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Transforming a Work Environment and Culture

Tracie Crook, COO of McCarthy Tétrault and Sven Milelli, Regional Managing Partner for British Columbia of McCarthy Tétrault

Buyers of legal services have increasingly high expectations of their law firms to evolve into efficient, client-focused and modern organizations. At McCarthy Tétrault, we have a history of innovation – from becoming the first national law firm in Canada to being the first Canadian firm to train its lawyers in project management. We are embracing the seismic shift within the legal industry by developing solutions for our clients that create value through efficiency. We're supporting these changes by challenging our assumptions of how law is practised, how law firms function and the way we work.

With our office leases coming up for renewal in major markets across the country, we recognized that we had an opportunity to look at how our physical spaces could be transformed to support this evolution in our culture. Through a series of interviews and focus groups we began a process, facilitated

by architecture firm BVN Donovan Hill of Australia, to engage our people and challenge them to re-think the future of our legal work environments. We invited them to tell us what was working well and what wasn't in their local office operations. We also encouraged them to share aspirational anecdotes

about how changing our workspace and technology solutions could improve our ability to efficiently deliver legal services.

The result of our process was a clear vision for a new work environment which was eventually articulated as our national workplace strategy. This strategy will be applied to all of our locations as the firm moves forward. Our overall approach is aligned to the firm's mission, core values and business priorities. We are replacing the typical hierarchical, closed-door model of traditional law firms and creating a more flexible and open space that is conducive to teamwork and the integration of our practices, both of which are critical to our success.

In Vancouver, 200 of our people will relocate in early 2016 from our current premises at Pacific Centre to...*continued on page 3*

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Creating an Effective Budget PART I P7

Developing a budget and a plan, and sticking to this budget, is integral to the success of any project. In this article, Dave Macdonald looks at the elements of a budget, how to build a budget effectively and the role that a budget plays in risk management.

First Steps to a Successful Office Move P9

Laurie Oseen, VP Business Development of DLO Move Support Services Ltd, outlines what to look for when selecting your moving company, the key questions to ask and the details to consider to help you successfully manage your office move.

Workplace Investigations in Difficult Situations P11

Preston Parsons discusses workplace conduct and how to handle a complaint of sexual harassment and assault within your firm.

The Legal Workplace: A Crossroads P17

Colin Scarlett, Executive Vice President with Colliers International in Vancouver, examines the significant changes that people in the business of law are facing or will be facing in the near future. The organization of space, he argues, is a particularly influential factor in defining and influencing your law firm's success.

Legal Project Management P19

In this article, Euan Sinclair looks at the shift in direction in the legal industry towards cost containment, and the role that legal project management plays in ensuring that firms are able to deliver against expectations. He concludes that early adopters will enjoy a significant advantage over firms that are slow to implement the techniques --not only with real-time information, but also by being able to mine the data that they have collected.

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Who We Are

The BCLMA, founded in 1972, is a non-profit organization with 140 Representatives and 270 Affiliates across BC. It is the BCLMA's goal to provide educational and networking opportunities, to enhance skills as legal administrators and managers, and to provide professional and personal benefits to its registrants.

Member Services

The BCLMA provides opportunities to network with other law firm administrators and managers at annual Spring and Winter socials, and monthly subsection meetings. We host an annual Managing Partners Event, and a large conference every other year.

Newsletter Services

Topics is a public newsletter. Contact the Editorial Committee to provide comments on articles, to offer suggestions for articles in future issues, or to augment the circulation list. We welcome your feedback! Please send comments to membership@bclma.org.

Submissions

If you have an article or story idea you would like to submit, please email Heather Ritzer at hritzer@lawsonlundell.com. 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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occupy three floors at 745 Thurlow Street, the newly-constructed commercial building on the south-west corner of Thurlow and Alberni Streets. The new environment introduces an open, transparent workplace aimed at fostering creativity, improving productivity, increasing knowledge flow and collaboration, and driving cultural change within the firm.

The resulting workspace is ground breaking within the North American legal sector, both in terms of design and overall approach. It is enabled by advanced technology, supports our new way of working and embraces our cultural values. The environment provides a variety of practical work settings to support our people, offering them flexibility and choices as to where and how they work – including a new knowledge centre hub where teams can meet informally in a café setting, multiple meeting areas on each practice floor and workspaces in close proximity to living plant walls. From an aesthetic point of view, the palette is natural, inviting, classic, sophisticated and authentic to our brand. The footprint of each floor is flooded with natural daylight with increased air quality

and circulation. We expect the new space will have an enormous impact, psychologically and physically, changing behaviours and the way we work.

McCarthy Tétrault has repeatedly been recognized as a preferred employer, renowned for our passion and excellence. We recognize the importance of our high-performing team and our aim is to continue to attract the top employees and graduates in Canada. A high-performing culture demands that attention be paid to the health and well-being of our people, which is why we invested in building such an optimal environment.

The Vancouver move will be the third office relocation for McCarthy Tétrault nationally in the past three years and our learning never stops. While we are a unified national firm, there are unique characteristics and cultural aspects to each office which requires the project team to engage locally to identify the nuances and make design adjustments where appropriate while holding true to our national strategy. The new McCarthy Tétrault workplace embodies our core values and bold ambition to be innovators and recognized market leaders in the legal profession.

Much like our experience in Calgary and Quebec City, we expect the workplace in Vancouver will positively impact our overall productivity and efficiency while delivering more valuable, collaborative outcomes for our clients and people.



Tracie Crook is Chief Operating Officer of McCarthy Tétrault responsible for the leadership, strategic direction, and continuous advancement of their services operations, to deliver optimized support and value to the firm's clients and lawyers. She can be reached at 416-601-7584 or tcrook@mccarthy.ca.



Sven Milelli is the recently appointed Regional Managing Partner for British Columbia of McCarthy Tétrault. Mr. Milelli advises public and private corporations in a wide range of industries regarding mergers and acquisitions, public and private securities offerings and corporate governance matters. He is regarded as a leading lawyer in the areas of corporate mid-market, private equity and energy, and is called to the bar in British Columbia and New York State. He can be reached at 604-643-7125 or smilelli@mccarthy.ca. Visit mccarthy.ca for more information.

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BCLMA President's Message

Leslie Morgan, BCLMA President

It's the summer Topics issue and time to reflect on the year that is behind us, and the year that is to come. The weather is starting to smile on us, and yet again, another summer social was enjoyed on a patio in the sunshine! We hope you enjoyed the social and networking with your counterparts and colleagues and making connections with our vendors who continue to generously support BCLMA.

I'm writing this with our April 10th AGM fresh on my mind. It was election time and we were sad to say goodbye to board member Lori Ann Birdsall, and very happy to welcome our new board members. At that meeting, Pelar Davidson and Elizabeth Jackson joined the board for the first time, we welcomed Cindy Hildebrandt back (after a short absence), and I was re-elected for another three year term. We are now up to full strength again and raring to go.

The board is looking forward to another interesting year and to building on past years' successes. The first order of business was for the board to elect its officers. The board agreed that I will remain in the role of president for another one year term in 2015/2016, Paula Kiess will remain our secretary, and Angela Zarowny will stay on as our treasurer. The other board members act as directors-at-large, and are: Lorraine Burchynsky, Catharine Rae, with newly-elected members Cindy Hildebrandt, Pelar Davidson, and Elizabeth Jackson. I would like to thank our irreplaceable and much appreciated resource,

Jane Kennedy, our admin consultant. I feel blessed to work with our supremely talented and enthusiastic Board of Directors and look forward to the synergy we are developing with our new members on the board.

For those of you who don't know me, I am Leslie Morgan, the Administrator at Harper Grey. My first term last year as President of the BCLMA felt short. Looking back, we got a lot done and set the groundwork for several projects and events in the coming year. I feel grateful for the opportunity to give back to an organization that has meant so much to me over the years, and which I hold in such high esteem.

Look for change in 2015! In 2014 the board decided it was time to re-initiate our Marketing subsection. We have seen an increase in Marketing folks joining and/or attending events. The board was in favour of reopening our Marketing subsection and we reached out to our large firm members about whether they would support adding a Marketing subsection again, since larger firms are most often the ones who have dedicated marketing departments.

The response was very favourable and we will add the new subsection starting Jan 1 2016.

The board is also continuing to strengthen our relationship with ALA and TLOMA. We hosted a 'tri-association' meeting in Vancouver in August 2013, and in 2015 two BCLMA board members will be attending a similar meeting in Toronto. The intention is to continue to exchange information, share ideas and create best practices. Our organizations have many similarities and many ideas to share, such as recommendations on good speakers, ideas for the next conference, sharing membership criteria information, and looking at by-law enhancements.

Our new website launched in 2014. We have completed a lot of behind the scenes work, and continue to work on this challenging, but rewarding project. In the end, we hope to have a modern and interactive resource where you can search and share information on law firm management. We want the www.bclma.org website to be top of mind whenever you need a resource pertaining to law firm management and education. Look for enhanced functionality in event management and member communications, in addition to a new conference page which we hope will be completed this summer.

We have added a new survey this year – the Disbursement survey. It will be conducted every second year and provided to participants.

The board will also be doing some more foundational work. A...*continued on page 5*

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bylaw review will be done this year, with board ratification in the fall. We will bring the bylaw revisions for approval at next year's AGM. The Societies Act, which governs our bylaws is being revised, and has received royal assent. We will do some much needed revisions now to transition our bylaws to respect the new Act in a couple of years when the new Act comes into effect. These changes are mostly house-keeping, but include some much needed modern improvements such as being able to vote by proxy, and being able to send notices by electronic means rather than by paper notice in the mail only. Please stay tuned.

Our newsletter "Topics" continues to be a valuable resource, as evidenced by its reported high readership. We hope that you are enjoying the simplified format and trust that you will continue to find the newsletter useful, interesting and meaningful, with articles and content relevant to you. Please feel free to contact us, or the editorial board, if you have any feedback or have a topic of interest for consideration. We are also working on providing articles and reference materials on the website, and look forward to developing that further this year.

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Subsection groups continue to thrive, and offer an unparalleled level of within-industry support and education to subsection members. Generally, the subsection leaders rotate yearly, which provides opportunities for individuals to develop leadership skills, learn from their seasoned counterparts and give back to our legal community. We thank all of our Chairs and Co-Chairs for their time and dedication and encourage anyone who is interested to get involved! It's a great way to learn, grow, and build your network.

2016 is a conference year. I would like to say a big thank you to the conference committee who have been busy planning. The conference theme will be announced soon and will again be held at the River Rock Casino in Richmond (save the date for March 2-3). I hope you have a chance to attend. Our Conference Committee promises excellent speakers, interesting vendors, and has been developing a slightly different timetable for the conference that I am sure will be a good fit for our members.

The board also resolved to enhance non-conference years, like 2015, with an additional educational event. Normally there is an all-member educational event each year, including conference years. This year, there will be two all-member educational events, one held this spring, when we welcomed Merge Gupta-Sunderji to talk to us about generational issues in the workforce. We will soon be announcing an additional event for the fall of 2015.

BCLMA is now 143 firm members (with over 400 affiliates) strong. Ultimately, our mission is to enhance the competence and professionalism of legal services management provided by individuals of our association within the legal community of British Columbia. Each board member brings his or her own talents to the board, and all are responsive and committed to another successful BCLMA year! We stand ready to hear your ideas and feedback, so if you have anything to share with us, you will find our names and individual contact info listed on page 23 of this issue of Topics. As a board, we look forward to another successful year developing and supporting educational opportunities within BCLMA. We hope to bring in more speakers on topics that pertain to you and your roles in your firms. Please feel free to send an email to us at info@bclma.org to share your ideas and thoughts.



Leslie Morgan is the President of the BCLMA and Director, Finance and Administration at Harper Grey LLP. She can be reached at lmorgan@harpergrey.com.

WELCOME & KUDOS

New Member Firms and their Representative

Lisa Dawson, **Aldridge & Rosling**, Vancouver
John Chak, **Chak Law**, Richmond
Ana Almeida, **Deloitte Tax Law LLP**, Vancouver
Carmen Landsdowne, **Ecojustice Canada Society**, Vancouver
Deepak Gautam, **Gautam & Associates**, Surrey
Alan McConchie, **McConchie Law Corporation**, North Vancouver
Sandra Worden, **Rosenberg Law**, Vancouver
Eunah Yi, **Vanguard Law Group LLP**, Vancouver

New Appointment for an Existing Firm

Blair Lill, **COO Singleton Urquhart LLP**, Vancouver

New Representatives of Existing Member Firms

Linda Lucas, **Roper Greyell LLP**, Vancouver

Finance

Karen Meireles, **Singleton Urquhart LLP**, Vancouver

Human Resources

Allie Cotton, **Stikeman Elliott LLP**, Vancouver
Kelly Hoeve, **Klein Lawyers LLP**, Vancouver
Andrea Gutierrez, **Ecojustice Canada Society**, Vancouver

Litigation Support

Kelly Hoeve, **Klein Lawyers LLP**, Vancouver

Small Firms

Kelly Hoeve, **Klein Lawyers LLP**, Vancouver
Leon Liberman, **Ecojustice Canada Society**, Vancouver



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 have an article that you have already written that you'd like to share? We are always looking for submissions!

If you have an article or story idea you would like to submit, please email Heather Ritzer at hritzer@lawsonlundell.com. Please note that our prescribed article length is 750 words. All submissions will be subject to review by the editorial board.



Creating an Effective Budget PART I

Dave Macdonald CPA, CMA is Director of Operations at BC Diabetes

When undertaking any initiative, whether it is a do-it-yourself project at home, a formal project at the office, or management of yet another fiscal period, a budget is one of the cornerstones for determining success. “How much will it cost?” and “Is it on budget?” are questions that engage most managers. However, the budget really is just one piece of a robust project management system.

ROLE OF THE BUDGET

Adapted from the Project Management Book of Knowledge (PMBOK), the successful management of a project includes:

- Well-defined requirements or goals
- Stakeholders’ needs, concerns, and expectations
- Balancing constraints including scope, quality, budget, schedule, resources, and risk

PMBOK is a technical guide that yields good sense, but its content is often technical and inaccessible to most managers or administrators. However, if one axiom is borrowed from PMBOK, it should be that management of the budget cannot stand alone as the primary path to a successful outcome. Every article or book about budgeting should

be considered with that in mind: successful outcomes are not all about the budget.

While successful outcomes are not all about the budget, this column is, in fact, all about the budget. In this first article, the focus will be the rationale and process for setting a budget, and the second article will address the management of a budget.

WHAT IS A BUDGET?

A budget is the amount of resources available for a specific time, purpose, or project. “Money” is absent from that definition of a budget and that is deliberate - non-financial resources are significant considerations that are too often overlooked. Budgets often take the form of a request for some sum of money to be allowed from a manager or project sponsor, but responsible, successful

budgeting requires much broader considerations. Examples of “non-financial resources” may include:

- Salaried employee time
- Materials
- Machine or equipment time
- Real estate

A complete budget accounts for all of the resources that support the project and its outcomes. In addition to tracking all of the resources used from the initiation to the end of a project, a budget may be reviewed at regular intervals or at specific milestones to ensure that resource consumption is on track. If a resource, especially money, is consumed at a higher rate than anticipated, it is best to discover that fact one quarter of the way into the project rather than at the end or when the resource has been unexpectedly depleted.

BUDGETS AND RISK MANAGEMENT

A complete budget is essential for risk management. For most small projects it is sufficient to consider risk management or risk mitigation in terms of ensuring the budgeted financial...*continued on page 8*

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and non-financial resources stay intact and the project stays on time.

Consider an example that ties a non-financial resource into risk management: in an office environment where employees with set hours are surrounded by other employees with set hours, accounting for hours spent by staff is sometimes overlooked or taken for granted because the staff is always present, regardless of what they are doing. When employees join a project, they are adding extra time to their week, taking time off from other duties, or putting idle time to use. This is important, even in an environment where staff are on permanent contracts. If a project should get cancelled or if someone should quit or is terminated, the loss needs to be accounted for. When change happens or risks are realized, resources need to be reassigned or reallocated in order to account for this shift. Without a complete budget, the project is the last thing to adapt to change and its success could be put in jeopardy.

The same example extends to materials, equipment, or space that would typically be considered part of a company's day-to-day, but could potentially be at risk of loss

on a project. If non-financial items are not included in a budget, it is very difficult to account for the loss of resources and then find alternatives that will allow the project to be successfully completed.

BUILDING A BUDGET

The construction of a budget should not be an individual's task. A budget is the result of every stakeholder, or the people impacted by the project, providing input on the list of resources and timelines that will see a project successfully completed.

A complete budget relies on the areas of project management borrowed from PMBOK earlier: project goals, stakeholders' needs, project scope, quality, schedule and risk.

Once the goals, scope, and stakeholder needs are identified, there is sufficient information to develop a schedule. Whenever possible, use a Gantt Chart to deconstruct the schedule into tasks or manageable groups of tasks that align with one another.

Every row on the Gantt chart will require resources. It is the sum of resources required for each task that informs the ideal budget. It is not atypical that the sum of resources, or the ideal budget, be deemed unrealistic so there follows an iterative process of

adjusting resources and the project scope or schedule until there is balance between the project's outcomes and a reasonable budget. At this stage, it is important to not forget the contingency. Every project has overruns of some type, be it cash or other resource, and a successful project will have accounted for that in advance. In many environments, the contingency should be kept confidential so as to not be considered part of the planned resources.

The end result is a budget of financial and non-financial resources that is intrinsically tied to the schedule and scope of the project. As the budget changes, as resources are pulled away from the project or the project's scope changes, this budget will support decision makers and stakeholders as they adapt. The budget has become a tool for success even as conditions change.

In the next issue, the focus will be on how to adapt and how to leverage a budget into performance improvement.



Dave Macdonald CPA, CMA is Director of Operations at BC Diabetes and a small business consultant. He can be reached at dave@davemacdonald.ca.

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First Steps to a Successful Office Move

Laurie Oseen, VP Business Development of DLO Move Support Services Ltd.

Time to move your office? If you have been with a firm for more than ten years, you have likely been involved in a company move. And that experience can be everything from exhausting to exhilarating, particularly if you are part of the committee tasked with making the move happen. But where to begin? Odds are you know a firm who has recently moved and talking to someone who has just been down that road is a great first step. What moving company did they use, did they use an external move consultant, what worked and what could have been done better? Understanding their experience will allow you to make a few initial decisions.

Although your move project may be in its infancy, it is never too early to contact a moving company, especially if you have a good relationship with one. Bring them in to discuss your project plan, preliminary dates and strategies to get their perspective. This can be done even before you know exactly what is moving. By providing the general scope, you can obtain a budget number early on, which you will require, and this can be fine-tuned as your project progresses. A company that you know and trust will be keen to continue building a solid relationship and that incentive will likely be a key part of their pricing.

The next step: do you have someone on your team with the time and experience to coordinate the logistics and support your

staff through the process? The physical move is just a small part of the project. Moving is about more than just trucks and manpower. It is the detailed preparation, solid communication, and relentless commitment to your staff leading up to 'Move Day' that truly makes up the majority of your move. A meeting with a move consultant can often provide insight into where you need support and what can be handled internally. Working with your team to develop a highly tailored move strategy, they will have the experience and foresight to identify hurdles early on before they become issues. Here are some key pointers that will help you to ensure that you select the right move consultant:

- Check that the move consultant you are meeting has experience coordinating a

move of your scope and take the time to check references.

- Ask direct questions about their experience, including some of the bigger hurdles they have faced and how they dealt with them. With 10 years + experience, a move consultant will be skilled at risk management and can offer a whole lot more than just logistics planning.
- Ask what added-value services they bring to the table. Most move consultants will offer as much or as little direction as you need – from basic guidance to full service coordination ensuring nothing is missed. Moving companies that offer both move coordination and moving services in-house ensure greater control of the project and quicker reaction time when things change.

As your project moves forward and the logistics of the actual physical move start to take form, be sure that business continuity is at the forefront of the plan. Most moves can be completed over a single weekend without any need to close down early. There is a great cost to downtime so tweak the move schedule hour by hour to confirm whether

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you really need to close down business early. Other constraints limiting the size of a weekend move include IT and telecommunications support. Moving 300 people over a single weekend when IT and telecommunications can only solidly provide 200 computers means many staff will not be fully functional the day following the move. Ensure IT has the team to support staff during the days following the move. Without this team in place staff will waste time waiting for IT help-desk support, which quickly starts impacting business efficiency and productivity.

If phasing of your move is required, a move consultant with experience with multi-phased projects can make this a seamless transition for all involved. Effective move phasing is an expertise that comes from years of working with large companies to coordinate significant moves. With a keen understanding of the project details being paramount, these coordination projects often run over a year or two as with the Vancouver Police Department, Translink, Fraser Health Authority and the City of Surrey City Hall, which are all 800+ person projects we at DLO have coordinated.

If you need to tender the move, be sure to inventory what is moving and have this clearly defined. A mover will be able to provide you with an accurate quote if they clearly understand what is and is not moving – and you will be able to compare quotes between companies if they have all bid on work of the same scope. In addition, know that a higher price is not always more expensive. Have they provided any hours for pre or post move support? Take the time to ask questions and look at the number of hours of labour provided in the pricing to ensure you are comparing apples to apples.

From project outset, engaging a solid move team is key. When you start budgeting for the project, start thinking about the move. So much time and money will go into the design and build, and when this all comes together, the final stretch (and the most impactful portion of the move on your staff) is now in the hands of your move team. Be sure you have the support you need and the right moving company to carry your people seamlessly in to your new space ensuring the success of your project.



Laurie Oseen is the VP of Business Development at DLO Move Support Services Ltd. She can be reached at laurie@dlo.ca.

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Workplace Investigations in Difficult Situations

Preston Parsons, Associate, Overholt Law

I received an e-mail recently from the Canadian Bar Association titled *Sexual Harassment Awareness Campaign*. The opening paragraph of the email states: “Sexual harassment is a degrading act that feeds off of an imbalance and abuse of power. Sexual assault is a particularly invasive and traumatizing form of assault. The legal profession is not immune, and until we recognize and acknowledge this, we cannot address the root of the problem.”

Some people believe that these problems do not exist in law firms. They argue that as law firms are run by lawyers, lawyers are well-educated, and the conduct of lawyers is highly regulated, sexual harassment and assault just cannot exist in these environments. It is perceived that lawyers and firms do not need training on these issues as they have more common sense than to let issues like these happen at the firm.

Unfortunately, the naysayers are wrong. While the working world has changed over the years for the better in this regard, sexual harassment and assault have not been entirely eradicated and most people know that law firms – generally speaking – evolve slower than the surrounding business world.

In my first two years out of law school I was approached by two female friends of mine. They were from separate law firms of entirely different sizes with entirely different practices. Though I was never naïve enough to claim that sexual harassment and assault cannot exist in law firms, my conversations with both of them confirmed that sexual

harassment definitely still does. It has been five years since I graduated law school so these conversations are in the recent past.

Last summer, I enrolled in a joint-committee of members of the Law Society of British Columbia (“LSBC”) and the Canadian Bar Association to update the LSBC’s old Anti-Harassment Policy. It was a necessary overhaul, at least in part due to the new bullying and harassment policy requirements from WorkSafeBC which I wrote about in my first BCLMA column back in Spring 2014. During our conversations around updating that policy to the new Respectful Workplace Policy, the issue of sexual harassment and assault in law firms today was again raised as an issue that still needs attention and a voice.

Given that we know that this is an existing issue in today’s workplace, law firms need to be prepared to deal with any complaints of sexual harassment and assault that are made internally. Sexual harassment and assault is a form of discrimination under the BC Human Rights Code, a potential catalyst for a WorkSafeBC complaint for bullying

and harassment, and in some cases, may even be in breach of the Criminal Code of Canada.

What happens then if this issue comes to your attention within your law firm? How do you handle a complaint of sexual harassment and assault within your firm?

First, assuming your firm has instituted a comprehensive bullying and harassment policy, the complaint procedure set out therein should apply.

Second, the complaint cannot be swept under the rug and ignored. It must be investigated quickly and handled with great sensitivity without prejudging the allegations.

It is important to get the details from the complainant in writing as soon as you can. This helps to preserve statements and to ensure that all aspects of the complaint are recorded so each can be thoroughly investigated. The complainant should be assured that the investigation will be treated as confidentially as it can be while ensuring a thorough investigation is completed.

When approaching the respondent, it is important that all of the allegations be put to that person so that they have an opportunity to respond to all aspects of the complaint. Avoid prejudging any denial made by the respondent.

All people within the firm who may have relevant knowledge should be interviewed. Advise each...*continued on page 12*

Workplace...continued from page 11

person that the matter is being treated as confidentially as it can while ensuring the investigation is thorough. Impress upon those people interviewed to not discuss the interview with others and to treat the interview itself as strictly confidential. Emphasize to each witness that retaliation for assisting in the investigation will not be tolerated.

All interviews with the complainant, respondent and witnesses should be recorded in writing. Keep your notes of each conversation, and notes generally of the overall investigation process. By the time you have interviewed all who may have information on the topic, you should be able to gauge the overall atmosphere in the firm and whether that raises any red flags beyond simply the specific allegations made in the complaint.

When it is time to report the findings of the investigation, give those findings to the complainant and respondent confidentially. Where there has been a finding of sexual harassment or assault, seek external legal advice on how to handle the respondent's employment with the firm.

If you are uncomfortable at any stage of the investigation, including at the outset, seek the advice of external counsel. These matters are immensely confidential and have the ability to disrupt and destroy careers. If you do not feel that you or someone else within your organization has the skillset to conduct the investigation, consider hiring an external independent investigator to conduct the investigation. Similarly, if you do not feel that you or someone else can investigate the claim objectively, hiring an external investigator is important to ensure the investigation is conducted without tunnel vision and blind spots.

Please note that this article provides a starting basis for your obligations when faced with a complaint of sexual harassment or assault but is not comprehensive. The recent communication from the Canadian Bar Association seeks to give a voice to those within law firms who have experienced sexual harassment or assault. If you have a story to tell in this regard, I encourage you to bring awareness to the issue by telling your story confidentially.



Preston Parsons is an associate lawyer at Overholt Law, practicing in the areas of employment and labour relations, human rights and privacy law. Overholt Law is a boutique employment and labour relations firm located in downtown Vancouver, British Columbia. For more information regarding Overholt Law, please visit www.overholtlawyers.com.

SAVE THE DATE

BCLMA Educational Event

Start with Why

Guest Speaker: Stephen Shedletzky

Monday, September 28, 2015, 11:45 am - 2:00 pm

Four Seasons Hotel, Vancouver

BCLMA Annual Managing Partners Lunch Event

Suffolk / Flaherty Legal Audit

Are you a Low-Tech Lawyer? Tech Skills Lawyers need to know.

Guest Speaker: Casey Flaherty

Wednesday, November 4, 2015, 11:45 am - 2:00 pm

Hyatt Hotel, Vancouver

BCLMA Annual Winter Social Reception

Thursday, November 26, 2015, 5:15 pm - 8:00 pm

Terminal City Club, Vancouver

BCLMA Biennial 2016 Conference

March 2nd - Wednesday evening - Kick-off event

March 3rd - Thursday (3 speaker sessions, trade show and wind-up dinner)

BCLMA Upcoming Survey Schedule

Support Staff Salaries / Billing Rates

Distribution: September 1 - Publication: November 2, 2015

Management Staff Salaries

Distribution: October 1 - Publication: November 2, 2015

For more information, visit www.bclma.org

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BCLMA SUMMER SOCIAL



We lucked out again with an incredible sunny evening for our annual BCLMA Summer Social. One hundred and ten representatives, affiliates and alumni members took in the spectacular views while sipping cold beverages and enjoying delicious canapés on the outdoor patio at Bridges Restaurant on Granville Island. It was the perfect setting to celebrate this ever popular event.

BCLMA is very grateful to our vendor sponsors who help support this event year after year.

Platinum Sponsors: Arlyn Recruiting, Dye & Durham Corporation, Shaw Sabey

Summer Social Event sponsors: BMC, and Corporate Couriers

BCLMA was very lucky to have three contributing sponsors for this year's Summer Social: i-worx, ZSA Legal Recruitment and our newest vendor sponsor Konica Minolta

These generous sponsors donated draw prizes too. Congratulations to all our winners!

Dye & Durham

Arts Club Theatre voucher won by Ruth-Ann Spencer, BHT and a Table Top Restaurant gift card won by June Agujo, Farris

Shaw Sabey

Tickets to the 2015 FIFA Women's World

Cup won by Caitlin Turner, Boughton Law

Arlyn Recruiting

Coach purse and wallet won by Rob Walls, Boughton Law

Corporate Couriers

Bottle of Dom Perignon won by Susanne Tholl, Lakes Whyte

BMC Networks

Blue tooth speaker won by Christa Warner, Harper Grey

ZSA

Fit Bit won by Kathy Barry, Farris

i-worx

Wine basket & external hard drive won by Kim Baylis, Aaron Gordon Daykin

Konica Minolta

Tickets to The Lion King won by Chelsea Dunbar, MOI

Systems Auditing

Wine box won by Jay Cathcart and a portable phone/i-pad charger won by Deborah Low, Lidstone & Company

Thank you to everyone who attended our 2015 Summer Social!

Check us out @bclma on Twitter and Instagram.

Interested in more info on the upcoming BCLMA 2016 Conference? Start a conversation with us by tagging #bclma2016

BCLMA SUMMER SOCIAL



A. BCLMA members enjoy the sun on the deck at Bridges Restaurant.

B. Lisa Ezaki, (Miller Thomson), Deborah Low (Lidstone & Company), and Stella Nillas (Miller Thomson) toast the start of summer.

C. To the envy of many women, Rob Walls (Boughton Law) holds up the Coach purse and basket he won courtesy of Arlyn Recruiting.

D. Colleagues from Fasken Martineau, Brenda Plowman & Sonia Kenward catch up over a glass of wine.

E. Long-time colleagues, Sandy Delayen (BHT) & Maureen O'Leary (Jeffery & Calder) enjoy the camaraderie on the patio.

F. Helen Lam (Farris) & Kristina Smitas (Singleton) take to social media, tweeting about the BCLMA social and posting pictures on Instagram. @bclma

G. Elizabeth Jackson, BCLMA Director & HR Subsection Chair (Farris) & Catharine Rae, BCLMA Director & Business Partner Liaison (BLG) welcome members at the registration desk.

H. Nancy Reid (RBS) & Lavinia Tom (Sangra Moller) are all smiles on deck.

I. Erica Bemister & Scarlett Yim (AHBL) take time out from their conversation to "say cheese".

J. Julie Bevan-Pritchard, Facilities Chair, Alicia Bond, past Facilities Chair & Sherry O'Brien, all of BHT, enjoy visiting outside the office.



BCLMA SUMMER SOCIAL



K. Small Firm members unite (left to right): Lily Chu (Henderson Heinrichs) Colleen Chapman (Brawn Karras & Sanderson) Kim Baylis (Aaron Gordon Daykin, Nordlinger) Jackie Shum (Grant Kovacs Norell), Lifan Lee (Hastings Labour Law), Elvis Atienza (Campbell Froh May & Rice).

L. Bibi Bijsterveld, BCLMA Conference Committee (Fasken) & Sandra Evans (BLG) soak up the ambience.

M. Allison Milroy, BCLMA Alumni & past president, & Donna Kitagawa (MacKenzie Fujisawa) reminisce.

N. Katherine Melville (Farris) Carolyn Petrie, KM Chair (BHT) Sherry O'Brien (BHT) relax and enjoy the beautiful setting.

O. Ruth-Ann Spencer, Trainers Co-Chair, & Cynthia Salas (RBS) Shirley Madden (RBS) happy to be in good company.



The Legal Workplace: A Crossroads

Colin Scarlett, Executive Vice President with Colliers International in Vancouver

Since before the lightbulb, people have been focused on the practice of law without focusing on the business of law. While some lawyers don't see the difference, there are millions of dollars being invested by hundreds of progressive companies who are trying to disrupt the business of law. All it takes is looking at the likes of Axiom and Legal Zoom.

Axiom intends to be the largest provider of legal services in the world within the next five years and has received millions of dollars of funding, despite not even being a law firm. Need a will in the US? Legal Zoom will do it for \$69. Legal Zoom's successful business model has recently led a hedge fund to acquire them for \$200 million, a sum which demonstrates the fund's belief that Legal Zoom is on to something. Slater and Gordon is an international law firm headquartered in Australia who went public in 2007 and used the funds to expand - \$10,000 CDN invested in their stock in 2007 would be worth \$36,000 CDN today (not accounting for currency fluctuations).

What is the lesson here for law firms? Evolve or be eaten. In the past couple of years I've traveled to 16 cities around the world meeting with anyone who would spare time to discuss the future of the business of law. It's been a fascinating journey and I've

had the good fortune to have presented my findings to diverse audiences, including at a conference in Shanghai, to the Chief Justice of the Supreme Court of Canada and to clients of a large Canadian national law firm. In all my discussions, people are anxious to hear about best practices and how people are preparing themselves for the uncertainty of the future. What's interesting to me is how the use of office space can be turned from a liability (typically viewed as an expense) to an asset to help solve business challenges.

While traveling, a handful of issues consistently bubble to the surface, including knowledge transfer, transfer of clients/succession planning, brand, employee engagement, client service levels and the emergence of technology. I believe the space you are in can have a dramatic impact on all of these.

The legal industry and the real estate brokerage industry are the only two industries that are hanging on to individual offices.

This is changing. In London a third of all law firms are open plan with similar numbers in Australia, and Facebook's in-house legal department of 30,000 SF is all open plan. Yes, the issues of privacy and confidentiality have been addressed. However, in New York, the idea of support staff seeing light through a glass front on a lawyer's office is outrageous. In an open plan office (or hybrid) these firms have seen dramatic increases in collaboration and knowledge transfer with little to no employee/lawyer turnover. One of the only long term sustainable competitive advantages a law firm has is the ability to transfer knowledge from the most senior to the most junior as fast as possible. This can't happen when everyone has their doors closed. A more open and collaborative environment also aids in relationship transfer of clients during times when senior lawyers are retiring. We have one client who has an entire practice group that will be decimated in the next few years because of succession planning issues.

A 2009 CoreNet Global (a real estate association) survey of people charged with making the real estate decision for their company showed that 77% believe that brand is a critical driver for their business, while only 15% believe their space...*continued on page 18*

Legal Workplace... continued from page 17
reflects their brand “very well.” Does your space accurately reflect your firm’s brand and identity? When a client walks into your space does it look like it could be any law firm or accounting firm in any city, or does it truly support your brand messaging?

A firm’s people strategy is often overlooked by lawyers. A strong recruitment/retention strategy is important to the success of any business. Two of the questions in *Aon Hewitt’s Best Employers* survey, which measures employee engagement, are facility related. At Colliers, we completed some major renovations which were focused on providing our staff with better workspace and casual areas. We had dramatically higher scores post renovation and our employee turnover has gone down dramatically.

Even things like client service can be enhanced with space. Global law firm Addleshaw Goddard hired the head of customer service for the Ritz Carlton to consult for them thinking they could differentiate themselves through customer service. One result was that the receptionist became a concierge rather than simply answering phones. Stern Kessler in Washington, DC has taken this a step further by having their phones answered in London, England (love the accent) and have replaced their receptionist with someone whose sole job is to be a concierge for both clients and staff – imagine that!

Technology will have an impact on the legal industry with one senior partner at a large national law firm saying that they are seriously investigating artificial intelligence, that will be the biggest threat to the industry in their minds. IBM’s Watson is making its way into the legal industry as well. How will all this affect your ratios of lawyers to support staff? There are now lots of firms that spend more money annually on technology than on office space. What are you doing with your space to stay ahead of the technology curve?

While some of these space solutions are tremendously progressive, and I’m not advocating it for everyone, the strong message is that the business of law is evolving and you need a space that can evolve with you. How will your space help solve your business challenges as you look to the future?



Colin Scarlett is an Executive Vice President with real estate consultancy firm Colliers International in Vancouver. Colin is the head of Colliers’ law firm practice group and speaks globally on the future of the business of law.

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Program & Registration Information – Coming Soon



Legal Project Management It's the data, stupid.

By Euan Sinclair, Director of Knowledge Management, Lawson Lundell LLP.

There is a considerable body of evidence that lawyers' clients—often in-house lawyers or other professionals—are beginning to demand the same levels of quality assurance, accountability and efficiency from their lawyers that they are routinely expected to deliver. In the case of in-house lawyers, their management wants the legal department to operate like all the other business units and be held accountable for a delay in delivering against expectations or for a surge in costs. The emphasis has shifted from “leave no stone unturned” to cost containment.

As a result, clients will often expect that their lawyers be able to manage matters in such a way as to deliver a satisfactory conclusion on time and budget. The client is entitled to expect to be warned of the implications of unforeseen events that cause delay or cost overruns well before the presentation of the final bill. This is not unreasonable. The rigours of project management will keep the matter on track.

But, wait... don't lawyers manage matters every day?

It's true that lawyers have considerable expertise in managing matters on an ad hoc basis. Lawyers use their experience and intuition to: plan the roadmap for the matter, set a budget, delegate responsibilities, and ensure that the file is completed in a manner that will broadly please the client.

But without project management, it can

be difficult for the lawyer to access real-time cost vs. budget information. There will often be a delay in the release of posted timesheets by lawyers because they don't realize the critical significance of real-time data. Unchecked, the lawyer enjoys only limited access to critical data on the progress of the transaction, with the real risk that incomplete data can skew her understanding of the progress on the file.

Should the lawyer rely on incomplete data to provide an estimation of what is required to complete the file, it will inevitably lead to a nasty surprise for the client on completion of the file, which is highly corrosive to a lawyer/client relationship. The other possible outcomes for the firm may be either loss of credibility with the client, or write-downs to align the final bill with expectations formed by the client, either of which is detrimental to law firm profitability. ...*continued on page 20*

Project Management... continued from page 19

UNBUNDLING

There are some signs that the “unbundling” of legal work may become a trend in the legal market, requiring the use of project management. In unbundled legal work, lawyers or practice groups from two or more different firms come together, forming the client’s “dream team” for a particular project. The dream team can involve working closely with any or all of: other law firms; in-house counsel; client departments; and other professionals, whether in-house or external. It goes without saying that to be part of such a project team requires a high degree of planning, scoping and monitoring. As a vital part of the client’s supply chain, lawyers cannot afford to become a weak link, if the legal component veers wildly off the rails.

WHAT GETS MEASURED GETS MANAGED

This attention to detail through project management will also reassure the client that the defined tasks are being completed at the correct level. Statistics show that clients are increasingly reluctant to pay for legal work that is conducted at a higher seniority or hierarchical level than is necessary, simply because the law firm is unable to maximize

the opportunities for leverage at the appropriate level. This form of delegation to the correct level of competence is known as “right-sizing”.

More and more law firms are being asked by clients to delegate tasks to locations where standard, routine, or commoditized work can be completed at less cost by foreign lawyers or paralegals. This form of “off-shoring” takes delegation to the next level in an ever-growing, globalized legal services market. Robust project management is required to manage remote delegation to various levels of professionals across multiple time zones.

IT’S THE DATA, STUPID

“The data Amazon collects on each customer is worth 10 times more than any commercial exchange” -Mitch Joel, President of Mirum

Project management is often conflated with alternative pricing strategies, mostly of the fixed fee variety. Law firms have therefore pushed back on implementation. Reliable pricing is just one of the outcomes of project management, however. Project management is all about tighter management, collecting and interpreting data to ensure that the matter proceeds smoothly and efficiently

without any nasty surprises for the client, whatever pricing strategy is deployed.

With the advantage of granular record-keeping through project management, firms should be able to mine data from completed files to give an accurate assessment of the required tasks, timelines, and the costs involved to scope new work effectively. Access to this dataset offers firms the opportunity to develop robust business development opportunities supported by sound statistical analysis, rather than intuition alone.

Project management may be branded by some firms as a competitive differentiator now, but in reality it’s the data being collected that will be the differentiator in the future. It’s not hard to foresee that soon all law firms will use some form of project management to ensure efficient and cost-effective service delivery. But unless firms start a program soon, they may find themselves outmaneuvered by the early adopters.



Euan Sinclair is the Director of Knowledge Management at Lawson Lundell LLP. He can be reached at esinclair@lawsonlundell.com.



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BCLMA WEBSITE NEWS

We've been rebuilding the BCLMA Website to better serve our membership. You'll find improvements to content management, information sharing tools, event booking capabilities, and format changes that will make your life easier.

Events Calendar

- You can register another member of your firm or a non-member "guest" with or without registering yourself.
- An email will be sent to you with all the details needed for accounting to issue a cheque requisition.
- If necessary, an event booking can be cancelled under your own profile.

Featured articles

- Our Featured Articles has a fresh approach: new content every month, with lots of relevant, current, and, useful articles. These will be selected with all subsections in mind, on a rotating basis as material is available.

Forums

- Discussions and document posting are available for each subsection. With a simple "click", your subsection can share useful and interesting information with the full membership.
- BCLMA encourages all members to participate and contribute to the Forums' discussions and document postings. Posting questions, replies and documents creates a library of knowledge that will benefit all members.

FAQs

Features updated tips, including how to:

- Register for an event
- Cancel an event booking
- Send out a Forum discussion with an attachment as a link
- Post a document under Forum
- Edit a Forum Discussion or Forum Document Post
- Post a career opportunity
- Change a career post to inactive, or to re-activate at a later date

And especially for Subsection Chairs:

- Post and manage an event
- Send out mass emails

For a website "How To" tutorial, send us an email at info@bclma.org and we'll give you a phone call!

Stay tuned, more new and helpful features will be coming to the BCLMA website. Many thanks for your suggestions!

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