TOPICS

WINTER 2021

bclma
BC Legal Management Association

Informed Opinions on Legal Management

Build a Bid; Foster a Relationship

Stephanie Marsh, Pier Blue Consulting

When developing a business relationship with a client, you invest time up front, researching the client and their business. You make the connection and get to know them. You share what you've learned and ask questions to learn more about what's going well with their business, and what isn't. Discovering their pain points enables you to offer a specific service that can help them solve a problem, enhance their operations, and improve their bottom line. You proactively design a scope of work, present your method, team and price, and the work gets sole-sourced to you. You deliver, exceed the client's expectations, and the relationship grows. You become the first supplier that springs to mind whenever a new need arises. A perfect scenario!

But situations will always occur when your client has an obligation to solicit bids from multiple suppliers. They will need to request proposals from the marketplace and usually report up—to a board of directors, an audit committee, or shareholders—to confirm that they conducted their due diligence to get the best outcome from the best team for the best price in a fair competition.

Writing proposals to win large-scale, high-impact, big-dollar client work is inevitable—no matter the strength of your client relationship. **A formal and institutionalized approach** will help your firm put your best bid forward and uphold client connections.

cont. p.3

DEPARTMENTS

Volunteer Opportunity!
The TOPICS Newsletter Committee is looking for volunteers to join us! We're a dynamic, fun group who are looking for a few members to help source thought-provoking articles that are relevant and beneficial to all subsections. We have three 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.

Who We Are
The BCLMA, founded in 1972 is a non-profit organization with 195 law firm members and 550 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.

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

TO BID OR NOT TO BID

When the RFP arrives, have a thoughtful and honest conversation with your service line specialists or practice area leaders about whether to pursue the opportunity. The answers to these typical questions will help you decide:

- Why do we want to win? Is it strategic?
- Can we pass the mandatory requirements? Will we score full points on the point-rated criterion?
- Can we price it to win?
- Will we make a profit? If not, is the pursuit worth the internal cost in order to build or continue building a relationship with the client, or to gain (more) experience in the subject area?
- How much will it cost us to bid?
- Do we have the right people available to write the proposal?
- Does the firm have the skills and resources to deliver the work?
- Do we need sub-contractors? External subject matter experts? If so, how much will they cost?

THE 50/20/30 RULE

The professional writer's process assigns 50% of a timeline to planning, 20% to writing, and 30% to editing. The same process can be applied to proposal development. Budget enough time for all three processes.

PLANNING

Before anyone begins drafting the response:

- Build the infrastructure.
  - Establish the bid team that will include the lead engagement partner and manager, subject matter experts, marketing, a pricing strategist, proposal/document managers, desktop publishers and/or graphic designers, researchers, and a quality assurance consultant; many eyes will bring consensus and many hands will distribute the level of effort.
  - Create and make available a matrix that defines every bid member's role and responsibility leading up to the deadline; this will track progress and identify any gaps.
- Assemble a proposal template that reflects the structure and requirements of the RFP; this will help evaluators compare bids uniformly.
- Open a SharePoint site; this will enable all bid team members to collaborate on proposal documents in real time.
- Get client clarifications and changes.
  - If something is vague in the RFP, ask Procurement to make it clear to ensure your interpretation matches the client's definition(s) so that your responses are pertinent.
  - If any requirement seems uncommon, unnecessary or seems to limit competition, ask Procurement to relax them with rationale for the change(s).
  - Request more time, if needed.
  - Remember that all bidders will see all bidders' questions and the client's answers to them, so don't ask questions that might give away hints to other bidders; protect your competitive advantage.
- Plan the response.
  - Following the structure and sequencing of the RFP, settle on a table of contents; a storyboarding exercise can help.
  - Develop win themes.

- Agree on the services, qualifications, and CVs to exhibit; choose or create corresponding imagery that will help tell the 'story'.

- Present corresponding benefits when you present features; help the client answer their own question: "What's in it for me?"

WRITING

- Treat the RFP as an open book exam; only answer the questions asked and back up your responses with evidence.

- Customize the content to the RFP requirements.

- Use the client's language across your proposal; this will help them confirm that you understand them as an organization, and that you comprehend the scope of work and deliverables required.

- Establish the appropriate tone; your writing style to a federal client will differ from your writing style to a start-up company.

- Don't overpopulate the bid with extraneous materials that won't help prove your relevant expertise; you'll waste your time and the evaluator's time.

- Weave the win themes throughout the bid, reminding the client about what differentiates your team and your solution.

EDITING

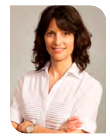
This is about more than running a spell check!

- Perform a solid proofread that will identify errors that spellcheck cannot catch; for example, make sure the Manager on your team is not named as the Manger.

- Make sure responses align throughout the proposal; otherwise evaluators might get confused, doubt your responses, or dock points.

- Have other knowledgeable practitioners who haven't worked on the proposal (i) read the draft for clarity and comprehension and (ii) perform a mock scoring exercise; if they determine that the bid content is unclear or will not score full points, then revise and improve your draft accordingly (have your revisions reviewed as well, if timing permits).

Winning work through a public procurement process is an essential business-development project that requires time, money, commitment, and determination. A well-organized approach will help your teams strengthen your firm's client relationships.



Stephanie Marsh provides editing, writing, and writing-training services through her own consultancy: Pier Blue. She has 20+ years of experience through corporate communications and business development roles in the legal and accounting/ advisory fields, including dedicated roles as a Senior Proposal Strategist. www.pierblue.ca

bclma 2022 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 a time that should work for most 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 14	March 25	April 8	Nancy Sartene
Disbursement Survey	April 2023			TBA
Staff Ratios	May 2	May 13	May 30	Marketa Rumlena
Litigation Technology & eDiscovery	June 1	June 15	June 30	Susan Van Altena
Business Services Compensation & Benefits	September 1	September 23	October 24	Kerri Garner
Charge-Out Rates	September 1	September 23	October 24	Kerri Garner
Management Staff Salaries (30+ lawyers)	September 26	October 7	October 24	Derrick Li

- The last Biennial Disbursement Survey was done in 2021 and the next occurrence will be in 2023. 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 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

WELCOME & KUDOS

New Member Firms and their Representative

Michael Rathborne, **Bradford Rathborne Law,** Surrey
Michael Cadman, **Cadman Law Corporation**, Coquitlam
Deanna Wong, **Chhina Das LLP**, Langley
Kuldip Basran, **Keystone Law Group**, Surrey
Laura Raposo, **Labour Rights Law,** Vancouver
Deanna Okun-Nachoff, **McCrea Immigration Law LLP**, Vancouver
Eva Vervoort, **Mitha Law Group**, Vancouver
Emokivie Gbenedio, **MJB Lawyers**, Kamloops
Steven Lam, **Onyx Law Group**, Vancouver
Karen Meireles, **Sampson Davie Fane Volpiana LLP**, Vancouver
Justin Wood, **Save on Foods Legal Department**, Langley
Stephen Fitterman, **Shapray Cramer Fitterman Lamer LLP**, Vancouver
Elizabeth Bulbrook, **White Raven Law Corporation**, Surrey

New Representatives for Existing Member Firms

Alison Fletcher, **Guild Yule LLP**, Vancouver
Lori Hart, **Michael Evrensel & Pawar LLP**, Vancouver
Hamish Clark, **Terra Law Corporation**, Vancouver

New Individual Members

Zoe Brooks, **Blake Cassels & Graydon LLP**, Vancouver
Hannah Campaigne, **Blake Cassels & Graydon LLP**, Vancouver
Jacqueline Dorsch, **Blake Cassels & Graydon LLP**, Vancouver,
Ancilla Chui, **Borden Ladner Gervais LLP**, Vancouver
Miranda Vigna, **Borden Ladner Gervais LLP**, Vancouver
Synthia Kloot, **Clark Wilson LLP,** Vancouver
Zipporah Wharwood, **Borden Ladner Gervais LLP**, Vancouver
Eve McCate, **Dolden Wallace Folick LLP**, Vancouver
Andrea Savory Russell, **Eyford Partners LLP**, Vancouver
Ryan Gaudet, **Fasken LLP**, Vancouver
Kathleen Hutchinson, **Gowling WLG (Canada) LLP**, Vancouver
Chelsey Lee, **Grant Kovacs Norell**, Vancouver
Simran Kang, **Harper Grey LLP**, Vancouver
Taylor Artemenko, **Harper Grey LLP**, Vancouver
Jeff Pelletier, **Harper Grey LLP**, Vancouver
Lindsay Fong, **Harper Grey LLP**, Vancouver
Linda Kilkenny, **Lawson Lundell LLP**, Vancouver
Tahmineh Mohammadi, **Lawson Lundell LLP**, Vancouver
Shala Gutierrez, **Lindsay LLP**, Vancouver
Sally Pang, **Lindsay Kenny LLP**, Vancouver
Lisa Puri, **Lindsay Kenny LLP**, Vancouver
Sam Diakow, **MacCallum Law Group LLP**, Langley
Ashley Schaffer, **McQuarrie Hunter LLP**, Surrey
T Dean Lys, **Miller Thomson LLP**, Vancouver
Zarah Hofer, **Miller Titerle Law Corporation**, Vancouver
Erin Locki, **Mussio Goodman**, Vancouver
Tara Holowach, **Nixon Wenger LLP**, Vernon
Joe Litnosky, **Owen Bird Law Corporation**, Vancouver
Rez Aly, **Paine Edmonds LLP**, Vancouver
Mohammad Shahidian, **Roper Greyell LLP**, Vancouver
Jen Lynn, **Virgin Hickman**, Vancouver

The Magic Bullet for Inclusion, Diversity, Equity and Accessibility

By Michael Bach, Founder and Chair of the Board of Directors of the Canadian Centre for Diversity and Inclusion

"Diversity," "equity," and "inclusion" have become buzz words. We hear them being used by CEOs and world leaders in casual conversation, yet decades have passed since the Civil Rights movement began, and the 'face' of leadership hasn't changed much. Of the 50 largest law firms in Canada, only six have female Managing Partners, and all 50 are white. No matter what the metric, we're not making much progress at all.

I would argue that two things are holding us back, both interconnected: Privilege and Education.

PRIVILEGE IS YOUR SUPERPOWER

First is privilege and specifically a lack of understanding by some people about their privilege and how it's helped them in their career. Let's lay the dead moose on the table—I'm talking about Straight White Able-Bodied Men or SWAMs, as I call them. The truth of the matter is that the vast majority SWAMs have never experienced discrimination.

"Privilege" is defined as "a special right, advantage, or immunity granted or available only to a particular person or group of people." Privilege isn't a good thing or a bad thing. It just is. It exists, and there is literally nothing you can do to get rid of it, nor to get it.

If you're not aware of your privilege, you have no idea of the variety of benefits you are reaping as a consequence. The good thing is that it's a problem that is easily remedied. It's a matter of taking your privilege and using it to benefit someone else. There are several things you could do that are all about creating opportunities for others:

Sponsor Someone

Sponsor someone who does not benefit from the same form of privilege as you do. Being a mentor and being a sponsor often get confused. Mentors talk to you; sponsors talk about you. Being a sponsor means you take responsibility for someone's career advancement. It becomes your job to identify opportunities to help that person advance their career and then make sure that people at leadership tables know who they are. You don't have to be an executive to be a sponsor. You can sponsor someone who's just one level below you.

Create Space for Others

Have you ever been in a meeting where a woman says something and people ignore her, and then a man says the same thing, and suddenly people think he's just invented the wheel? Every woman reading this is nodding right now. And most men are confused. Well, boys, it happens. A lot. And not just to women.

You can use your privilege to change that. So, when the woman (or person of colour, etc.) says what she says, and the man repeats it, it's your job to point out that the woman said it first, and people should pay attention. It's your job to use your privilege to ensure everyone has an opportunity to share their ideas.

Get Involved, Even If It's Not About You

You don't have to be black to be part of the Black ERG (employee resource group), nor a woman to be part of a women's program. Getting involved makes you an ally. Your help can go a long way toward getting things done. Who cares what your motivation is? Just get involved. Attend an event, participate in a discussion, whatever. Allies mustn't try to ride in and save the day. This isn't about you. Show up and ask how you can help.

EDUCATE, EDUCATE, EDUCATE

Education is critical whether you're brand new to diversity, equity, and inclusion (DEI) or have been on the journey for decades. However, it isn't a "one and done" situation. New people join your organization every year. They come with their own perceptions and biases, and they could undermine everything you're trying to do. So, what do you need to keep in mind?

Have a Learning Map

From the day a person starts, there should be mandatory DEI training. It should be driven by a learning map that takes each person through a journey, from the fundamentals (what diversity, equity and inclusion mean and why it is essential in your organization) to more complex topics like unconscious bias and intercultural competence. You might also want to develop an assessment tool to customize the learning map for each person. Everyone joining your organization will have a different level of experience with diversity, equity, and inclusion. Don't force people to go through the DEI fundamentals when they've already had years of DEI training. An assessment tool ensures that each person gets relevant learning.

Learning Doesn't Have to Be Long

When people hear "learning," they usually think, "I'm going to have to pay people to take time off work to attend this." Yes and no. Although a half-day with Michael Bach is super-fun (and it really is), it's not necessarily practical to put all your people through that form of training. A series of short eLearning courses can have a similar (not the same) outcome, is far more cost-effective and sustainable, and is easier to roll out to your entire organization.

Learning is Everywhere.

Structured learning is one thing, but unstructured learning is equally as valuable. At the beginning of every team meeting, have a "diversity moment," when someone shares something about themselves to help educate coworkers on the diversity around them.

Focus on Leaders

I've said it before, and I'll repeat it: tone from the top is critical. If your leaders don't understand the value of diversity, equity, and inclusion, you won't get anywhere. You need them to not only buy in but also take ownership of the journey.

Leaders need as much education as anyone else. Their learning programs should cover all the same information you push out to the rest of the organization, but they should also focus on a leader's role in creating an inclusive workplace. Their learning should be delivered in a safe space where they can be vulnerable and not feel like their staff will look at them differently.

Where we are today isn't any one person's problem, and it certainly isn't going to be fixed by a single person. So we all need to roll up our sleeves and be involved if we genuinely want to create inclusive workplaces.

Michael Bach is the founder and Chair of the Board of Directors of the Canadian Centre for Diversity and Inclusion. He is nationally and internationally recognized as a thought leader and subject matter expert in the fields of inclusion, diversity, equity, and accessibility, bringing a vast knowledge of leading practices in a live setting to his work, having worked in the field for over 15 years. He is the author of the best-selling and award-winning book Birds of All Feathers: Doing Diversity and Inclusion Right*, and the upcoming book* Alphabet Soup: The Quintessential Guide to LGBTQ2+ Inclusion*, available March 29, 2022. @TheMichaelBach or michaelbach.com.*

Fireside Chats

By Derrick Li, with thanks to Sandy Delayen and Ernie Gauvreau for their contributions to this article.

I started my role as COO of Lawson Lundell LLP in January of 2020. I cannot count how many times I heard the phrase "what a time to start a new job in a new industry during a pandemic." Recently, I started thinking about what it would have been like to start a retirement during the pandemic. I had an opportunity to catch up with four recently retired BC law firm COOs with a combined 100 + years of legal experience to discuss this very topic and more. Today's guests are Sandy Delayen and Ernie Gauvreau.

FIRESIDE CHAT WITH **SANDY DELAYEN**, FORMER COO OF BULL HOUSER & TUPPER (BHT) LLP

What have you been up to since retirement?

Like many, COVID resulted in us having to cancel vacation plans to places like Ireland and Amsterdam. I retired at the end of 2019 and was fortunate enough to take a trip to New Zealand just prior to the lockdown. We managed to get out of New Zealand and return home the day before the last flight went out due to the pandemic. There are worse places to get locked down than New Zealand. I have been actively involved in helping raise my 4-year-old granddaughter so that has kept me quite busy.

Several large law firm COOs, including yourself, seemed to all retire around the same time. Did you all plan to go out together and did you all kind of grow up with each other career-wise?

We did! We had a very strong group for many years. There really wasn't much turnover within our COO group. I think most partnerships give you the latitude to really do a lot of great things and to be a contributing member at a high level. We had a unique group that shared a lot of info, and it was a great support network. If I had a problem I could run it by the group. It seemed like suddenly there was a shift towards retirement, and we all knew it would happen given that many of us had been with our firms for over 20 years (40 years myself). It is now interesting to see different people in the roles coming from areas outside of law.

It is my understanding that you kind of entered the legal industry by fluke. Could you share your path to COO?

I was actually going to school studying to pursue a career as a dental hygienist. I got mono and had to drop out of the current semester of school at the time. I was bored after three weeks of not doing anything, so I went downtown one day with the goal of seeking a temporary position to keep me busy until school started again. I remember going through an interview on a Thursday and I started at BHT about a week later. I started in the mailroom and had an opportunity to move into the finance group and found a passion for numbers. This led to the pursuit of a CMA (Certified Management Accountant) designation eventually leading to the top administrator role and a very rewarding 40-year career.

Based on your experience what makes a good COO and what is the value proposition of the COO role?

The law firm COO role can be a challenging environment compared to a corporate environment. For instance, it involves working with 50-60 partners who own and have a say in the business. Earning their trust and providing that value to them so they can practice law and rely on the business team is key.

I believe that firms realize the value in having a strong COO and other professional managers. We need to remember that law firms are big businesses. They need to be well run. The COO helps in having lawyers focus on what they do best with the confidence that they know their firm is being well run.

Looking back on your career, what are some of the top accomplishments you are most proud of?

The double move and buildup of the new space at our TELUS Garden location would be one of them. This involved moving from our long time Royal Centre location to a temporary location and then a second move to the newly built space.

Another highlight was being part of BHT's successful merger with Norton Rose.

Finally, working with a very strong management team and seeing team members grow. Working with them was a highlight. We went from a small team to a larger sophisticated team.

Let's talk about the merger with Norton Rose. That must have been a big deal with a lot of mixed emotions. I would imagine it would only be natural to have fears about your job security at the time.

We looked at merger opportunities throughout the years, but it never felt quite right. We were a strong regional firm, we had a positive work culture, and people really liked one another. There was a real reluctance to give that up.

When this opportunity came up, we found a firm with similar values that looked at things we thought were important in the same way. It was really a good fit overall.

I was fortunate to be included in the discussions and I supported that the merger was ultimately the best decision for the firm moving forward. I honestly was not too worried about my individual job security as I had confidence the partnership would treat me well, which they did. I was fortunate to stay on for three years following the merger as Head of Integration on the Norton Rose Canada COO management team. My role didn't change much during the first two years as we were still running a separate financial system and I was involved with the eventual system conversion.

There have been a number of retirements at COO level. What would be best advice for new COO?

Get involved in BCLMA. It's wonderful. I have learned so much from my counterparts from other firms. Get to know the Partners as well as the management team.

Q8. Once it's safe to do so what is your top of list of vacation points?

Anywhere right now. I have a daughter who lives in New Zealand. Another daughter lives in Victoria. I'm just ready to start flying and having some fun!

What have you been up to since retirement?

Leading up to retirement, my wife and I considered our lifestyle options and where we wanted to live. We lived on the North Shore for about 28 years, and in the last few years we experienced dramatic changes there, including unsustainable traffic congestion. Originally, we contemplated Vancouver Island as an option, but realized it wasn't practical given our grandchildren live in the Lower Mainland and my wife still runs a consulting practice. We made the decision to move to the Crescent Beach area of South Surrey and made the transition just before the pandemic. Unlike many others at this life stage who often downsize, we, on the other hand, upsized to give us more options for entertaining and family gatherings. Numerous projects around the house have occupied a lot of time and were most welcome when we weren't really able to travel since the pandemic took hold. I've also been Mr. Fix-It for my son and daughter-in-law's rental properties. The time has also allowed me to maintain my various fitness activities.

How did you come to join the legal world and what has been your path to GM at Gowlings?

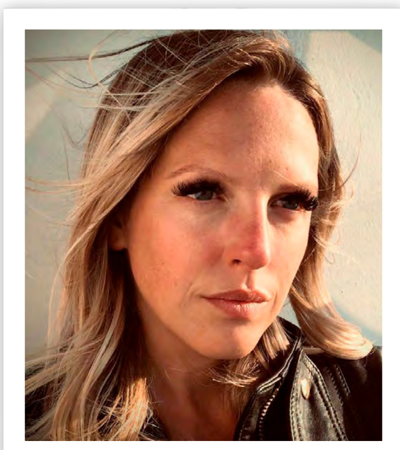
I began my career working for a financial institution with responsibility for commercial lending. In that role, I had a number of law firms as clients and through one of these connections was recruited to consider law firm management. I started my legal career in 1982 in Edmonton and Calgary and then moved to Vancouver in 1992 to join Ratcliff & Company. I then moved onto Richards, Buell Sutton in 1999. I was then recruited in 2005 to join Gowlings where I spent the remaining 15 years of my career. It's been a 38-year run of many challenges and corresponding rewards.

Based on your experience what makes a good COO and what is the value proposition of the COO role?

The GM or COO provides the business leadership that firms need to maintain and position themselves in the competitive legal marketplace. This includes shaping the strategic vision and influencing the stakeholders (lawyers) to help make the vision a reality. This leadership includes tracking business trends that may positively or negatively impact the viability of various practice areas and identifying new opportunities in emerging areas. In these ways the COO makes it possible for lawyers to focus on growing and sustaining their practices and clients on a daily basis.

What makes a good COO? Effectiveness depends on transparent and open communication across the firm and working closely with the leadership team to ensure we are all aligned with and part of the shared vision.

MEMBER SNAPSHOTS



CHELSEA BIRNIE

How long have you been a member of BCLMA?
2 years

Where do you work?
Farris LLP

Where was the last place you visited on vacation?
I went to Bucerías, Mexico in February of 2020

Where were you born? Grow up?
I was born in Vancouver, but I grew up in Calgary. I moved back to Vancouver in 2011.

Have you ever lived abroad? If yes, where and for how long?
I have not lived abroad long term, but I spent 3 months in Southeast Asia in 2014.

Recommend a wine—red or white—for under $20 a bottle
"CS"—a Cabernet Sauvignon from Columbia Valley, USA

Favourite BC day trip location
Whistler

Favourite place to have lunch during the work week
Browns Socialhouse QE for the cajun chicken caesar salad

Favourite restaurant
Blue Water Cafe

One thing that not many people would know about you
I have travelled to over 20 countries

Favourite or most recent movie you've seen
Interstellar

What are you currently reading or what would you recommend as a must read?
Currently reading *A First Look at Communication Theory*

In my spare time, I like to.....
Paddleboard, bike ride, ski, travel, spend time with family and drink good wine!

What do you most enjoy about working in the legal industry?
Many of my tasks require me to problem-solve and innovate, tackle new responsibility, collaborate with people, master new technology and navigate an ever-evolving legal system, so the dynamics of the legal industry make each day unique and fosters an enjoyable, fulfilling work experience.

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

Where did you spend most of your day to day time as a COO/GM?

I ensured that I was always visible and accessible, which meant I was not in my office a lot of the time, but was engaging in conversations with managers, stakeholders, and our other valued team members. Lawyer recruitment and hiring strategies were a regular thread in many of my responsibilities. More recently, baby boomer retirements required a greater focus on succession planning and managing those transitions, including maintaining valued client relationships.

What are some of the top accomplishments you are most proud of when looking back at your legal career?

I'm very proud of the many recruiting initiatives that contributed to significant growth and success of the business. I was also proud to serve as a member of the national leadership team at Gowlings and to have influenced the national strategies of the firm. Above all, I could not have realized these achievements without the valued support of the local management team. Interestingly, every firm I joined was in growth mode and required at least one, if not more, major lease negotiations and office moves. In total, I've led and coordinated six significant office design/build and relocations, including Gowlings' move to Bentall 5.

In your experience what are ways that the COO contributes to revenue and profitability growth?

Financial success is the underlying driver and to this end it was my responsibility to ensure we were meeting all the financial metrics to support growth objectives. This included ongoing financial analysis and reporting to the leadership team. Training young lawyers to understand the business side of legal practice was key to creating a culture of financial accountability in successful practice management.

How do you think your past Managing Partners would describe you? What was your brand or reputation you were going for?

In a recent conversation with a now-retiring partner, he said what he appreciated most about me was that I met people in their offices to talk through the various matters of the day. So, I think the brand or reputation that comes to mind is "visible". Walking the floors and having that face-to-face interaction was important to me. I did not want to be perceived as hiding behind my computer monitor. Walking the hallways leads to many valuable and informal chats, where relationships are built. I also think I was known for being results-oriented in achieving the success we set out in our plans.

Once it is safe to do so what is on the top of your list in terms of vacation destinations?

Right now, even a trip to Vancouver Island would be a highlight! More broadly, we have many European destinations still to visit.

MEMBER SNAPSHOTS

DERRICK LI

How long have you been a member of BCLMA?
Since January 2020

Where do you work?
Lawson Lundell LLP

Where was the last place you visited on vacation?
Kelowna

Where were you born? Grow up?
Pictou, Nova Scotia. Grew up in Kentville and the TriCities

Have you ever lived abroad? If yes, where and for how long?
No

Recommend a wine—red or white—for under $20 a bottle
Probably not a great question for me as I'm not much of a wine drinker. Prefer beer over wine.

Favourite BC day trip location
Harrison Hot Springs

Favourite place to have lunch during the work week
The Keg

Favourite restaurant
Anton's Pasta

Favourite or most recent movie you've seen
Most recent movie—*Shang-Chi and the Legend of the Ten Rings*

What are you currently reading or what would you recommend as a must read?
Anything to do with the Vancouver Canucks

In my spare time, I like to.....
Play tennis, try new restaurants, watch Vancouver Canucks and Netflix

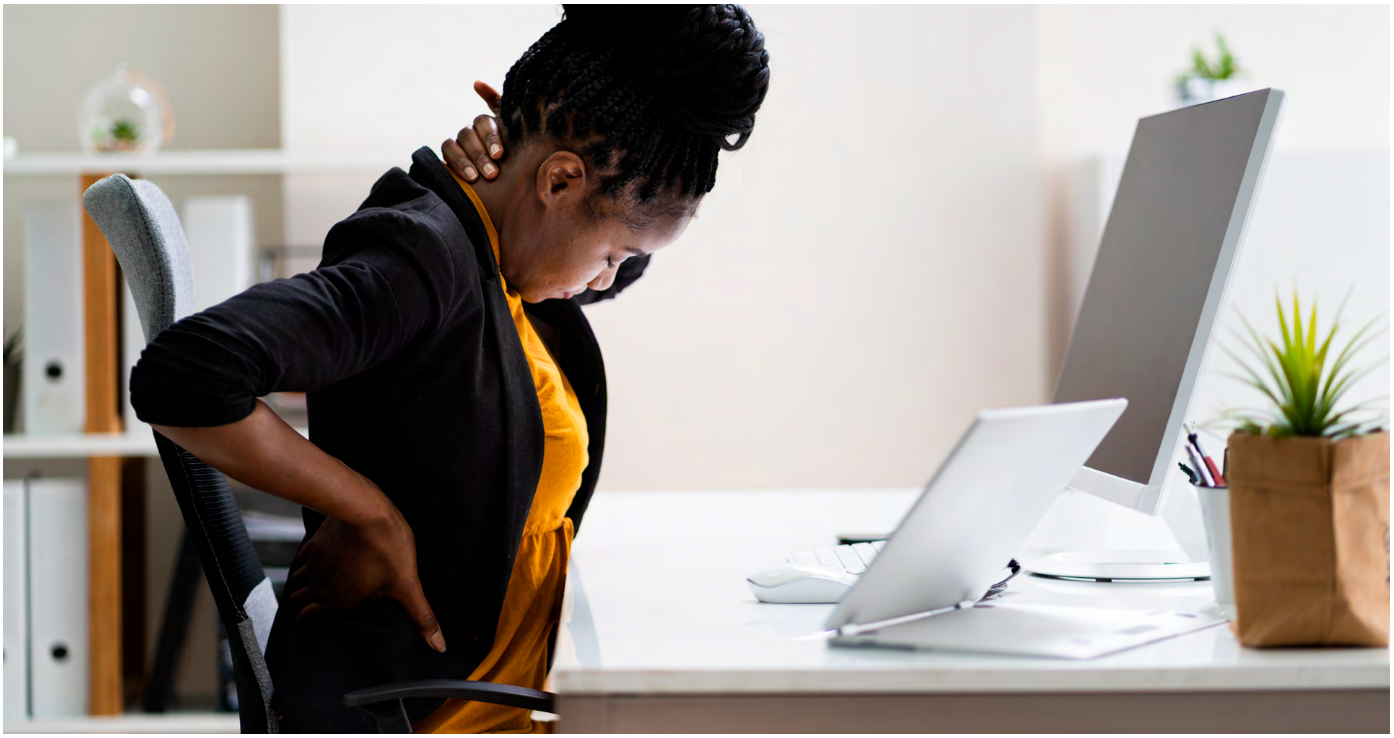
What do you most enjoy about working in the legal industry?
Working with exceptional bright people. It's like when you are in a meeting and you think something is a straightforward decision and someone raises a perspective that you would have never thought of but makes so much sense. That's what it is like working everyday at Lawson.

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

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. Please note that our prescribed article length is 1000 words. All submissions will be subject to review by the editorial board



Managing your Ergonomics in a Hybrid Work Model

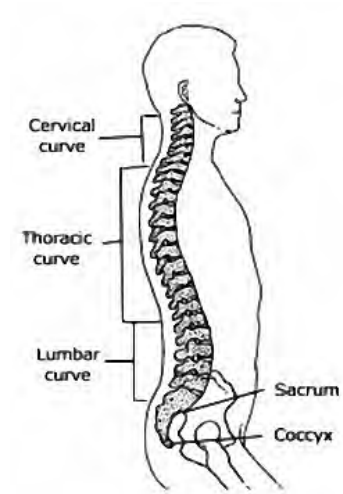
By Helen Ries, Physiotherapist, and Owner of Sitka Physio & Wellness

In 2020, as our world dramatically changed due to the COVID-19 pandemic, so did the traditional workplace. For decades, people have been commuting to downtown offices and working in spaces where specialty equipment such as monitor arms, footrests, and adjustable desks is often the norm. As a result of the shift to a work-from-home (WFH) model, areas such as ergonomics were often overlooked and not prioritized.

In September 2021, BC introduced a vaccine passport, and businesses are once again considering another transition with their workplace model. Many people will now be working in hybrid situations. From an ergonomics perspective this poses interesting challenges. Now you may not have one, but two separate workspaces to navigate.

In this article I hope to educate you about your body so you can better manage it in your workspace, at home or in the office. By increasing your awareness regarding the physical structure of your body, you will have more confidence in knowing how to manage your equipment to reinforce optimal body mechanics. I will provide specific parameters regarding equipment placement, which will minimize pain and strain, and hopefully allow you to focus on your job.

Step one to easing your transition between workspaces is to enhance your understanding of your body. Whether you're sitting or standing, a neutral spine refers to a body position in which the bones of the spine (vertebrae) assume their natural curves. Our muscles attach to the bones and when we lose those natural curves, muscles are placed under strain, sending pain signals to the brain.



It is important to realize that gravity has a considerable impact on the load into the body, especially as it relates to the weight of the head. A non-optimal head position significantly contributes to issues elsewhere in the body. In our culture, we are accustomed to our heads being forward of our spines. Most of our activities are done in front of our bodies: computing, phoning, etc. By simply imagining a cord at the crown of the head pulling up and away, we can lift our head on top of our spine and lessen the deleterious effects of a forward-head posture.

Fig A. Bad (tuck) Fig B. Good (vertical)

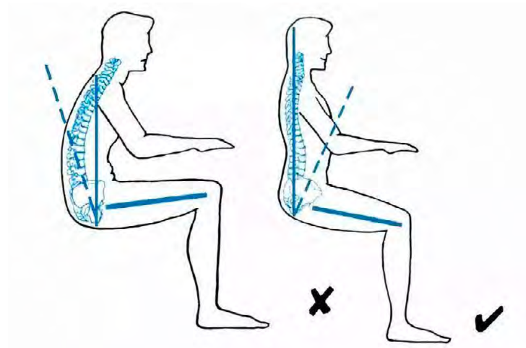
The second factor required for a neutral spine is a vertical position of the pelvis. Ideally the sitting bones should point in a downwards direction. It is most common for individuals to assume positions in which they point forward with the tailbone tucking under.

It can be challenging to find a vertical pelvis position. I recommend first getting your feet flat on the floor. Next, reach back and pull out one buttock and then the other. This should allow you to feel that you are sitting directly on your sitting bones. You should also feel that there has been some lessening of load into the lower back.

Altogether, a neutral head, spine, and pelvis position allow for length in the spine. This prevents compression, which often leads to nerve and disc injuries like Sciatica and Carpal Tunnel Syndrome. In addition to length, it is also essential to consider symmetry of the body. We have two upper limbs and two lower limbs. Ideally, they should load equally into the Pelvis/Low Back and the Thorax/Midback. When one leg is crossed over the other or one arm reaches forward, for example to use a mouse, a rotation, side-bend, and compression force is created in the spine,which can contribute to those nerve and disc injuries.

Achieving symmetry and length in the spine is challenging because our bodies are not used to it. We need to take advantage of our equipment to provide proprioceptive feedback about the body's position in space. Specifically, you should target six points of contact when sitting: your feet should be firmly planted (on the floor or a footstool), your pelvis should be in a vertical position at the back of your chair, and your shoulder blades should connect with the chairback.

Your chair, and its parameters, is the most important piece of equipment for enabling your six points of contact. I recommend focusing on your seat pan depth. Ideally when sitting at the back of your chair, you should be able to fit your hand between the front of the seat pan and the back of your calf. Placing a footstool under your feet can help to create space at the back of the knees when the seat pan is too deep.



Now it's time to set up your equipment:

- Your monitors should be your arms-length distance away (when your shoulder blades connect to the chairback).
- Your monitors should be at a height where your eyes track to the upper third of the screen,when your head is in a neutral position.
- Your keyboard should be centred, such that your "g" and "h" line up with your nose and belly button.
- Your keyboard and mouse should be at a height such that your wrist should be ~five degrees lower than your elbows, and close enough that you can maintain your shoulder blade connection.

Everyone will run into circumstances where they have specific equipment or work tasks that prevent maintenance of optimal conditions in their workspace. An individual onsite or virtual ergonomic assessment can help to navigate these exceptions. Alternatively, you simply need to move more. Our bodies are not made to stay in one position. Micro-breaks every 20-40 minutes, for just ten seconds at a time, can help lessen the effects of repetitive strain. My favorite micro-break is to stand at the wall with the crown of the head and shoulder blades connected, palms facing forward and take three to five deep breaths. You're "unweighting" the head, you're unwinding Thoracic rotation, and calming the nervous system in one fell swoop. You should return to your desk moments later refreshed and hopefully clearer in thought.

Understanding the physical structure of the body will help you to better navigate your ergonomics both at home and in the office. With less strain and pain, employees are more productive, incur fewer injury and sick days, and feel more empowered to move well, feel well, and be well.

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

MEMBER SNAPSHOTS

BARBARA MCNAB

How long have you been a member of BCLMA?
10 years

Where do you work?
Synergy Business Lawyers LLP

Where was the last place you visited on vacation?
Peachland

Where were you born? Grow up?
I grew up in Roberts Creek, on the Sunshine Coast

Have you ever lived abroad? If yes, where and for how long?
No

Recommend a wine—red or white—for under $20 a bottle
White—Oyster Bay Pinot Grigio

Favourite BC day trip location
Anywhere near the water

Favourite place to have lunch during the work week
Cactus Club

One thing that not many people would know about you
I love to play Poker

Favourite or most recent movie you've seen
Due to the pandemic, I've been streaming more so on Prime I discovered *The Expanse* (if you're into sci-fi)

What are you currently reading or what would you recommend as a must read?
I am an avid reader and have so many recommendations; Wilbur Smith, Thomas Watson, Stuart Woods

In my spare time, I like to.....
Go Glamping/Camping

What do you most enjoy about working in the legal industry?
I enjoy the people and the pace of the job.

If you could pick a movie title to describe your life, what would it be?
I don't think they've made a movie that would cover it all....yet!

SOUNDING BOARD
YOUR BCLMA. YOUR NEWS.

So much has happened since the last Sounding Board article in the summer issue. It was with a heavy heart that we said goodbye to Naomi Anderson, our BCLMA President. Naomi was offered a position outside the legal industry and stepped down in September. The Board approached Lorraine Burchynsky who agreed to step back into the President role until our next AGM in Spring 2022.

The Board met for their annual planning meeting in early November and are working hard as we continue to focus on our strategic plan. We'll be sure to update you on our progress with our three pillars: Organizational Sustainability, Membership & Engagement, and Enhanced Technology.

We have had a busy fall season with our subsections, with a particularly large audience at our HR presentation "Employment Law Update" as well as the Facilities subsection presentation, "Transitioning From COVID-19 to Communicable Disease Prevention in the Workplace".

The Association recently hosted two great educational events. We've missed seeing you in person and it was so nice to see our members come out for these events. Our fall educational on October 7th with speaker Diane Ross presenting "Ignite Your Leadership with the Power of Presence" was well received and ended with a few members winning a dance contest! Our annual Managing Partners' event titled "Strong Recovery Continues Despite Ongoing Restructuring and Risks: BC Economic Review and Outlook", presented by Ken Peacock, Chief Economist & VP Business Council of BC was also very well received. This event was offered by livestream to our out-of-town members.

Our annual Winter Social on November 18th was a reception at the Sutton Place Hotel. It was wonderful to spend time socially with our peers and our business partners. Take a look at the photos in this issue.

Thank you to all the members who participated in the Membership Value Survey in October. Your feedback is invaluable and helps us to plan and provide quality, relevant educational sessions as well as fun social events!

We invite you to join us on April 21-22, 2022 at the Vancouver Convention Centre East for our Conference and 50th Anniversary dinner. See Margaret Cividino, Conference Chair's article in this issue.

On behalf of the Board of Directors and all of us BCLMA members, we'd like to acknowledge the time and commitment of our subsection chairs, co-chairs and committee members, whose terms are finishing up or continuing. Their dedication is why BCLMA continues to bring educational and professional development, value and access to our network of members.

We are often seeking volunteers for various positions within the Association, whether it be as a committee member, subsection chair or member of the Board. At our upcoming AGM, being held for the first time at our Conference, we will have one vacant Board position. It's a great way to network with your peers throughout the year and not just at our social events. Please feel free to contact any Board member to find out more about the position available in April as well as other positions currently available. We are very excited to see what 2022 will bring for our Association.

BCLMA Board of Directors

BCLMA WINTER SOCIAL 2021

by Jane Kennedy, BCLMA

Pure fun was had by all as we socialized and caught up with colleagues at the long-anticipated Winter Social on Thursday, November 18th. After a 2-year hiatus (that seemed much longer) 115 BCLMA members and business partners gathered and rejoiced at seeing each other in-person once again. The room was buzzing as members mingled, were captivated by the roving magician, entertained by the upbeat piano and saxophone duo, and enjoyed delicious food.

Lorraine Burchynsky, BCLMA President, along with fellow directors, Alexa Kingsmith, Keith Cassidy, Rudy Jinnah, and Sandra Lowe were our engaging hosts for the evening.

The event was also an opportunity to publicly acknowledge the great work of our subsection chairs, committee members, and volunteers. BCLMA put them all in the spotlight, giving them much deserved thanks for their commitment and support of the association, especially during these changing and challenging times.

Several door prizes were generously donated by our sponsors and BCLMA.

A BIG THANK YOU TO ALL OUR SPONSORS...

whose financial support allowed us to enjoy such a grand event.

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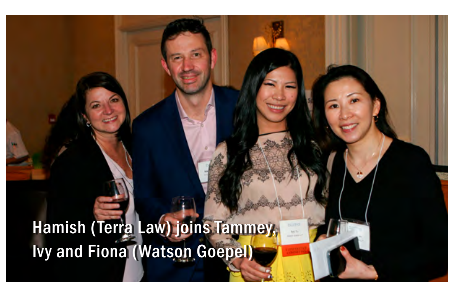
Magician Joel entertains


Michael, Rebecca, and Chelsea (Farris)


Members enjoying the four food stations


Heather (Dolden Wallace), Lori-Ann (Gowling WLG) and Marlon (Watson Goepel)


Sandra (Jenkins, Mazban, Logan) photo bombs Wayne (alumni) and Matea (Lawson Lundell)


Hamish (Terra Law) joins Tammey, Ivy and Fiona (Watson Goepel)


Christina, Jennifer, Sandra, and Kuljit (Terra Law)

BCLMA WINTER SOCIAL 2021

Wai-Mun (English Bay Law) and Andrea (Eyford Partners)

Keith (BLG), Simran and Neena (Holness Law Group)

Rob (Gowling WLG) receives prize from Todd (RICOH)

Greg (Korfeld) with sponsors Andre (i-worx) and Rob (SAI)

Kerri (AHBL) and Kimberly (R. Johnson)

Lori (Korbitec ACL5) and Tania (AHBL)

Chad and Adam (Mills Productivity)

Hamasa (Impact Recruitment) centre, joins BCLMA members

bclma

2022 Conference Chair

A message from Margaret Cividino

Just two short years ago, no one could have imagined how the world would transform, seemingly overnight. The arrival of COVID-19 and the subsequent changes the world made to adapt have had us re-examining long held ideas, re-working plans and re-inventing ourselves and our businesses to thrive in this new reality. As leaders in our community, we are looking forward to the future and have the opportunity to **Reimagine** how we can lead our industry into a new tomorrow.

Now, more than ever, law firms are relying on their administrative leaders and professionals to help drive the evolution of the legal industry. Offering a diverse group of speakers and workshops, the BCLMA 2022 Conference and Imaginarium Marketplace will provide practical, adaptive strategies which will be applicable to all our members—from HR professionals who support the needs of our work force, to the IT administrators who keep our technology resources running, to our Marketing & Learning professionals who are implementing new and innovative ways of evolving our firms, and all in between.

On behalf of the BCLMA Conference Committee I invite you to join us April 21 –22, 2022 as we come together to **Reimagine** the legal industry and celebrate the 50th anniversary of the BC Legal Management Association. For more information or to register go to our conference website at https://bclmaconference.com/.

LEADERSHIP REIMAGINED

Adaptive Strategies for Evolving Our Legal Industry

BCLMA Conference & Marketplace / April 21 - 22, 2022

Vancouver Convention Centre East / #bclma2022 / info@bclma.org

Thank you to these sponsors who have generously pledged their support for the BCLMA 2022 Conference, April 21 – 22, 2022

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Employers: Don’t Sweep “Informal” Allegations of Unconscious Bias Discrimination Under the Rug

By Preston Parsons, Partner, Overholt Law LLP

bi·as·/ˈbīəs/

[uncountable, countable, usually singular] a strong feeling in favour of or against one group of people, or one side in an argument, often not based on fair judgement.[1]

Unconscious bias, also known as implicit bias, is a bias that operates outside our awareness. It is a social stereotype, prejudice, unsupported judgment, assumption, or belief that we have in favour of or against one thing, person, or group as compared to another, in a way that is usually considered unfair.[2]

A recent Ontario Human Rights Tribunal decision illustrates that employers who ignore or fail to consider credible allegations of gender bias and discrimination in the workplace risk adverse findings under the *Human Rights Code* (the “*Code*”). The Applicant, a female surgeon who was appointed as the Head of Ontario’s Cardiac Surgery Service (“CSS”) at Hamilton Health Sciences (“HHS”), suggested to those in decision-making roles that the stereotypes and bias experienced by women in leadership roles could be working against her in her situation. However, her concerns were never investigated.

The Applicant worked in a highly male-dominated environment. On a national scope, she was the only female head of a cardiac unit and since the start of her fellowship training in 1990, she was the only female cardiac surgeon in the CSS. In addition to interacting with all male cardiac surgeons, she worked almost exclusively with males who occupied non-surgeon roles.

HHS renewed her position annually from 2009 until 2015. However, in 2016 HHS opened the position to others to apply. One of the main reasons for this decision was a review of CSS (the “Review”) in response to “grumblings” about the Applicant’s leadership style. Dr. Reddy (the interim Surgeon-in-Chief) appointed Dr. Flageole (Chief of the Pediatric Surgery Service) to conduct the Review. When the Applicant asked Dr. Reddy for the reasons behind the Review, he did not provide the Applicant with any details, but noted that the Applicant may need to “just be a bit fluffier” and “just soften her approach to people a bit.”

The Applicant suggested to Dr. Flageole that the Applicant’s inclination toward

1 Oxford Learners Dictionaries, online at: <https://www.oxfordlearnersdictionaries.com/definition/english/bias_1>.

2 University of Victoria, Equity and Human Rights, online at: < https://www.uvic.ca/equity/employment-equity/bias/index.php>. Also see: University of California, Officer of Diversity and Outreach, online at: < https://diversity.ucsf.edu/resources/unconscious-bias>.

being an assertive, task-oriented problem solver could work against her as a female leader. Throughout the Review process, the Applicant submitted research demonstrating that leadership roles are typically dominated by males and that when female leaders adopt “male traits” such as “assertiveness, directness, problem solving” and being “task oriented”, they are generally disliked and judged more harshly than their male counterparts. She said that this was her experience as the female head of CSS. She also brought up these concerns with Ms. Hastie (the HHS Human Rights and Inclusion specialist). Her concerns were never investigated during the course of the Review.

Dr. Flageole interviewed the cardiac surgeons at CSS. One surgeon had some very good things to say about Dr. Cybulsky. The others did not view her so favorably. They commented that she had a direct abrupt communication style; unfriendly body language; that they don’t “see the soft side of her”, and that “she micromanages…like a mother telling her children what to do.” The Review resulted in two documents: a “confidential” version filled with personal criticism of the Applicant and a “public” version which made generic comments about the Applicant’s difficulty in communicating effectively.

The Tribunal did not find that the Review was motivated by her gender. Nor did it scrutinize whether “the review process was properly structured; whether the right person conducted the review; whether the right people were interviewed and asked appropriate questions” (para. 37). However, the Tribunal found that the result of the Review violated her rights under the *Code* because it ignored the concerns she raised about the unique challenges faced by female leaders in male-dominated environments.

The Tribunal held that HHS, Dr. McLean (the Executive Vice President and Chief Medical Executive at HHS), Dr. Flageole (who conducted a Review of the Cardiac Surgery Service), Ms. Hastie, and Dr. Stacey (who decided to open the role for Applicants) had all breached the *Code*. Dr. Flageole, Dr. McLean and HHS violated the Applicant’s rights under s. 5(1) of the *Code* by failing to consider the role “her sex/gender played in what Dr. Flageole had been told when she was conducting the Review. Further, they failed to respond appropriately when the Applicant raised her concerns that her gender could be factor in the assessment of her as a leader” (para. 111). Ms. Hastie was tasked with dealing with workplace concerns and understanding the issues being raised. The Tribunal found that she violated the *Code* for failing to consult with the Applicant and investigate the allegations of gender bias (para. 167). Lastly, Dr. Stacey violated the *Code* given that his decision not to re-appoint the Applicant for the position partly relied on the Review (para. 141).

CONCLUSION

This decision serves as a warning to employers of the importance of their duty to investigate claims of gender bias and discrimination raised in circumstances of contextual credibility (for example, in the context of a traditionally male-dominated field). In our view, in determining which claims and in what contexts the duty to investigate will be triggered, employers would be wise to err on the side of caution while the law is developing. If in doubt, gender bias and discrimination concerns raised in a credible context should be canvassed during an investigation, not ignored. In making these assessments, the “transformative goals” of human rights legislation should be considered. The Tribunal described this goal as being substantive equality, with the duty to investigate being the means to achieve that goal. The duty to investigate is thus central to realizing substantive equality and, as such, it is an independent obligation upon employers, irrespective of whether a finding of discrimination is ultimately made.

This case is a good reminder for employers that:

- Liability for employers under the *Code* can arise from both procedural and substantive breaches of the *Code*.
- The duty to investigate exists independent of a formal complaint.
- There is no need to establish an intention to discriminate; the focus of the enquiry is on the effect of the actions on the complainant (para 140).
- The prohibited ground or grounds need not be *the only* factor of respondent's discriminatory conduct; it is sufficient if they are only *a* factor.

EPILOGUE

After more than 25 years as a cardiac surgeon, the Applicant, Dr. Irene Cybulsky, is in the midst of switching occupations. She went to law school at Queen's University in Kingston. "Living with bitterness would be worse than the cost of pursuing what I believe is right," she says in her application. "I hope my actions will help not only other female physician leaders at my (former) workplace, but all physicians. If I'm considered a gadfly for steadfastly pursuing this goal, so be it."[3]

HAVE A QUESTION?

Do you have a general workplace law question that you'd like answered? For the next TOPICS Newsletter, I would be happy to answer some of them. **Please submit any questions by January 7, 2022 for consideration**. While I may not be able to answer all questions submitted, I will do my best to answer the most pressing, common, and interesting ones for readers to consider.

Preston Parsons is a partner at Overholt Law, practicing in the areas of employment and labour relations, human rights, and privacy law. Overholt Law is a boutique employment and labour relations firm located in downtown Vancouver, British Columbia. For more information regarding Overholt Law, please visit www.overholtlawyers.com. Preston gives his thanks to his colleague Brent Mullin and the firm's articling student, Roza Milani, for their assistance with this article.

3 The Hamilton Spectator, "You are upsetting me and I can't sew", online at: < https://www.thespec.com/news/hamilton-region/2018/12/14/you-are-upsetting-me-and-i-can-t-sew.html>.

Interested in Professional Development?

Check out what

BCLMA has to offer.

EASY CRANBERRY BRIE BITES

Cranberry Brie Bites are a super easy but beautiful appetizer. Made with crescent roll dough, brie, cranberry sauce, and a sprig of rosemary!
Prep Time 10 mins
Cook Time 15 mins
Total Time 25 mins

Ingredients
All-purpose flour, for dusting the dough and cutting board
1 (8 oz) tube crescent dough
1 (8 oz) wheel of brie cheese
1 cup whole berry cranberry sauce (not jellied)
Fresh rosemary sprigs

Instructions
Preheat oven to 375°f degrees. Spray a mini muffin tin with cooking spray. Spread a little flour out onto your counter. Then roll out crescent roll dough and pinch seams together. Cut crescent roll dough into 24 equal-sized squares. Place squares into muffin tin slots.
Cut brie into small pieces and place inside the crescent dough squares. Top with a generous spoonful of cranberry sauce, and a little sprig of rosemary.
Bake until the crescent dough is a light golden brown (about 15 minutes). Then serve warm!

Notes
Some folks like to cut off the rind to the brie. This isn't necessary with brie but feel free to remove that additional rind.
Recipe courtesy of TheCountryCook.net

THE BCLMA TEAM

SUBSECTION CHAIRS & CO-CHAIRS

FACILITIES & SERVICE MANAGEMENT

Erika Valtr, Chair
Clark Wilson LLP
604.687.5700
EValtr@cwilson.com

Stephanie Muzur, Co-Chair
Boughton Law Corporation
604.647.4164
smuzur@boughtonlaw.com

FINANCE

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

Mirela Gakovic, Co-Chair
Harris & Company
604-684-6633
mgakovic@harrisco.com

LITIGATION TECHNOLOGY & eDISCOVERY

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

Tracy McBride, Co-Chair
Miller Thomson LLP
604-628-2899
tmcbride@millerthomson.com

KNOWLEDGE MANAGEMENT

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

Sara Richmond, Co-Chair
Alexander Holburn Beaudin + Lang LLP
604-628-2719
srichmond@ahbl.ca

MARKETING

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

HUMAN RESOURCES

Christine Drag, Chair
Harris & Company LLP
604-891-2239
cdrag@harrisco.com

Tiej Dapp, Co-Chair
Clark Wilson LLP
604-643-3188
tld@cwilson.com

Sara Fry, Co-Chair
Watson Goepel
604-642-5662
sfry@watsongoepel.com

SMALL FIRMS

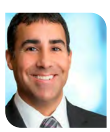
Nour Salman, Chair
Kornfeld LLP
604-331-8300
nsalman@kornfeldllp.com

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



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

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

2022 CONFERENCE

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

BOARD OF DIRECTORS

Lorraine Burchynsky, President
Boughton Law Corporation
604.647.4162
lburchynsky@boughtonlaw.com

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

Dorothy Cheung, Director / Treasurer
Bennett Jones LLP
604.891.5368
cheungd@bennetjones.com

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

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