

Attorney Training: From Vicious Cycle to Virtuous Cycle

Adam Breslin

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It is a paradox. Associates consistently say that training is a top priority, yet law firms often have to cancel training programs for lack of attendance.

What explains the dichotomy? Certainly time constraints and client obligations are factors. They cannot be the whole story, however. After all, if time spent in training were truly valuable, attorneys would regard it as an investment that involved short-term sacrifice for greater longer-term gain. Logically, they would be enthusiastic about making such an investment. The only explanation is that attorneys are excited about the idea of training, but their experiences have convinced them that most training does not yield enough future benefit to be worth the short-term sacrifice.

The sad truth is that they are correct. Most attorney training programs are stuck in a vicious cycle of failure. Attorneys' disillusionment means that law firms are often reluctant to devote resources to creating high-quality training. The result is poor reference materials, too many people crammed into classes, and presentations given by partners who have little time to prepare. Not surprisingly this leads to experiences that reinforce attorneys' lack of enthusiasm.

Factors in Ineffective Training

To escape the cycle we must first understand the factors that contribute to it. The

following flaws characterize the typical law firm training program:

1. Ineffective instruction.

In addition to skill and subject mastery, effective trainers need to prepare, to practice and to want to teach. This means that the partner who is the resident expert but who has little time to prepare is unlikely to lead effective legal training. It means that the accountant trying to generate business is unlikely to lead effective accounting training. Effective training needs to be led by effective instructors – people with both deep subject knowledge and teaching ability; people who have the time and the motivation to prepare for classes, and people who truly care about teaching.

2. Few opportunities for interaction and knowledge sharing.

Ask most people to reflect upon their graduate or undergraduate education and almost invariably they will respond that small group tutorials were far more valuable than large lectures.

The reason is that effective learning occurs through discussion, questioning and discourse, not through lecture. Large groups inhibit interaction and discussion. Thus, the typical training model of teaching classes that

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are as large as possible, while superficially efficient, dramatically devalues the educational experience for all participants. The problem is exacerbated by the fact that most instructors lack the expertise and training to encourage and lead effective classroom discussions.

3. No opportunities for ongoing learning.

Attorney training is usually an event – a course held at a certain time and place. When the course is over, so is the learning. Unfortunately, successful learning occurs over time and requires ongoing opportunities to use, refresh and test acquired skills and knowledge. When training occurs as a solitary event, participants rapidly forget most of what they are taught. Participants are also left without resources to sharpen and refresh their skills when they come face-to-face with circumstances where those skills could be utilized.

4. Lack of customization

Law firms differ. Practices groups differ. Individual attorneys differ. Each of these three groups has different learning needs. It is, therefore, no surprise that most training, which is very general in nature, is unsatisfying to the majority of lawyers. Why go to a four-hour training session or CLE class if only a small part of it is going to apply to your practice needs, your skill gaps or your client work?

A New Model for Training

So how can firms escape the cycle of failure? The answer involves creating a new model for attorney training that fixes these flaws. I am proud to say that my company, Pinpoint Training, has spent years understanding attorneys' training needs and has pioneered the development of just such a model.

The hallmark of our model is an innovative combination of live classes and Internet-based learning. Our experience has shown that neither mode of instructional delivery can, in isolation, lead to success. Even the best live courses taught by the best instructors are static, one-time events – they cannot create ongoing learning and individualized learning experiences. As a result, live courses alone cannot break the cycle of failure.

The Internet, however, can be used to facilitate ongoing learning and allow people to create their own learning experiences by independently exploring resources. But used in isolation, it too falls short. Even the most advanced technologies cannot replicate the learning that occurs through discourse and discussion between a skilled instructor and intelligent course participants. Furthermore, pure Internet learning does not facilitate a major secondary benefit of live instruction—the opportunity for lawyers within a firm to network and build firm culture. Thus, purely technology-based training is also unlikely to be successful for most firms.

Our model uses live courses to initiate the learning experience and then provides participants with access to a course web site where they can explore course topics in greater depth, refresh their knowledge, ask questions of instructors and other participants, and test their skills through exercises and cases. Highly skilled trainers lead the live courses, and class size is limited to 20 participants. The result is an instructional model that provides high quality instruction and discourse as well as ongoing and individualized learning.

The benefits do not end there, however. The combination of the two instructional modes not only leverages the strengths of each; it makes both more effective. The Internet allows us to make more efficient use of classroom time than has ever been possible. Rather than having to cover all subjects in class, we can refer participants to the web site to learn about topics of secondary importance or with niche appeal. Similarly, the web site leverages the base of knowledge participants acquire during the live class. It allows people to use what they know to access precisely the knowledge or item they are searching for

quickly and easily.

The combination of live instruction and the Internet also attacks the problem of overly general content. By making the live instruction component of courses extremely modular and adding further client-specific customization, we ensure that classes give law firms and practice groups the specific knowledge and skills that they need to better do their jobs. The Internet component allows further customization for the individual lawyer. After leaving the live class, lawyers can delve more deeply into content areas where they have skill gaps or refresh their knowledge months or even years after the live class when called upon to do so for a specific case or client.

We are aware that this model does not work in all instances and for all firms. Senior partners learning how to set firm strategy are likely to want discourse and ongoing learning to come from an onsite consultant rather than a website. Conversely, training on how to use

WordPerfect requires little discussion and can likely be delivered quite effectively without any live instruction.

We believe that for most law firms and most subjects, our model, combining a re-invented classroom experience with dynamic technology, is the first step in creating training that is worth attorneys' time. It is the first step towards fulfilling the promise of training and breaking the cycle of failure.

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[Editor's Note: See "Professional Developments" on page 8 below for more on Pinpoint Training's course offerings and delivery methods.]

Building or Buying a Tracking System: Where to Begin

Dottie Palazzo

[Editor's Note: We are delighted to welcome Dottie Palazzo back as a guest author. This article is the first in a series, to be continued in the coming issues, on how to build a management information system to track in-house training and lawyer CLE.]

One of the most important management tools is a good database. Unfortunately, for the lawyer training professional it is also one of the hardest things to purchase off the shelf or to build from scratch. At least I found that to be so.

The underlying process of determining what functions you need and what information you need to accommodate those functions is the same whether you build or buy. We built our own, a process which took more than a year. During that year I learned a lot about the process, mostly from our failures. My purpose in this article is to share some of that experience with you, hopefully to make your process easier and the end result more successful.

The Questions to Be Answered

Before you sit down with your developer or sales rep, you need to determine what you want your system to do.

Look at what your firm and department are currently doing:

- How many lawyers, offices and states are you covering?
- How many and what kinds of programs does your firm put on each year?
- What functions are you doing now and who does the work?
- What kinds of reports are you now producing?
- What staff do you have and what are their duties?

Review carefully all aspects of your current operation and document where you are now:

- What is most important to your lawyers and your firm, and is your current operation meeting those needs?
- What are your lawyers asking for that you cannot now provide?
- Where are the bottlenecks in your workflow?
- What tasks take the most time?

Identify your strengths and weaknesses. Discuss with your staff what they need. This will give you some idea of what is working and what is not.

Now look to the future: Is the current status likely to change? There is a good chance that change is what is motivating you to look for a new system. Quantify it:

- How many more programs and what kinds of programs do you expect in the next five years?
- What non-traditional delivery methods do you anticipate using for your training in the next five years?
- Is your firm growing or likely to merge with another firm? How many more lawyers do you expect?
- Is your firm opening its training to clients and, if so, what additional work will this create for you and your staff?
- Can you out-source troublesome or time consuming tasks?

The more understanding you have of what you need your system to do in the future, the better prepared you will be to move forward.

Once you know where you are now and what changes you expect, the next question is: What do you want your system to do? That can vary from a simple internal record keeping system for your department only to one that is accessible by lawyers, either merely to view their credit status or, in some cases, even to update themselves.

This is dream time. Talk to your colleagues and find out what other firms are doing. Brainstorm with your staff. Do you want a program calendar with online registration? Do you want a tickler system that will send out reminders on CLE compliance dates? Is there an advantage to having your system interconnected with other systems in your firm? Do you want customized sign-in sheets with attendees' names, states and id. numbers already typed in? Since we developed our own system, the IS developer assigned to work with us was very helpful in suggesting things the software could do, which really enhanced our dreaming. Take advantage of other resources that may be available to you in this process.

For me, one of the key considerations was the activity or status report we provide to our lawyers. I wanted one that gave them a lot of information, not just a list of programs and credit hours. After years of getting phone calls asking the same questions over and over, I wanted to give them enough information in the status report so that the phone would stop ringing. Accommodating that kind of status report was really a driving force in determining what information and functions we included in our system. You too may find one particular function or need that will set your direction.

Build or Buy?

The answers to the following questions have a bearing on whether to build or buy:

- What is your timetable?
- What resources are available for this project? Is there manpower available to build and administer the system? What data is available and is it readily accessible?

But probably the two biggest questions are:

- Can an off-the-shelf program satisfy your needs? and,
- Will your firm support the time and money commitment involved in building your own?

Working with Technology Experts

A couple of months ago someone asked me if I had some suggestions for working with technology people or things I wish I had known at the outset. Here is my answer to that question:

1. Get an overview of the software being used before you start.
2. Establish terms and define them at the outset.
3. Set up a realistic time schedule but plan for it to be longer.
4. Diagram the information flow within your system and the interaction with other systems, if applicable.
5. Include people doing the work in the design team.
6. Have regularly scheduled and organized meetings with your design team.
7. Meet with people responsible for any systems your system is drawing on, especially if they are redesigning their systems too.
8. Don't assume you understand what the technology people are saying.
9. Ask lots of questions about how it is going to work.
10. Don't settle for what is easiest or fastest for the designer.
11. No amount of testing is enough, but the tech people should do the first round.
12. Have quarterly meetings to assess progress.
13. Ask lots of questions.
14. And remember, even the most carefully thought out decisions may not work in practical application and may need reconsideration and enhancement.

I hope this is helpful. I plan to follow this article with a series dealing with specific functions and the information

needed to support those functions. The next issue will cover Maintaining People Information, followed by an article on the activity report mentioned above. Subsequent articles will cover program information, state requirements, and entry of credits and attendance.

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Editor's Note: For those who may prefer buying to building, we understand that the following vendors offer general-purpose course/credit tracking systems. We have no financial interest in, and indeed no familiarity with, these products and cannot vouch for them:

Education Tracker, Acampo, CA, (209) 369-6900

Edu-Keep, Bedford, IN, (800) 338-5337

Phoenix Solutions, Continuing Education Series, Everett, WA, (425) 861-1981

Registrar by Silton Bookman, Cupertino, CA, (408) 446-1170



The Learning Lab: Tips & Tools for Creative Lawyer Training

(Editor's Note: This column highlights best practices and new approaches to common challenges of in-house training managers. We invite your comments and your suggestions for future articles. You can reach us at (703) 719-7030 or marag@profdev.com.)

How to Moderate a Panel

Substantive presentations by panels of the firm's own lawyers are the backbone of many an in-house training program. The quality of those panels, however, and the quality of individual presentations on the same panel, can vary widely.

For best results, panel participants must do more than just show up at the appointed time. Each must have prepared a talk that is clear, interesting, and informative to the audience and that respects time limits so that other panelists have a fair chance to present their own part of the discussion and the audience has a fair chance to interact with the panel.

Here are some guidelines for panel moderators to ensure their panels' effectiveness:

1. Consult with your expected audience on what the discussion should cover. This can be done by talking with a representative sample of the people you expect to attend, and/or by circulating a brief written questionnaire. Ask for speaker suggestions, too. In addition to making sure the discussion is on target, this step will arouse interest and help boost attendance.

2. Choose panelists you know will be effective. Make sure they know their subject, can present it interestingly, and can be counted on to prepare and to show up. Select panelists who represent a range of opinions, personalities, and backgrounds, so that everyone in the audience will have a person and a point of view they can relate to. Put one or more VIP's on the panel; the audience will be impressed and appreciative they would take time to speak on the topic, and that, too, will boost attendance.

3. Prep your panelists thoroughly. Assign topics and tell each panelist what the audience does and does not want to hear about the topic. Get outlines, even cursory ones, at least a few days ahead. Review the outlines for gaps and overlaps and suggest appropriate changes; provide the final outlines to all panelists. Communicate the time limit; if a panelist is not an experienced speaker or is known to be long-winded, suggest he or she clock a trial run several days ahead to give time to make changes. Advise panelists you will give them a 2-minute, 1-minute, and "Time's up" warning and move on to the next panelist; then do it.

4. Maximize learning by providing a written handout to help the audience follow the discussion as it occurs and

remember it later. Include the panelists' outlines in the order of their presentations, with a lot of white space for note-taking. Include a reading list and/or authorized reproductions of recommended readings. Include panelist biographies to shorten the time needed for introductions (and, in some states, to meet CLE requirements). Circulate the handout in advance and identify the most useful readings to do ahead of time; a few people will actually read them. Have extra copies at the program for last-minute attendees and those who forget to bring theirs. Offer copies on request to anyone unable to attend.

5. Help the panelists put their best foot forward with the audience:

A. Take care of audiovisual and other needs.

Encourage use of visuals on a flip chart, overhead projector, etc. Make sure all needed supplies and equipment are in place and in working order and panelists know how to use them. Agree with panelists beforehand whether they will take questions during their presentations; doing so is usually beneficial, as it promotes informality and makes sure the audience is following the discussion. (If the audience is likely to be very large or somewhat reticent to speak up, such as in an orientation program for new lawyers by very senior ones, plant a few questions ahead of time to get the ball rolling.) Provide plenty of ice water, especially for longer presentations.

B. Make sure panelists can be seen and heard. If the program is in the typical law firm conference room with a single long, narrow table, center the panelists along one side of the table rather than at one end. This puts the panel closer to the audience and creates a more relaxed atmosphere. Place overflow seating behind the side of the table that faces the panel. For maximum panel interaction, seat panelists facing each other across the table.

(Caution: Take care than panelists do not interact so vigorously that the audience feels excluded.) For maximum informality and audience interaction, intersperse panelists among the audience around the table. If the program is at mealtime, serve speakers early; allow them time to finish eating and the audience time to be served and seated before starting the program.

C. Introduce the panel positively and briefly.

Identify the subject matter and thank the panelists. In two or three sentences for each panelist, tell the audience what aspect of the subject matter he or she will discuss, why it matters, and why he or she is qualified to speak about it. (Leave the biographical detail for the handout, and refer people to it if appropriate.)

D. Provide a positive transition from each panelist to the next. Keep track of time and, if necessary, call time pleasantly but firmly. Thank the previous panelist, in one sentence draw a connection between his or her topic and the next topic, and restate the name and topic of the next panelist.

E. Manage the question-and-answer period. Repeat each question to make sure everyone in the audience heard it and to give panelists more time to formulate an answer. If the topic is sensitive or the audience very large, have questions submitted on cards. Shut off long-winded questions or harangues by asking politely what the question is.

6. End on time and on a positive note. Reinforce the most important points that came out of the discussion. Praise each panelist's contribution and thank the audience for attending.

— Gaye Mara

Fall Semester Law School Courses

If you're not in a hurry for the information, there's no better way than a law school course to get up to speed in a new area of law. Seven area law schools permit practicing attorneys to take courses as non-degree students, on a space-available basis after all degree students have been accommodated. Only George Mason and UDC, for lack of space, do not accept non-degree students.

If you want CLE credit for a law school course, check with

the bar you want the credit from. Many states will award credits equal to the number of course credit hours, but rules and procedures vary by state. You'll probably have to apply for the credit yourself, since the law schools are not generally set up to do it for you.

The following chart gives additional information provided by the schools.