PROFESSIONAL DEVELOPMENT QUARTERLY

Journal of Professional Development and Continuing Legal Education

May 2002
National Edition

Converting Learning into Practice: Nuts and Bolts of Effective Associate Training

Heather V. Edes

How do new associates develop into well-rounded, highly-successful professionals? In the past, young lawyers were "brought along" by senior associates and partners. Recently, however, the frenzied pace of a technology-driven 24/7 workweek combined with a host of competitive pressures has severely limited traditional mentoring. Savvy law firms and their professional development staffs are investing increasingly significant resources in continuing legal education for associates, and formal, structured training programs are succeeding traditional mentoring as the locus of associate development. How quickly an associate can "ramp up" is a significant factor in associate retention, client satisfaction, and overall law firm profitability.

With so much at stake, associates must be able to efficiently and effectively convert what they learn in training to actual practice. The barriers to doing so, however, are many. We know that lecture is perhaps the most inefficient technique for adult learning, yet lecture-style classes abound in formal training programs. Many training classes are grouped together during a specific time period, with little thought as to when associates might have occasion to apply their education to practice. In addition, the moment associates leave the training room, numerous pressing issues compete for their attention, robbing them of the crucial ability to reflect upon what they have just learned. Without reinforcement, most associates have forgotten the majority of the training material within 24 hours.

Faced with these challenges, how can you be sure that your firm's training investment is fully realized, or even effective? This article outlines some simple approaches and tips to promote learning that are easily incorporated into the structure ("how to teach"), substance and timing ("what to teach when"), and follow-up of a formal training program.

Structure

Mix it up. Utilize a variety of teaching techniques. Any group of associates will present a mix of learning preferences. Associates will best master and retain information conveyed to them in the style that most engages them. To reach as many associates as possible, an effective training curriculum should make use of a multitude of teaching techniques, offering role-plays, interactive exercises, demonstrations, lectures and discussions. Long sessions can, and should, incorporate a variety of techniques. Even dry material can be taught in a lively and interactive manner --- the learning (and the excitement) generated will be worth the investment of a little preparation and creativity.

Make them practice. Incorporate homework assignments into your classes. Limited but meaningful homework assignments can be an invaluable learning tool. Struggling with an exercise will help associates comprehend the nature of the issues involved and apply what they have

Professional Development Quarterly

Professional Development Quarterly is published four times a year by Professional Development Services, Alexandria, VA. Send subscriptions, address changes, and correspondence to: PDQ Editor, Professional Development Services, P.O. Box 150306, Alexandria, VA 22315, (703) 719-7030, Fax (703) 719-7828, E-mail maraeg@profdev.com.

learned to solving those issues. Ask associates to prepare a letter to a client on a sensitive topic, draft board resolutions approving a transaction or construct a response to a set of interrogatories. Provide detailed, written feedback, and ask the associate to redo the assignment based on the feedback. This exercise will ensure that associates master the skills to approach a real-life assignment with confidence, competence, and efficiency.

Ditch the detail. Resist the temptation to delve into torturous detail. In the practice of law, details are of the utmost importance. Nevertheless, even the most engaged of audiences will quickly forget most of the detailed information that they hear or see. Focus instead on providing a clear, well-organized outline of the topic at hand, highlighting themes and common issues. Save the details for handouts, such as focused memos, annotated forms or examples, that associates can refer to as necessary when actually approaching a related assignment.

Stay focused. Break up your topic into easily digestible subtopics or sections when designing and scheduling training sessions. In many cases, associates will retain more information from four intensely focused half-hour sessions than from a 2-hour lecture. Additionally, the condensed focus will enhance the audience's concentration on the topic at hand and reduce distractions caused by shifting attention to related, but independent, concepts. If you must schedule a training session for more than an hour, be sure to include frequent short breaks.

Hammer home the high points. Present the most important information at the beginning and end of the session. Associates are most likely to retain the information provided at these points. Spend a minute or two up front outlining the presentation, or listing three crucial "take-away" points. That is, tell them what you are going to tell them. Tell them. Tell them what you told them. This simple technique will help keep the audience engaged, listening for the next important point.

Tell war stories. Tell war stories to emphasize important points. Nothing entrenches a point more firmly than hearing how someone else's success or mistake might just as easily have been their own. Real-life examples break up the inherently dry nature of a lecture, and have a place in any training scenario.

Go technological. Learn how to design effective computerized presentations, and use them. If computers aren't for you, use a whiteboard or overhead projector. Having something, almost anything, to look at other than a speaker will relieve the physical monotony of staring at a single presenter or a panel of experts. Charts, graphs, and other illustrations will provide a visual stimulus to supplement the spoken content, aiding understanding and assimilation.

Seed the audience. If your associates are reluctant to break into a presentation with questions, as part of your preparation ask a few attendees to pose provocative questions to the workshop leader. A few thoughtful questions will encourage discussion and engage the audience at a deeper level.

Schedule carefully. Remember that the timing of your class can make or break educational value. Will training over a meal attract participants, or distract them? Find blocks of time that will be free of competition for your associates' attention, and avoid scheduling classes directly after lunch, when blood sugar may be low, or before long weekends. Plan a time that is easy for your associates to attend and be aware of potentially conflicting events, such as month-end closings for transactional associates.

Substance and Timing

Tie training to practice. When designing your curriculum, focus on topics or skills that will be immediately relevant to associates, and offer classes at a time when the associates can put their newly formed skills or knowledge to direct use. For example, offer classes on such basic topics as drafting business correspondence early in a new associate's tenure, but reserve training in public company annual disclosure requirements and procedures for early January, which is just before most public company's proxy seasons get underway. The associates will be naturally engaged in the topic and will be able to immediately apply the knowledge that they have learned in the classroom to real-life situations.

Cluster. When significant numbers of associates are engaged in similar assignments or are tackling current issues for different clients, periodically gather them together to brainstorm approaches to common issues and compare notes on the process. This provides an opportunity for reflection and learning and, as an added bonus, facilitates the sharing of institutional knowledge.

Seize reinforcement opportunities. Take advantage of firm events when planning training sessions. If your firm encourages associates to hone their business development skills, offer a networking workshop shortly in advance of a firm-wide social event, such as a cocktail party. Associates will be eager to practice their newly-acquired skills (where to put the nametag, how to enter and exit a conversation gracefully) in a safe environment. The relaxed nature of this social event will engender good-natured joking and, most likely, discussions of the workshop.

Develop themes. Organize your training curriculum around themes, rather than topics. Separate sessions on different, but connected, topics will draw upon related principles, encouraging reflection and causing participants to examine issues from a variety of perspectives. Associates learning about public offerings of securities might, over a period of a few weeks, hear an overview of applicable law and procedure, draft portions of a registration statement, tour a financial printer, and attend an annual meeting or a client/stockholder panel.

Use your audience. Ask associates to suggest topics and approaches to workshops. Not only will you end up with sessions that best suit their needs, but by involving associates early in the planning stages you will increase their engagement and draw them further into the learning process. Your associates will begin the workshops focused and prepared, and will be better able to retain what they learn.

Follow-up

Partner with work brokers. Partner with work brokers, be they mentors, department administrators or practice heads. This is a crucial step. A well-designed formal training program will ensure that the appropriate associates are trained in the relevant topics and skills. It is the responsibility of work brokers to help you follow through with the associates. Work brokers must keep associates' developmental needs in mind at all times to ensure that the firm ultimately delivers the best client service possible. Make sure each work broker knows which associates have attended what training sessions, and assigns associates to tasks in accordance with their training.

Use evaluations. Use training evaluations to promote learning. This familiar feedback tool offers an efficient, simple opportunity for participant reflection. In addition to querying associates on their comfort with the pace and level of the sessions, insert a question requiring associates to list one or two skills or items of information that they have learned and that they plan to incorporate into their practice. For skills classes, ask associates to identify how a learned behavior, when applied to a recent activity, might have changed or affected the outcome or character of that activity.

Distribute short handouts. Provide easy follow-up by distributing copies of brief, relevant articles, succinct "tips of the day," related cartoons, or bits of humor that are easily absorbed, even welcomed, in the midst of busy schedules. Keeping it short and simple is the key.

Conclusion

The structure and substance of a firm's formal training program significantly impact the degree to which a participating associate retains the information and, more importantly, transfers that knowledge to practice. Workshop leaders, particularly practicing attorneys, tend to focus mostly on the substance of the information to be taught. An investment of time and a little creativity in structuring a workshop can have a significant impact on the amount of learning generated. An associate participating in a lively, interactive 45-minute workshop is certainly more engaged, and will retain significantly more information, than an associate nodding through a 90-minute lecture. Structuring training sessions and follow-up to promote learning and reinforcement can require incorporating new approaches and additional preparation, but the payoff, measured in associate development, associate retention, client satisfaction, and overall firm profitability, will be more than worth the investment.

Heather V. Edes *is the Associate Coordinator at Sullivan & Worcester LLP, a full-service law firm with more than 170 attorneys representing clients from offices in Boston, New York and Washington, DC. Prior to joining S&W, Heather practiced law in the business law departments of two large Boston law firms. She can be reached at (617) 338-2801 or hedes@sandw.com.*

Training Attorneys to Conduct Effective Evaluations

Susan G. Manch

Although management skills training courses have finally become popular among the nation's largest law firms, training for those charged with the responsibility for performance appraisal is still new to many professional development planners. Just as supervisors can enhance their managerial skills with training, so can evaluators become more effective and efficient when they are given training designed to target the core skills used in conducting performance reviews.

The most recent economic downturn has spurred new interest in evaluation skills training. As firms finding themselves in the position of needing to shed excess staff turn to their evaluation systems to access the critical performance-based information necessary for these decisions, some are disappointed with the quality of information generated by the process. When firms need to use their appraisal systems to aggressively identify poor performance at the earliest stages in an associate's career, targeted training for evaluators becomes more important than ever.

The review process can also be a very important tool for attorney development. A process characterized by vague comments, forms left mostly blank, rampant grade inflation, anonymous comments, and associate reports of evaluation interviews that communicate little developmental information—though typical concerns—will not ultimately support the firm's attorney management objectives. A lack of training for those who assess performance can create a critical gap in their performance management skill set.

Having the dual goals of making the attorney review process more effective and more efficient, firms can design training vehicles that will provide practical strategies and techniques. Evaluators need a road map that will guide them through each phase of the evaluation process—as they gather feedback, assess performance vs. expectations, apply rankings, identify developmental challenges and evolving expectations, and communicate effectively with the individual being reviewed. Training that focuses on providing clear guidance and direction on the firm's approach to evaluating performance will give them the confidence they need to conduct effective performance reviews. Step-by-step process guidance will allow them to make more efficient use of both time and resources.

"But We Have a Fabulous Evaluation System!"

Many firms believe that creating a state-of-the-art evaluation system automatically results in fine performance evaluations. In my experience, a poorly designed system used effectively yields better information for attorney development than an apparently ideal system that is given half-hearted attention by the reviewers. Any performance evaluation tool can be made more effective if its users understand how to use it appropriately. The challenge for the professional development planner is to develop a training model that provides lots of information on the firm's formal evaluation policy and form, yet also gives participants practical strategies for its effective application. The underlying issue, as always, is to present this material in a way that maximizes both interest *and* learning.

Identifying the Areas for Training

When determining the focus for your training program, the place to begin is with the appraisal system itself. The first step is to become familiar with the firm's formal evaluation policy, the specific performance criteria measured by the process, the rating scale used to actuate that measurement, the process by which that information is transmitted to the individual being evaluated, and the ways in which the information generated is used by the firm. This information should allow you to make an honest assessment of the current strengths and weakness of the attorney evaluation process and of the reviewers themselves. The following are some of the questions you might ask:

- *Does every attorney get evaluated in a timely fashion?*
- *Are we hard or easy "graders?"*
- *Is each attorney measured on the same criteria and is the rating scale applied fairly throughout the firm?*
- *Do evaluators use the form or do most merely scribble brief comments at the end?*
- *What is the substance of a typical positive evaluation interview? A negative interview?*
- *What do attorneys have to say about their evaluations?*
- *What do the evaluators have to say about the process?*

The answers to these questions should help guide you as you design the training curriculum. Looking at the intended audience will help to define the specific skill sets you will want to address. Conducting effective evaluations requires the use of most of the core supervisory skill set including organization, time management, giving meaningful feedback, listening, applying sound judgment, and providing developmental guidance. It also requires a sound approach to information gathering, analysis, and assessment.

Each individual who participates in the evaluation process may need different types of skill training. *Supervisory partners* will need to get information on the standards of performance, expectations for attorney performance, and a practical interpretation of the rating scale. *Associate and counsel supervisors* will need all that and may also want to know how they can be most effective and fair while appraising peers and support staff. *Evaluation committee members* will want guidance on the best means to bring consistency to the process and effective strategies for writing performance summaries. *Those charged with conducting the evaluation interviews* will want a practical discussion framework they can use for each interview that will be effective, consistent, and efficient. *Those who administer the evaluation process* will want guidance on the best uses of information generated in the performance appraisal process.

Core Evaluation Training Issues

Having assessed the needs of your evaluators, you can identify the core evaluation training issues for your firm. Unless your firm is very unusual, you will probably uncover some or all of the following concerns:

- Variable quality of the feedback generated
- Process and information collected is not timely
- Ratings are applied differently by every evaluator
- Too much attorney and administrative time is spent on the process
- The evaluation interviews are not informative or developmental
- The appraisal process does not have a long-term impact on performance enhancement

Like any other performance management function, conducting effective evaluations requires a core set of specific skills and knowledge. Reviewers need to have effective strategies for gathering information, assessing performance, applying ratings, and communicating developmental information. In addition to enhancing basic skills, training seminars offer the perfect vehicle for communicating the way in which the firm hopes evaluators will approach the process.

Many attorneys fail to grasp the importance of regular and meaningful evaluation, and few see its integral connection to long-term development. They may have filled out forms for years, resenting the time spent, but never seeing the productive applications of the performance appraisal process. Most will welcome information and practical strategies. While not a panacea for all evaluation ills, training raises awareness and focuses attention on this very important attorney management function.

How, What, When, and Where?

First, the training should be available to *(and dare I say required for?)* any attorney who is expected to evaluate the performance of others. At the very least, it should be made available to new supervisors, lateral hires, and evaluation committee members each year. It should be offered in every office, if possible, to ensure consistency in the associate experience. The program should include lots of information on the firm's process and forms and provide concrete examples of what the expectations are for review comments and summaries. The addition of case studies drawn from real life scenarios to the training model allows attorneys to work through common issues they will face in the evaluation process and develop strategies as a group. Additionally, group interaction allows more senior attorneys to pass on accumulated knowledge on effective evaluation practices to their more junior compatriots. Representation from the evaluation and/or management committees provides participants with access to the firm's policy interpretations on thorny issues.

Training for your evaluators is best done just before the annual or semi-annual process begins. Supervisors who know they are going to be required to evaluate ten, twenty, or more people in the next month will be more willing to take the time to attend a training seminar and will have clear motivation to focus on the content. As all trainers know, one and one-half hours over lunch is about the only time attorneys will set aside for training. Maybe breakfast this year—who knows? But seriously, in-office training is best, followed by video conference, video-taped programs, and last, teleconference. Many states will offer CLE credit for evaluation skills training under the category of Practice Management.

Summary

Although most attorneys embrace training as an important component of their professional responsibility, the reality of busy schedules and client demands pull in the opposite direction. Presenting attorneys with a program filled with practical ideas and useful information geared toward making the review process more efficient and effective will increase your audience size. Performance appraisal is a management function many supervisory attorneys struggle with, and they will welcome skills training that will help them to carry out this responsibility more effectively.

***Susan G. Manch** is a Principal in the legal management consulting firm of Shannon & Manch in Washington, DC. She can be reached for comments at manch@shannonandmanch.com or at (202) 293-8900.*

MCLE Summit: The Work Continues

Stuart M. Lazarus
Deputy Director, ABA-CLE

New education delivery techniques in the age of technology, particularly technology-based distance learning CLE formats, were the central focus of an MCLE Summit convened by the ABA Standing Committee on Continuing Education of the Bar. The key issue the Standing Committee wanted addressed was the state of accreditation of the technology-based distance learning CLE formats in the 40 MCLE jurisdictions.

Participants in the Summit included: ALI-ABA, the Practising Law Institute (PLI), the Association for Continuing Legal Education (ACLEA), and the Professional Development Consortium (PDC), in addition to members of the ABA Standing Committee on Continuing Education of the Bar, staff representatives of the ABA Center for CLE, the ABA Commission on Mental and Physical Disability Law, and the ABA Justice Center.

The Summit produced a "White Paper" that is available on the ABA Web site at http://www.abanet.org/cle/mcle/mclesummit.pdf. The White Paper was the basis for a proposed MCLE Resolution by the Standing Committee on Continuing Education of the Bar, which was adopted by the ABA House of Delegates on February 4, 2002 at the ABA Midyear Meeting in Philadelphia, Pennsylvania. The Resolution urges MCLE jurisdictions to grant widespread and full accreditation for the technology-based distance learning CLE formats that lawyers now use and find highly accessible and valuable.

Co-sponsorship of this important MCLE Resolution included: the ABA Sections of Business Law; Labor and Employment Law; Real Property, Probate and Trust Law; Taxation; Law Practice Management; State and Local Government Law; Health Law; the Commission on Racial and Ethnic Diversity in the Profession; the Standing Committee on Technology and Information Systems (SCOTIS); Judicial Division; Senior Lawyers Division; Young Lawyers Division; and Government and Public Sector Lawyers Division.

The MCLE Resolution enables the ABA to serve as a guiding force for states that are or will be developing standards for MCLE, specifically as to the accreditation of technology-based CLE formats. Further, it would allow existing Association policy in this area—the ABA Model Rule on MCLE—to continue to serve as a timely, current guiding force in the states' development of standards for MCLE. Also, the Resolution will help further recognize the central role of technology in today's legal practice and professional development.

PDQ Classics:

New Lawyer Orientation: Chunk It, Space It, Make It Real

[**Editor's Note:** *We first published this article in June 1997. It was subsequently reprinted in The CLE Journal and the NALP Bulletin. The survey to which it refers was conducted for the Washington-Area Professional Development Administrators.*]

The 1995 Professional Development Survey indicated that in most Washington-area law offices, new lawyers spend about 40 hours on average, and at some firms as much as 120 hours, in formal orientation and training activities during their first year. Here are some suggestions for making the most of that time.

Needs Assessment

If you are just beginning to develop an organized program and aren't sure what new lawyers' learning needs are, there are three groups of experts you should consult to identify what the program should cover:

- *Second and third-year lawyers*, who know what they as first-year lawyers needed to learn to do their work,

- *Supervisors of first-year lawyers*, who see the end products of the work, and

- *Subordinates of and service providers to first-year lawyers,* who see the work process that goes into the end products.

Each group has an "up close and personal" view of new lawyers' knowledge and skill gaps from a slightly different perspective. All three perspectives are needed to get the complete picture.

General Principles

There are three guiding principles for an effective new lawyer orientation program:

1. **Chunk It.** Once you've identified what your new lawyers need to know, break it up into short, digestible modules of no more than 1-1/2 hours each. Sequence those modules so that the most pressing items come first -- that is, the things they must know and do immediately in order just to function, like operating their telephones and computers and filling out their time reports. Another benefit of the modular approach is that anyone who doesn't need the complete package can take only those modules he or she does need.

2. **Space It.** Some otherwise excellent orientation programs suffer from "front-end loading"; that is, the entire program is given upon arrival, in the new lawyers' first days or weeks with the organization. This type of schedule recognizes the practical reality that it's hard to get people back to training sessions once they've taken on real-world tasks and deadlines. What it doesn't recognize is good learning principles -- that is, how our brains actually work. There are two major problems with front-end loading:

- *Information Overload.* Our short-term memory can hold only a limited amount of information at any given time for processing into long-term memory, and can process it only at a limited rate of speed. Making a "brain dump" on a new employee is like trying to fill a glass with a fire hose. Most of the water will go over the sides and down the drain.

- *No Frame of Reference.* New information gets anchored into long-term memory by tying it to previous information that's already there. If there's nothing to tie it to, it will just float away. For example, legal writing consultants tell us they much prefer to put on in-house programs for new law firm associates after the associates have been at the firm for several months. By then the associates have first-hand awareness of some of the issues and problems involved in writing to or for a client instead of a law professor or a judge. Putting the program on sooner means that the associates have trouble relating what the instructor is telling them to anything in their own experience, and as a result they can't assimilate much of the content of the program.

So after you chunk the training and put the most pressing topics first in the sequence, space it out over a period of weeks or months so new lawyers can tie the learning to previously-acquired knowledge and experience and have the time to absorb it.

3. **Make It Real**. New lawyers are not students any more, surveying a broad area of knowledge for whatever use it may be to them at some future time and place. They are trying to accomplish specific tasks, in a specific organizational environment, right now. So organize just the learning they need in just the way they will need to use it, around the task to be done. This helps the learning to "stick" by providing a frame of reference to hang it on. It

increases the motivation to learn by showing why the learning matters. And it saves time.

So, for example, an orientation to your service departments might be organized around the steps of creating and filing a legal document, from how to use library, legal assistants, and other resources in developing legal and factual information, to how to use reproduction, mail, and messenger services to get the finished document to its intended recipients. Along with the presentation, a step-by-step manual should be developed for the participants to use as a future reference.

A Model Program

Here's a general model for a new lawyer orientation and training program that follows the above three principles for effective training -- Chunk It, Space It, Make It Real:

1. **In Advance**. Forward to incoming lawyers necessary informational materials about the job and the organization so they can start absorbing the basic knowledge they will need. Also collect the information you need from them, including the forms you want them to fill out. Getting administrative requirements out of the way ahead of time minimizes the distractions to learning during their first days at work, and makes life easier for your administrators in setting up for their arrival.

2. **On Arrival.** Limit initial orientation activities to the most basic essentials: things like how to use the phones and computers, how to do a time report, who is who, what is where. Make the functional learning task-based -- walk them through a real or hypothetical task as much as possible like what they will be doing on the job. Build in plenty of break time. Once they've mastered those critical functional basics, after two days at most, let them get to work.

3. **In the First Months.** Organize a series of short, modular education and training sessions, such as weekly breakfast or luncheon seminars, on the topics you've identified as relevant to what first-year lawyers in your organization need to know and do. As noted above, sequence the modules to put the most pressing topics first. Explain to lateral hires and to former summer interns and law clerks what each module covers, and give them the option to bypass those they don't need. Publicize the schedule and topics to all supervisors, pointing out the benefits they stand to gain from their subordinates' improved capabilities and requesting their cooperation in making sure the new lawyers attend the sessions.

Checking your program against the guidelines above will assure your new lawyers of a solid start on the road to success.

☯ 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 maraeg@profdev.com.)*

Upward Evaluation: The 5 Keys to Success

Numerous studies have shown that the single most important factor in professional development, morale, and retention is the quality of supervision and management professionals receive. And David Maister did a fascinating study last year that directly linked the way professionals are treated, trained, and managed to the profitability of their firms (*Practice What You Preach*. New York: The Free Press, 2001). The studies boil down to what we call the 40/40 Rule: Ignore the quality of supervision and training, and NALP has shown you'll lose 40% or more of your new hires in the first three years; pay close attention to it, and Maister has shown you'll be 40% more profitable than the average firm.

Studies have also shown that an effective upward evaluation program – one that provides high-quality feedback to supervisors combined with strong support for skill development – can significantly improve the quality of supervision. As shown in the upward evaluation survey reported in our last issue, a few law firms indeed have that kind of upward evaluation program. Many more have programs in place that are less effective than they could be. And a few firms have had such bad experiences with upward evaluation that they have abandoned it altogether.

From the experiences, both good and bad, of these and other firms, we have distilled the following five keys to success for an upward evaluation program:

KEY No. 1: Involve all stakeholders when you design the program. Make sure you get thorough input from everyone you want to participate in and support the program, and incorporate that input in the program design:

- the **evaluators** (presumably associates and perhaps other subordinates as well),
- the **supervisors** to be evaluated (presumably partners and perhaps senior associates as well),
- **top firm leadership**, who can confirm supervision's impact on the practice, what evaluation data would be useful to them in monitoring it, what they can and will do to push supervisors to improve; and
- the **administrators** who will implement and manage the program.

As part of the design process, conduct a pilot test of the program with a good cross-section of volunteers, collect everyone's feedback on how it went, and de-bug the program before rolling it out firm wide.

All this takes time, but it will result in a better program, one that meets everyone's needs and concerns and that everyone supports.

KEY No. 2: Support the evaluators in providing candid and useful feedback to their supervisors. This involves four basic strategies:

- **Assure anonymity** by not attributing the evaluation input, by requiring a minimum of 3 evaluators (preferably more) for an evaluation to be delivered , and by editing evaluation comments to remove identifying information.
- **Provide instruction and training** on how the evaluation input will be compiled and used, how to fill out and submit the evaluations, how to give constructive criticism.
- **Facilitate participation** by keeping the form short and clear, the process simple and intuitive, and putting the forms online.
- **Show results**: Let evaluators know how the process went, in general how supervisors did and what actions the firm is going to take to support good supervisors and help others to improve.

KEY No. 3: Support the supervisors in understanding and acting on the evaluation feedback.:

- **Protect confidentiality.** Just as with associate evaluations, individual supervisors' evaluations are sensitive information that should be restricted to those with a clear need to know.
- **Control the quality of the reports** supervisors receive, so that they are genuinely informative and helpful. Two useful features to include are (a) an overview of all supervisors' ratings and how the individual's results compare to the norm, and (b) a clear message on how the supervisor is doing and what followup actions are expected.
- **Provide instruction and training** on why the program and good supervision are important, what the firm expects from supervisors and what it is prepared to do to help them meet the expectations, and what to expect from the evaluation process.
- **Align incentives**: Make sure the firm's incentive systems are working for, not against, the program by supporting and rewarding supervisors for devoting time and care to their subordinates.
- **Support supervisors' efforts to improve** with, for example, group training and private coaching sessions, sharing of best practices of strong supervisors, and other programs and resources.

KEY No. 4: Provide top management leadership. At firms with successful programs, top leaders visibly and forcefully put their weight behind it by

- **Communicating regularly** and positively to supervisors and evaluators about the program and its results;
- **Modeling participation** in the program;
- **Defining the firm's expectations** and the consequences of meeting or not meeting them;
- **Following through** on rewarding good supervisors and continuously pushing the rest to improve.

KEY No. 5: Provide the necessary resources to support the program:

- **Internal staffing** is absolutely critical. Like any evaluation program, upward evaluation is both labor-intensive and judgment-intensive. All the successful programs we have seen are headed by a capable, knowledgeable firm manager who dedicates a significant mount of time to the program and who is highly respected by both evaluators and supervisors.

- **Computer support** is highly valuable to handle the voluminous data processing tasks involved in evaluation. It also enables the firm as well as supervisors to learn from the program: to track, for example, firm-wide strengths and weaknesses and how they may change from year to year.

- **External web hosting** of the evaluation process by a third party has proven a valuable resource for many firms, primarily to allay associates' fears their anonymity could be compromised.

- In designing the program, it's helpful to get **outside help** from someone who has done it before – a consultant, or one or more colleagues at other firms with successful programs.

Upward evaluation has the potential to improve relationships and communications between senior and junior lawyers, and to improve all lawyers' performance and job satisfaction. The above five keys to success can unlock that potential for your firm.

– Gaye Mara

[This article is adapted from a presentation at the April 2002 Annual Education Conference of the National Association for Law Placement.]

Professional Developments

Events

The **Association for Continuing Legal Education** and the **Professional Development Consortium** will hold back-to-back conferences in Montreal this summer. The PDC conference is July 26-27; ACLEA's is July 27-30.

For more information on the ACLEA conference, check www.aclea.org later this month. ACLEA has an active special interest group of law firm education and training managers and consistently offers high-quality programming in their areas of interest. Moreover, this year's president, Elaine Ohlson, has brought the dual perspective of in-house manager (as Director of Professional Development for Testa, Hurwitz & Thibeault in Boston) and CLE provider (she was previously with Massachusetts CLE) to her oversight role.

PDC conferences focus on in-house issues exclusively. They are open only to members, who must be in-house administrators whose primary area of responsibility is attorney development. To apply for PDC membership, contact membership chair Mark Cowing of Shook, Hardy & Bacon, mcowing@shb.com.

The Conference Board has scheduled three upcoming conferences packed with star-studded expert panels:

- The 2002 Succession Planning Seminar, offered May 15 in New York City ($950-1175);

- The 2002 Leadership Development Conference, offered May 16-17 in New York City ($1525-1850) in cooperation with the Center for Creative Leadership; and

- The 2002 E-Learning Conference, offered June 13-14 in New York City and June 20-21 in San Diego ($1525-1850) .

Additional information is available at www.conference-board.org.

Communications consultant **Barbara Miller**, who has done highly regarded training in some law firms of our acquaintance, is offering a one day course on "High Impact Presentations" at her Austin, TX location. Remaining 2002 course dates are June 14, September 6, and December 6. Enrollment for each is limited to 8 participants, and the registration fee is $495. Register at www.bbmcom.com.

In April we attended the **National Association for Law Placement**'s 2002 Annual Education Conference in Kansas City as a presenter, and took in some other conference sessions while we were there. NALP has expanded its professional-development related programming and publications in recent years, and there were highly informative sessions at this conference on such subjects as managing training, integrating laterals, performance appraisal, mentoring, compensation, and retention. Audiotapes of many of those sessions are available from NALP, (202) 835-1001 or www.nalp.org.

The **National Institute for Trial Advocacy** will hold its 2002 National Session of trial skills training in Boulder, Colorado July 6-20. Enrollment is limited, and tuition is $3,000. www.nita.org.

NorthStar Conferences LLC (www.northstar conferences.com) is the latest venture of the former Fulcrum Information Services conference planning group. Fulcrum was bought last year by the Caliber Learning Network, which was already sinking and shortly went bankrupt. The Fulcrum people moved to Executive Enterprise Institute to join EEI Conferences in July. They have now left EEI to form NorthStar. It would be hard to fault the group's choice of topics and slick marketing or the profit potential of their conference model, which in the past has consisted of packing a single hotel meeting room for two solid days of lecture presentations by unpaid speakers at a premium tuition fee. We do hope they will improve on its educational quality.

Resources

ABA CLE has unveiled the first title in an interactive online series of one-hour advanced writing courses. Power Editing Part I is available at http://www.abanet.org/cle/ecle/i02awli.html, along with information on how to order it. Three more courses in the Power Editing series are planned by fall, followed by three courses on Power Persuasion. Veteran legal writing instructor Gary Kinder is the course developer, and each course offers hands-on exercises with immediate feedback. Larry Koplow, 312-988-6198, koplowl@staff.abanet.org, is the ABA contact for course details, pricing, and group rates.

The March 2002 issue of **Harvard Business Review** contains an interesting article on organizational learning and culture change in the form of an interview with social psychologist Edgar Schein. Schein says that all learning is conflicted by the opposing forces of "learning anxiety" (fear of change, of looking foolish, of being incompetent) and "survival anxiety" (realizing we're not going to make it unless we change) and that we are willing to learn only when our survival anxiety exceeds our learning anxiety. He believes that "transformational learning" in the sense of fundamentally changing an organization's culture is profoundly difficult and takes a very long time (not just years, but decades) unless the organization acquires new and extraordinarily charismatic leadership or engages in wholesale replacement of existing personnel. In any case, a certain amount of "coercive persuasion" by management will be necessary, and he notes some unpleasant similarities between that effort and the "brainwashing" of war prisoners (Schein began his career in the Army, working with returning Korean POW's). Diane L. Coutu, "The HBR Interview: The Anxiety of Learning," pp. 100-106.

The April 9 issue of **New York Law Journal** features an article by Kathleen Brady, Milbank Tweed's associate training manager, on strategies for reducing training costs without sacrificing quality. You can find it on the web at http://www.law.com/cgi-bin/gx.cgi/AppLogic+FTContentServer?pagename=law/View&c=Article&cid=ZZZ0IAENSZC&live=true&cst=1&pc=0&pa=0. (Or go to law.com and do a search for "Kathleen Brady.")

We recently attended a presentation on strategies for performance measurement by Jack Zigon, consultant, author, and proprietor of the **Zigon Performance Group Measurement Resources Page**. Zigon specializes in devising yardsticks and surrounding processes for measuring job performance in different types of occupations and organizations. His resources page (www.zigonperf.com/performance.html) contains numerous free aids for performance management, including current articles and research studies and examples of suggested performance measures for different occupations (including lawyer and training director). The "price" for browsing them (yes, nothing is ever truly free) is having to register and receive at least one issue of Zigon's monthly e-mail newsletter (also free) on performance management.

Studies

The **American Bar Association** has established a Presidential Commission, co-chaired by Piper Rudnick's COO and Sears Roebuck's General Counsel, to study the impact of the law firm billable hour system, including its effect on lawyers' professional development. ABA invites lawyers' participation in an online survey and a web board for posting anonymous comments, both at www.abanet.org/careercounsel/billable.html.

MCLE Watch

California is considering the elimination of its "emotional distress" requirement, as recommended by the MCLE Evaluation Commission last year. Public comments on the proposed rule change were collected in March.

The **Texas Bar** appears to be on the verge of implementing a new "bells and whistles" requirement for the accreditation of online CLE. The Texas MCLE Committee met on February 28 in Dallas to consider a proposal to eliminate credit for any online CLE that does not contain streaming audio or video. Provider CLE Online, which is based in Texas and does some excellent text-based online seminars, led the charge in opposition to the proposal, testifying at the hearing and soliciting Texas lawyers' participation in an online petition it presented to the Committee and the State Bar Board. The effect of the proposed new rule would be to up the technology ante for both providers and course participants. We join CLE Online in hoping it will be defeated.

The ***Capital CLE Calendar***

Volume 8, No. 7 ▪ May 1, 2002

How to Read This Schedule: The following schedule lists, first by topic and then by date, live continuing legal education (CLE) courses offered in the greater Washington, D.C. area on and after May 1, 2002. Live distance programs are identified by the following symbols just after the date:

✶ Satellite broadcast or video conference
☎ Telephone seminar
▣ On-line seminar

All courses are given in Washington, D.C. unless otherwise indicated. If available, the beginning and ending times, tuition fee, and any pre-approved mandatory or minimum CLE (MCLE) credit hours are given (the latter in brackets at the end of the listing). Please note that MCLE credit requirements vary by state and credit arrangements vary by course and provider, so be sure to confirm in advance with the course sponsor or appropriate CLE Board whether and how any needed credits are obtainable.

Course Sponsors. Contact information for the sponsoring organizations follows the course schedule. (If a program has multiple sponsors, the one listed first is the primary contact.) More detailed information on the courses in this schedule is available from the course sponsors.

Registration and Fees. Most course sponsors will fax brochures and registration forms on request and will accept credit card registrations by phone, fax, or on the Internet. Many discount registration fees for members (in the case of membership organizations), for government and public interest lawyers, or for early registration, multiple registrants, or multiple courses for the same registrant. Some permit registration at the door for an additional charge. For some courses, however, especially those noted as "limited enrollment," advance registration and payment may be required.

Materials. Most providers sell their course materials separately. These may offer the most comprehensive and up-to-date survey of the law on a given topic that is currently available.

Additional Courses. Visit our website at <http://www.profdev.com/courses.htm> for a listing of current, local CLE courses announced after this issue went to press. To find courses offered outside the local area by major national providers, visit our page of links to their sites, <http://www.profdev.com/links.htm>.