



Connecting Women in the Law

CBABC WLF Spring 2014 Newsletter

Upcoming Event – Save the Date!

Annual General Meeting and Panel Discussion June 18, 2014, 5:30 pm

CBABC WLF will be holding its Annual General meeting at 6:00 pm on Wednesday, June 18, 2014 at the Law Courts Inn, 800 Smithe Street, 5th Floor of the Vancouver Law Courts, Vancouver, BC.

Cover Photo: CBABC WLF Senior Women Lawyers' Dinner

L-R: Wendy Lee, Nicole Byres, QC, Nancy McKinstry, Linda Wong, Catherine Sas, QC, Margaret Ostrowski, QC

Remarks of the Chair

by Nicole Byres, QC

I am encouraged by the awareness and number of conversations happening within the legal community about the relationship between the retention of women in law, and the need to create a more inclusive profession. There is a recognition that leadership within law firms is required in order to make changes to practices and assumptions which have inadvertently created barriers for women. While leadership within firms is required, we as women lawyers also have a personal responsibility to effect change wherever we can.



I loved Sheryl Sandberg's book, *Lean In*, because it encouraged women to embrace opportunities (i.e. lean in), and take active steps to change things that are within our power to change. Leadership training is designed to assist individuals to do just that, and the CBABC WLF is proud of the three "Lunching with Women Leaders" education series held this year in partnership with the Law Courts Inn. Lawyer-coaches Allison Wolf and Linda Robertson gave practical tips and advice tailored for women lawyers, based on themes inspired by *Lean In*.

This proactive approach is also supported by Deborah Epstein Henry, founder of Flex Time Lawyers LLC, a US consultant on the retention and promotion of women lawyers. In an interview published in the March 2014 edition of the



THE CANADIAN
BAR ASSOCIATION
British Columbia Branch

At the meeting, the following matters will be considered:

1. Welcome and Report of the Chair; Nicole Byres, QC;
2. Elections to Executive: Vice-Chair; Treasurer; Secretary and two Member-at-Large Positions;
3. Announcements of the Executive for 2014-2015 Term;
4. New Business; and
5. Closing Remarks.

Doors will open at 5:30 pm for a networking reception with a no-host bar. The AGM will begin promptly at 6:00 pm. Following the AGM, there will be a panel discussion led by Selina P. Koonar: "One Work Place, Several Generations."

Panel Participants:

- Tara Mahoney, Moderator
Gen Why Media
- Thelma O'Grady
Bull Housser & Tupper LLP
- Valerie Mann
Lawson Lundell LLP
- Catherine Sas, QC
Miller Thomson Lawyers
- Kareen Zimmer
Fasken Martineau
- Selina Koonar
Davis LLP

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CBA's *National*, Epstein Henry outlined her advice on the individual action steps women lawyers could take to create successful and happy careers. Her key advice or recommendations are as follows:

- Raise your hand for leadership opportunities.
- Develop strategic alliances with mentors and sponsors within and outside your firm or organisation.
- Be effective at networking.
- Make sure others know of your accomplishments (*i.e.* strategic and effective self promotion is important).
- Be really good at what you do – this buys you more credibility and support for getting what you want.
- Develop strategies and supports to enable you to navigate work life challenges.

It is easy to blame others (or law firm cultures, billing structures *etc.*) when we don't get what we want. Even though criticism may be deserved, I also believe that most law firms want to retain the best and brightest lawyers, at least half of which are women. That is why I support the messages from Sandberg, Epstein Henry, and others that encourage each of us to take a leadership role in our own careers. Having said that, leadership is a contact sport and most of us who have ventured into this arena have been bruised, if not knocked down, from time to time. During these times, we rely on family and friends for support. Thankfully, there are also groups such as the CBA's Women Lawyers Forum to provide support and encouragement on a professional level.

On a more personal note, this is my last column as Chair of the CBABC WLF. It has been an honour and privilege to have chaired this forum over the past two years. I would like to especially thank all of the members of our executive (past and present) and all committee members who have donated their precious time in order to fulfill the WLF's mission. Without their help and support, my term as Chair would not have been nearly as rewarding.



CBABC WLF Mentoring Orientation Luncheon

WLF Newsletter | Spring 2014 Edition

Editor

Carol M. Cash

Editorial Board

Carol Anne Finch-Noyes, Carol M. Cash, Deborah Taylor,
Nicole Byres, QC, Vanessa Gauthier

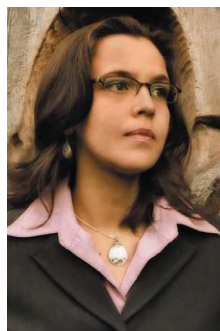




Justicia in BC – Update

by **Andrea Hilland**

When the Justicia Project launched in BC on November 20, 2012, each of the 17 national and large regional firms operating in BC signed on to identify and implement best practices in the retention and advancement of women lawyers in private practice. Throughout 2013, diversity officers (designates from participating law firms responsible for ensuring the implementation of Justicia) took the lead on drafting practical tool kits and model policies tracking gender demographics, improving parental leave policies, and enhancing flexible work arrangements.



The diversity officers met on April 23, 2014 to finalize those tool kits and model policies which will be presented to the Law Society of BC Equity and Diversity Advisory Committee for review prior to presentation to the Benchers for adoption as best practices for the legal profession in BC. Once approved, these documents will be publicly available on the Law Society's website.

Following the lead of the Law Society of Upper Canada's Justicia Project, the diversity officers would like to formally launch the model policies by conducting a panel presentation on the materials that have been developed. Tentatively, the event will be held in the early fall of 2014.

Justicia's good work has already been acknowledged through a nomination for a Provincial Nesika Award in recognition of excellence in cultural diversity. The nomination came from a member of the public, signaling that the work of Justicia diversity officers is making a difference, the public is taking notice, and momentum for positive change is growing.

The next phase of the Justicia in BC Project will involve the development of best practices for business development, leadership skills, and paths to partnership.

For more information on the Justicia Project in BC, please contact Andrea Hilland, Staff Lawyer, Law Society of British Columbia: ahilland@lsbc.org.



*CBABC WLF Senior Women Lawyers' Dinner
L-R: Nancy McKinstry, Nicole Byres, QC, Rita Andreone, QC,
Joan Gordon, Margaret Ostrowski, QC*



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Recent Appointments and Recognition of CBABC WOMEN LAWYERS

BC PROVINCIAL COURT

On December 12, 2013 the Attorney General and Minister of Justice announced that Lyndsay Smith had been appointed judge of the BC Provincial Court, effective January 6, 2014.

On May 23, 2014 the Attorney General and Minister of Justice announced that Carmen Rogers, QC had been appointed judge of the BC Provincial Court, effective May 28, 2014.

SIMON FRASER UNIVERSITY

On June 13, 2014 Anne Giardini, QC, lawyer, forestry executive and arts patron, will commence her term as SFU's 11th Chancellor. Recognized for her contributions to Canadian business, philanthropy, arts and culture, Ms. Giardini also received a Queen Elizabeth II Diamond Jubilee Medal and a Lexpert Zenith Award in 2013.



Anne Giardini, QC – SFU's 11th Chancellor

Leaning in for Creativity and Innovation: Fun, seriously!

by Allison Wolf
Shift Works Strategic

Gina, a corporate lawyer, gets her best ideas during the first days of a vacation. Tara, a commercial litigator, works out innovative case strategies while out for a run.

Creativity and innovation do not emerge while sitting at a desk actively thinking about something. They appear when we shift from our usual left brain dominant mode and free up our right brain for inspiration.

As a university student, I discovered my own secret for encouraging creativity. When preparing term papers, I would formulate a rough thesis and read multiple sources. Then, I would put down the books and get outside and play. I would meet a few friends for a game of pool and allow all that information I had collected to simmer in the back of my mind. The next day, I was ready to start writing. If I tried to skip the simmer-step, I had no creative ideas and my papers were flat.



CBABC WLF Lunching with Women Leaders

L-R: Sandra Kovacs, Nicole Byres, QC, Linda Robertson and Allison Wolf

Martha Beck, Life Coach to Oprah, has written about taking a kitchen sink approach to inspiring and innovative problem solving. Here's how it works. While holding your problem in your mind, read just a few paragraphs in a number of different and unrelated books. Then relax. Go for a quick walk. Flip through a magazine. Think of the problem periodically and then drop it again. This process encourages the right brain to churn out solutions. The more you use it, the better it works.

Bring inspiration into your office. Pick up some art or design magazines and keep them in your office to enjoy in brief breaks throughout the day. Explore the poetry section of your local bookstore and see if there is something there you like.





*CBABC WLF Lunching with
Women Leaders
L-R: The Honourable Kerry-Lynne
Findlay, QC, Minister of National
Revenue
and Nicole Byres, QC*

Daniel Pink's "Whole New Mind" is a guidebook for how to shift from left brain dominance into right brain mode. He talks about the power of laughter, drawing, and walking labyrinths for stimulating our right brain. With labyrinth walking – not to be confused with mazes, which fully engage the left brain in puzzle solving – the process of walking the spiraling labyrinth engages the logical left brain while freeing up the right brain for creative thinking. Personally, I find that a hike in the woods encourages creative thought.

My final tip comes from the Lean In lunch seminar Linda Robertson and I presented in

April: schedule time daily for fun. Make a list of what fun is for you. Splash fun throughout your week. For resilience, boosting productivity and encouraging creativity, fun is the answer. It's time we all got very serious about fun!

WLF Makes a Lasting Impact for Ovarian Cancer Canada

by Tracy Kolwich
Pacific Regional Manager BC/Yukon, Ovarian Cancer Canada

Over the year, the partnership between the CBABC Women Lawyers Forum and Ovarian Cancer Canada has grown from showing support for a fellow WLF member, to promoting increased awareness of this disease to hundreds of women, including other lawyers and their colleagues, friends and families. Between two events – the 2013 Walk of Hope and a fundraiser at the CBABC WLF's 2014 International Women's Day event – the CBABC WLF members raised \$38,841.11. In addition through our "Knowledge is Power" presentations at law offices around Vancouver, we delivered critical messages about the signs, symptoms and risks of ovarian cancer. A few members have also stepped forward as volunteers and they continue to participate in campaigns, events and programs. In just one year, the partnership between the CBABC WLF and Ovarian Cancer Canada has made a long and lasting impact.

To become involved as a donor, volunteer or host for a "Knowledge is Power" presentation in your office, contact Tracy Kolwich, Regional Manager – Pacific Region at tkolwich@ovariancanada.org or 604-676-3428.



continued...

ASSOCIATION OF WOMEN IN FINANCE - PEAK AWARDS

On May 8, 2014 the Association of Women in Finance named Miranda Lam, a partner with McCarthy Tétrault in Vancouver, as a Rising Star at its 17th annual PEAK awards gala. This award is given in recognition of outstanding contributions and excellence by women in the field of finance.

UBC LAW ALUMNI AWARD OF DISTINCTION

Anne M. Stewart, QC, was awarded the UBC Law Alumni Award of Distinction at the 2014 UBC Law Alumni Association Achievement Awards. The Award of Distinction recognizes the outstanding achievements recipients have made in their role in the practice of law, government service, the judiciary, business, legal academe, community service or other areas that have brought honour to the UBC Faculty of Law.

METRO VANCOUVER YWCA WOMEN OF DISTINCTION AWARD

On June 3, 2014 Lisa Vogt, a partner with McCarthy Tétrault LLP in Vancouver, received the Metro Vancouver YWCA Women of Distinction Award in Business & The Professions category.



Fall Update for the WLF-Vancouver Island

by Christine Murray

On February 27, 2014, the Women Lawyers Forum – Vancouver Island, hosted a Women Judges' Dinner at Zambri's Restaurant in Victoria. The guests of honour were Madam Justice Dorgan, Madame Justice Power and Judge Wishart. Each speaker provided attendees with a wealth of insights on advocacy, ethics, the road to the Bench and the position of women in the legal profession. Their pointers included the importance of counsel being clear from the outset on what they are seeking and their authority to do so, the utility of brief written outlines, avoiding providing too many cases or too much irrelevant evidence, being realistic about time estimates, and fostering civility among counsel, including when appearing before the court.

The event was very well attended and provided a great opportunity for women lawyers to get to know each other and the local judiciary better.

The Forum's next event will be held in Nanaimo, B.C.

If you have any questions or if you have an idea for an upcoming event, please feel free to contact me directly at christine@casselsmurray.com.

Did You Know?

If you are retired, working part-time or non-practicing you can now renew your CBA membership at 50% off our base membership rates.

Learn more:

cbabc.org/membership

Barriers to Women Lawyers from Other Jurisdictions

by Katharine Harrison and Maria O'Mahony

What challenges are faced by today's driven and focused immigrants, possessing law degrees and valuable international perspectives? Unexpected challenges. The usual challenges of juggling family life and earning whilst sitting exams are not exclusive to National Committee on Accreditation ("NCA") students, nor are the NCA exams themselves an unexpected challenge since they are essential to the practice of law in Canada. What is unexpected is the apparent preference of Canadian law firms for "home-grown" articling students. The provision of summer placements by Canadian law firms appears to be exclusive to Canadian articulated students while "lack of Canadian experience" is the oft quoted reason for rejecting NCA candidates for both summer placements and articling positions. A catch-22 situation: NCA students are required to complete their NCA exams before applying for articling positions, at which point they will more often than not have an undergraduate degree, a post-graduate LLB and international experience.

The solution? NCA students need to harness their focus and drive and network twice as hard as the average Canadian applicant; be creative about obtaining an articling position and realize they are highly unlikely to be proceeding down the same articling application route as a Canadian articulated student; accept every networking invitation, be it coffee or a potluck dinner; reach out to current practicing Canadian lawyers who are often more than happy to help; consider obtaining a position as a legal assistant or paralegal while completing the NCA exams; get involved with the CBA and find volunteering opportunities.

Canadian law firms are slowly realizing that NCA students are not just good students and lawyers; hiring an NCA student is good for business. Many small to medium sized firms have recognized the often overlooked benefits of hiring an innovative NCA candidate with a diverse range of experience that complements their foreign legal training. The rising numbers of NCA students completing PLTC in Vancouver (20% in 2013) is evidence they are proving their value and worth to British Columbia's legal community.

About the authors:

- Katharine Harrison is from the UK. She has a BSc. Hons, MSc. Public Health and has enjoyed a successful career as project co-ordinator of a health charity in the UK. She undertook her law degree in the U.K., has two toddlers and is currently articling with the Provincial Health Services Authority.
- Maria O'Mahony graduated with a double major in law and accounting from Ireland's University of Limerick. She is currently articling with a boutique immigration firm, Maynard Kischer Stojicevic, in Yaletown.



The Billable Hour – Is It Broken?

by Carol M. Cash

We all know the saying “if it isn’t broke, don’t fix it.” Is the legal profession’s primary means of charging clients, the billable hour, broken and in need of fixing? And if so, can it be fixed? Clients using legal services are becoming increasingly sophisticated, know that there is room to negotiate how their bill is calculated and are looking for increased certainty and transparency in the process. Where possible, lawyers have met their clients’ demands by offering alternative billing options. These alternate billing structures include fixed fees, blended fees, hourly fees scaled to the subject matter and expertise (not years at the Bar), ongoing retainers, “freemium” models, *etc.*

In many practice areas, alternative billing solutions, fixed fees, have been common for years (*e.g.* conveyancing, wills and estates, immigration, *etc.*) as these services are more routine and easily commoditized. Other slightly less routine legal services such as shareholders’ agreements, financings, M&As and unopposed foreclosures are becoming increasingly commoditized given the advent of websites such as LegalZoom. Where possible, lawyers have moved towards fixed fees, “freemium,” blended rate and other models for these services.

Can alternative billing solutions be used for non-routine files where complications can arise? In the case of a client specific litigation matter, lawyers are using blended rate structures where the client is initially provided a quote, or fixed fee. If complications arise, then any anticipated additional costs are discussed with the client up-front. To use a blended rate structure the lawyer must first have a very detailed discussion with the client regarding their interests and expectations to formulate a very detailed road map broken into each separate phase of the litigation. The start is slower but clients are better informed of the specifics of the planned course of action resulting in more trust in the client/lawyer relationship.

In complex matters, a road map is often impossible to formulate. Accordingly, it wouldn’t be fair to either the client or the lawyer to provide a quote so the billable hour remains the best option available.

There is no question that the billable hour model needs some tweaking but there is no perfect solution. A lack of transparency in the billing process can breed mistrust in the client/lawyer relationship. The bottom line is that lawyers need to communicate openly with their clients regarding how best to set fees to provide value added and cost-appropriate service.



*CBABC WLF Lunching with
Women Leaders*

L-R: Linda Robertson and Allison Wolf

CBA National Newsletter

The Common Room is available at cba.org/CBA/newsletters-sections/2014/06_wlf.aspx

The CBA National WLF is seeking articles for its newsletters. If you would like to contribute, please contact news@cba.org.

Get Connected!

Forum membership is open to CBA members only. For membership information call the BC Branch of the Canadian Bar Association at 604. 687.3404, toll free in BC at 1.888. 687.3404, or visit cbabc.org/Sections/Join-Sections for a Section enrolment form.

We hope you will make the Forum your meeting place of choice.

Write Us

Are you interested in writing an article for the CBABC WLF Newsletter or do you have any comments or feedback?

If so, please contact the CBABC WLF Marketing and Communications Committee Co-Chairs: Carol M. Cash or Vanessa Gauthier.

