’t feel safe enough to talk about hard issues directly
- » the feeling that you can’t say you don’t know the answer, need help or made a mistake
- » the concern that you can’t tell your colleague (and definitely not your boss!) that you disagree with them on important issues

Psychological safety is about people feeling seen, heard, included and able to contribute, stretch and grow. These are fundamental human needs that we all have and having these needs met is critical to feeling motivated and engaged in the workplace. When people do not feel safe, organizations do not get the benefit of their best thinking, or their discretionary effort.

This impacts your firms in significant ways:

- » Team effectiveness – As found in the Google study, psychological safety is the #1 driver of team effectiveness. Most law firms are spending a lot on hiring and retaining the best talent. Why not cultivate the conditions for them to deliver at their absolute best?
- » Engagement and retention – When people’s basic human needs are being met in the workplace, they will be happier and less likely to leave. They will also give more - more of their discretionary effort and their best thinking. You cannot “performance manage” people’s best out of them - they have to be motivated to give it. Creating safety is the start point.
- » Diversity, equity, inclusion and belonging – Many firms are rightly focused on DEIB initiatives. However, firms can hire and promote a diverse population, but if people do not feel that they can express themselves without fear of consequences, true inclusion and belonging is never actually achieved. If firms want to “walk the talk” on DEIB initiatives, they must also be actively building more safety at work.
- » Risk reduction and innovation – Your employees have critical information that can help avoid costly mistakes and/or reputational issues. And they likely have information and ideas that could contribute to great initiatives. In a VUCA (volatile, uncertain, complex, ambiguous) world, it does not make sense to have decisions being made by a few at the top. You need to harness the ideas and experiences of multiple people in

your workplace. And the firms that are able to do that, will have a great competitive differentiator.

So where do you start? Great question.

- » Accept - that a lack of safety likely exists amongst some people and teams in your organization. But remember that a lack of safety does not necessarily mean there is “bad” leadership. Many behaviours that contribute to a lack of safety are unintentional and out of our awareness. Some of it has to do with people’s historical experience of work. And some of it has to do with the innate negativity bias that humans have. The question is – knowing that this dynamic exists and is changing people’s behaviour, what will we do about it?
- » Start paying attention to team dynamics – Do the same people contribute over and over in meetings? Are there “meetings after meetings” happening? Do people share things with you that they aren’t sharing with their colleagues or boss? Remember that if you are a leader and/or otherwise hold power in your organization, your experience is likely different from others.
- » Equip your leaders to build safety - by providing leadership training and coaching. And when I say leaders I mean anyone who is a “boss” to anyone, including all lawyers. As with any organizational change, the change must start at the top. The path forward is leaders who have more self and other awareness, and who know the behaviours to lead in an inclusive and compassionate way. These are skills that do not come naturally to most. They are also not taught in business or law school (that I know of).

Please do not presume that safety is present in your organization. Contrary to popular belief, it’s something that needs to be actively and intentionally cultivated. We can start building it with brave conversations and integrating new language and behaviours into your company’s culture. It’s simple, but not easy and definitely worth it.



Megan helps professionals achieve fulfillment and organizations drive business results through professional coaching, leadership development and human resources/workplace culture consulting. Prior to coaching and consulting, Megan worked as an HR executive, recently as National Director of Human Resources at DLA Piper. [www.meganmcallister.ca](http://www.meganmcallister.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 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](mailto: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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# BCLMA Winter Social

The air outside was cold and crisp, recent temperatures had really dipped. Legal talent ducked inside Sutton Place to give their spirits a warm lift. It was time once more for the annual BCLMA winter social event, A reprieve from the daily grind, with hopes that stress would relent. Our highest ever attendance was amazing to behold - 205 members, guests and business partners all mixed into the fold. Canapés were served with selections of beer and wine; A great start to the evening to help people begin to unwind. The networking game matched your movie to something quoted. With so many genres this proved challenging, even to the most devoted. Rick stated “We’ll always have Paris” from the biggest flick of ‘42, he surely did. If you knew that line was from *Casablanca*...well...”here’s looking at you, kid”. A well-known Alfred Hitchcock classic from 1960 was another. *Psycho* was the film — the matched quote “well, a boy’s best friend is his mother”. This film a timely choice with the holiday season about to intertwine with work; *Home Alone*, the classic seasonal favorite, “look what ya did, you little jerk!” One of my personal faves? Rachel McAdams, “get in loser, we’re going shopping”. If I had found that *Mean Girls* quote, to the prize table I would’ve been hopping. The dinner was splendid, and guests enjoyed a varied holiday buffet choice. Throughout dinner was a chance to enjoy tablemates and time to rejoice. How lucky we are to work in such a collegial industry like legal. With the amount of fun and camaraderie this should be illegal! As always we thank our valued business partners for your generous support. Words written or spoken at the mic don’t do it justice, they’re much too short. We couldn’t hold these amazing events without you so again a huge thanks from the Board. It was great to gather and celebrate together again, while striking that festive chord!

by Keith Cassidy, Borden Ladner Gervais LLP











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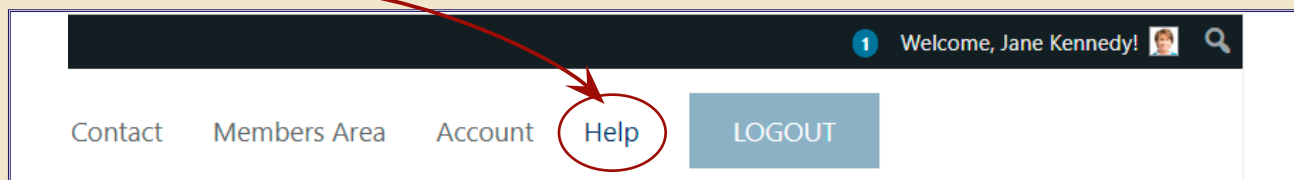
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# WELCOME & KUDOS

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# A Win for Employers on Mandatory Vaccination Policies

**PRESTON PARSONS**, Partner, Overholt Law LLP

**S**ince word first hit the market in the fall of 2020 regarding the first COVID-19 vaccine, vaccination discussions continue to be a hot topic in workplaces across Canada. Protests, legal claims, and dismissals are just a few examples of the backlash Canadian employers and employees have encountered arising from hotly contested workplace vaccine policies, or in some cases, a lack thereof.

Until very recently, the legality of a mandatory vaccination policy (“MVP”) in workplaces was a fight largely confined to unionized workplaces and meted out in decisions from labour arbitrators. This left employers from late 2020 to fall 2022 – particularly non-unionized employers – with uncertainty regarding the liability that could be faced by an employer that enacted an MVP during the COVID-19 pandemic.

Finally, on September 26, 2022, that changed.



## PARMAR CASE FINDINGS

The recent case *Parmar v. Tribe Management Inc.*, 2022 BCSC 1675 (“*Parmar*”) marks the first time that the reasonableness of a MVP instituted by an employer in a private, non-unionized workplace was determined by a civil court in Canada.<sup>1</sup> Justice Heather MacNaughton (“Justice MacNaughton”) upheld an employers’ right to place an employee on an “unpaid leave of absence” when she refused to receive the COVID vaccination (the “vaccination” or “vaccine”).

The employer, Tribe Management Inc. (“Tribe”) is a property management firm. It was defined as an essential service during the pandemic and employs over 200 employees. Tribe implemented an MVP in October 2021 that required all of its workers to be vaccinated by November 24, 2021, unless a legitimate medical or religious exemption (an “Exemption”) could be provided. The MVP stated that those employees without an Exemption who opted not to be vaccinated would be placed on an unpaid leave of absence.

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<sup>1</sup> *Parmar v. Tribe Management Inc.*, 2022 BCSC 1675 at para 2 [*Parmar*].

Ms. Deepak Parmar (“Ms. Parmar”) was a senior manager at Tribe. Her managerial role involved regular interactions with the public such as attending strata council meetings, responding to emergencies on strata properties, and interacting with residents. She declined to get vaccinated and was placed on unpaid leave in response. She did not request an Exemption. Shortly thereafter, Ms. Parmar demanded to return to work, and stated that if Tribe refused, she would take the position that she had been constructively dismissed. She claimed that Tribe “breached its contractual obligations by imposing the mandatory policy,” which entitled her to “treat the employment relationship as having ended.”<sup>2</sup>

Tribe defended its MVP, noting other employers were implementing similar MVPs to ensure the health and safety of its employees, clients, and communities. Tribe claimed it was justified in placing Ms. Parmar on the unpaid leave of absence, and that any consequences or losses to her were foreseeable, and of her own making.

The Court described Ms. Parmar not as an “anti-vaxxer,” but rather as someone with concerns about how hastily “prepared and distributed” the vaccine was before data could determine any potential negative health implications.<sup>3</sup> The Court acknowledged Ms. Parmar’s safety concerns, noting that it was “not the court’s role to question those beliefs”<sup>4</sup>; however, Justice MacNaughton also highlighted that vaccine safety is “so notorious”, having been corroborated by various Health Canada publications and Canadian health experts, and would not be disputed among reasonable people.<sup>5</sup>

In her analysis, which drew on labour jurisprudence, public health orders, and statements from government, Justice MacNaughton emphasized that the BC Supreme Court, in addition to other courts, already recognized that the COVID-19 virus was “potentially deadly” and “easily transmissible.”<sup>6</sup> Considering all of the surrounding context available to Tribe in October 2021, the Court found the MVP was a “reasonable and lawful response to the uncertainty created by the COVID-19 pandemic”<sup>7</sup>. In short, Tribe’s MVP was a reasonable health and safety measure.

Given her finding that the MVP was implemented reasonably, the Court found that “Ms. Parmar’s refusal to comply with the MVP was a repudiation of her contract of employment” and that she was not constructively dismissed by Tribe.<sup>8</sup> Any losses she incurred were a result of her personal choice.

## IN CONCLUSION

Justice MacNaughton’s decision comes as welcome news to many and may well accelerate settlement discussions in the numerous similar civil cases filed in BC and elsewhere in Canada.

Of note, prior to being appointed a Master of the BC Supreme Court in 2011 and a Justice of the same court in 2015, Justice MacNaughton spent ten years as Chair of BC’s Human Rights Tribunal and another five years before that as Chair and Vice-Chair of Ontario’s Human Rights Board of Inquiry, among other roles. Given her career history and expertise, Justice MacNaughton was well placed to decide this particular case, and we anticipate her decision will be given deference by other jurists.

Having said that, the law is rarely so straightforward: the Court’s decision is already being appealed. A ruling from BC’s Court of Appeal on the subject is likely to be released sometime in 2023. Before the appeal can be heard and decided, it is anticipated that other civil court decisions addressing similar issues will be released, giving the Court of Appeal far more jurisprudence to draw upon than Justice MacNaughton had. It will be interesting to see if that jurisprudence aligns with, or departs from, Justice MacNaughton’s reasoning.

*With special thanks to colleague Courtney Chrusch for contributing to this article.*



Preston Parsons is a Partner at Overholt Law LLP, practicing in the areas of employment and labour relations, human rights, and privacy law. Overholt Law LLP is a boutique employment and labour relations firm located in downtown Vancouver, British Columbia. For more information regarding Overholt Law LLP, please visit [www.overholtlawyers.com](http://www.overholtlawyers.com)

<sup>2</sup> *Ibid* at para 3.

<sup>3</sup> *Ibid* at paras 60, 65.

<sup>4</sup> *Ibid* at para 133

<sup>5</sup> *Ibid* at para 153.

<sup>6</sup> *Ibid* at para 108.

<sup>7</sup> *Ibid* at para 134.

<sup>8</sup> *Ibid* at para 152.



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# The Evolving Cybersecurity Landscape for Law Firms

**BRIAN MAUCH**, BCom, JD, Founder and CEO of BMC Networks

I first began consulting to law firms on technology 25 years ago, fresh out of law school and determined to combine my interest in computers and the law.

In 1997, the concept of cybersecurity was foreign to law firms, primarily because there was limited access to data from outside of the physical office. The internet was in its infancy, and any forms of remote access (does anyone else remember Norton pcANYWHERE?) were so cumbersome that they presented enough of a roadblock to would-be hackers. Hacking itself had not yet become mainstream, and if a lawyer had turned their mind to the possibility of unauthorized access, they would have assumed that only applied to nuclear missile silos (does anyone else remember the movie WarGames?).

Back then, as long as a law firm's physical office was secure, then their data was secure. Computers did not have passwords – or if they did, it was the word “password”.

With the turn of the century came advances in technology. In the 2000s, lawyers incorporated email and Blackberries into their practices. In the 2010s, lawyers started using remote access via the internet so they could work anytime, anywhere. In the 2020s, lawyers and their staff started working from home more regularly and got serious about adopting cloud. This rapid

evolution of law office technology, and the ease of which lawyers can access their data from anywhere, has created a perfect storm that all law firms face today. Enabling multiple forms of remote access for lawyers has provided bad actors with multiple avenues to try to access that data.

Law firms have tasked their internal IT teams and outsourced IT providers to determine and implement 100% effective cybersecurity systems. This is a tall order, because if a “silver bullet” existed that could prevent all cyber threats, then everyone would happily buy it and



hacking would no longer exist. The reality is that no such silver bullet exists, as evidenced by the constant news of large organizations with unlimited IT budgets that are still being hacked. IT teams have followed best practices in implementing multiple layers of security, but it is a rapidly evolving field and new threats (and countermeasures) are being developed like never before.

BC lawyers often ask me if their industry regulator provides guidance on cybersecurity requirements for law firms. However, the Law Society of BC (LSBC) has long taken the approach that their role is to regulate lawyers, and not regulate technology. To my knowledge, LSBC has not published any mandatory technology requirements for law firms to follow. To be fair, LSBC has produced a comprehensive working paper and due diligence checklist on cloud computing, which provides an extensive list of issues and questions to consider when utilizing cloud technologies. But the cloud computing documents don't specifically contemplate cybersecurity for on-premises systems (which most law firms still have), nor do they provide mandatory requirements to follow ... only things to consider.

In a significant development, LSBC published a Notice to the Profession email in June 2020 that contained a significant list of recommended security precautions, entitled "Ten simple steps you can take to protect your system against a data breach". This list was significant, because to my knowledge it was the first comprehensive list of cybersecurity recommendations that LSBC has ever published. The Ten Simple Steps article was then posted on a new Cybersecurity page on the LSBC website, and then moved to the Lawyers Indemnity Fund (LIF) website when it launched in June 2021.

The current URL is [www.lif.ca/risk-management/fraud-prevention/cybercrimes/](http://www.lif.ca/risk-management/fraud-prevention/cybercrimes/) and the list is as follows:

1. Create secure passwords for each account. Change them regularly and never share passwords with anyone. Use two-factor authentication. A reputable password management system that includes a random password generator may assist.
2. Properly configure a firewall between the firm's system and the internet. Talk to your IT professional about conducting security audits.



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3. Use up-to-date antivirus and malware endpoint protection on computers, laptops and handheld devices.
4. Backup your data – talk to your IT professional about frequency (including staggering).
5. Use encryption to protect hard drives, laptops, removable media, and back up media. Enable remote wipe capabilities for mobile devices and laptops.
6. Make sure all critical patches and security updates are applied as soon as possible.
7. Actively monitor systems for suspicious activity and log and archive systems events as an audit trail.
8. Use VPN or other encrypted connections to access public wireless networks. Avoid public Wi-Fi, and do not use an unsecured Wi-Fi to connect to your work server, to do any banking, or to send any confidential or personal information.
9. Keep servers and equipment physically secure. Avoid working in spaces where third parties may view screens or printed documents.
10. Cancel access to the network when employees are terminated. Maintain abandoned domain names after law firm mergers or acquisitions.



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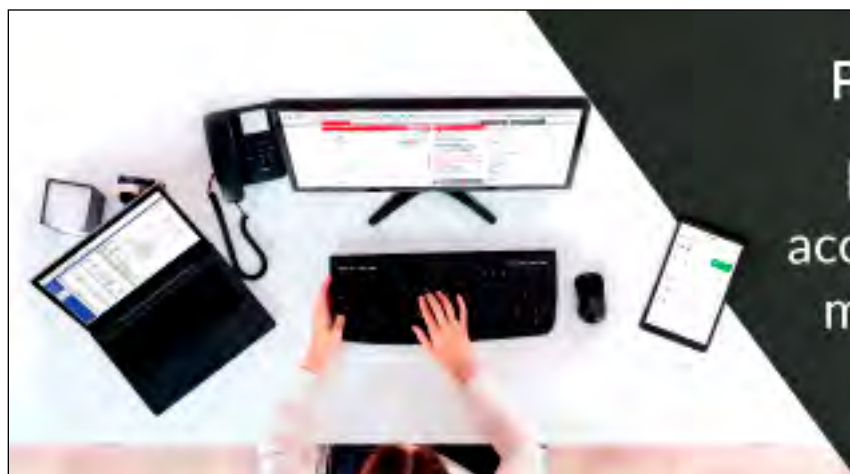
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IT teams have followed best practices in implementing multiple layers of security, but it is a rapidly evolving field and new threats (and countermeasures) are being developed like never before.

1. Use up-to-date antivirus and malware endpoint protection on computers, laptops and handheld devices.
2. Backup your data – talk to your IT professional about frequency (including staggering).
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7. Keep servers and equipment physically secure. Avoid working in spaces where third parties may view screens or printed documents.
8. Cancel access to the network when employees are terminated. Maintain abandoned domain names after law firm mergers or acquisitions.

A further sign of increased concern about law firm cybersecurity was the June 2021 inclusion by LSBC/LIF of group cyber insurance coverage for all BC law firms, underwritten by Coalition. This coverage will provide a forensic cybersecurity response team and privacy lawyer to assist and guide law firms if their data is breached. While the included group insurance has nominal limits, additional cyber insurance can be purchased from Coalition or other insurance providers at an additional cost. If a BC law firm suffers a data breach, their first call should be either to Coalition or to their alternate cyber insurance provider.

Coalition has released a top ten list of their own, in their 2021 Coalition Cybersecurity Guide. This list has some overlap with the LSBC/LIF list and provides guidance on the most effective steps that law firms can take to reduce the chances of a breach. This guide can be found at [info.coalitioninc.com/rs/566-KWJ-784/images/DLC-2020-12-2021-Coalition-Cybersecurity-Guide.pdf](https://info.coalitioninc.com/rs/566-KWJ-784/images/DLC-2020-12-2021-Coalition-Cybersecurity-Guide.pdf)

1. Increase email security
2. Implement Multi-factor Authentication (MFA)
3. Maintain good data backups
4. Enable secure remote access
5. Update your software
6. Use a password manager
7. Scan for malicious software
8. Encrypt your data
9. Implement a security awareness training program
10. Purchase cyber insurance

The cybersecurity landscape for law firms has changed considerably over the last 25 years, and it will continue to evolve in coming years. Lawyers are increasingly relying on IT to run their practice and deliver their services, new security threats are being discovered all the time, and IT itself continues to change and evolve. Unfortunately, there is still no “silver bullet” that will completely protect law firms but following the above lists of recommendations will provide substantial coverage from existing security threats.



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.  
[bmauch@bmcnetworks.ca](mailto:bmauch@bmcnetworks.ca)

# Save the Date

## **BCLMA Educational Event**

Date: February 9, 2023

Time: 11:45 am – 1:30 pm

Location: Terminal City Club

## **BCLMA Annual General Meeting**

Date: April 13, 2023

Time: 12:00 pm – 1:00 pm

Location: Harris & Company LLP

## **BCLMA Young Professionals Networking Night**

Date: April 19, 2023

Time: 5:00 pm – 7:00 pm

## **BCLMA Annual Summer Social**

Thursday, June 8, 2023

5:15 pm – 7:30 pm

D6 Lounge, Douglas Hotel

For up-to-date event & registration details visit  
[bclma.org](https://bclma.org)



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# THE SOUNDING BOARD

YOUR BCLMA.  
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This Fall has been full of learning and laughter for BCLMA members, thanks to the good work of our busy Board, subsection committees and staff. The cooler, darker days have been rich with meetings and events to help us all move forward in how we listen, lead and grow in our work. Kate Davis' hilarious and insightful fall education event, Cheryl Cran's engaging "Future of Leadership" keynote address at the Managing Partner Luncheon, and important sessions about improving employee retention and embracing neurodiversity in the workplace have offered fresh ideas to bring into our firms.

As you know, BCLMA successes and activities are guided by the three pillars of our strategic plan: Organizational Sustainability, Enhanced Technology and Membership Engagement. These important tenets, along with the 2023 budget, were recently

reviewed and discussed by the Board of Directors as we prepare for the new year. With a record number of members and firms, BCLMA'S future is bright.

You'll find the full "[Sounding Board](#)", upcoming events, and so much more on our new [BCLMA website](#) (just launched this Fall!). Check it out!



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# Peppermint Bark Mimosas

**YIELDS: 6**

**PREP TIME: 5 MINS**

**TOTAL TIME: 5 MINS**

### INGREDIENTS

1/4 c. semisweet chocolate chips, melted

3 candy canes, crushed

6 oz. peppermint schnapps, divided

1 bottle champagne or prosecco

6 candy canes, whole

### DIRECTIONS

1. Pour melted chocolate onto a small plate. Pour crushed candy canes onto a separate plate. Dip rims of champagne flutes first in chocolate, then in crushed candy canes to coat.
2. Add an ounce of peppermint schnapps to each glass, then top with champagne or prosecco. Garnish with full candy canes before serving.



Recipe from [delish.com](https://delish.com)

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604-687-5700  
smuzur@cwilson.com

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Edwards Kenny & Bray LLP  
604-689-1811  
rdrag@ekb.com



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Farris LLP  
(604) 684-9151  
mgakovic@farris.com

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Nathanson Schachter & Thompson LLP  
778-945-1479  
svanaltena@nst.bc.ca



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Miller Thomson LLP  
604-628-2899  
tmcbride@millerthomson.com

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604-895-2861  
dbrosseau@harpergrey.com



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604-628-2719  
srichmond@ahbl.ca

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604-631-4260  
jonathan.dickie@blakes.com

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Harris & Company LLP  
604-891-2239  
cdrag@harrisco.com



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Clark Wilson LLP  
604-643-3188  
tid@cwilson.com



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Watson Goepel  
604-642-5662  
sfry@watsongoepel.com

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MLT Aikins LLP  
604-682-7737  
nsalman@mltaikins.com



**Kelsea Craig**, Co-Chair  
Zargar Lawyers + Business Strategists  
604-558-6806  
kelsea.craig@zargar.ca

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Borden Ladner Gervais LLP  
604-632-3421  
jborjevich@blg.com



**Barbara Blouin**, Co-Chair  
Boughton Law Corporation  
604-647-5520  
bblouin@boughtonlaw.com

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Fasken Martineau LLP  
604-631-3131  
ddheensaw@fasken.com



**Greg Holubowicz**, Co-Chair  
Kornfeld LLP  
604-331-8324  
gholubowicz@kornfeldllp.com

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lburchynsky@boughtonlaw.com

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604-602-6815  
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rjinnah@harrisco.com

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kirsten.whitley@mcmillan.ca

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604-640-4157  
kcassidy@blg.com

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Jenkins Marzban Logan LLP  
604-681-6564  
slowe@jml.ca

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Bennett Jones LLP  
604-891-5368  
sanzaloner@bennettjones.com

### 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