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In This Issue:

Why Johnny, Esq., Can't Write: Ten Causes and Ten Solutions

Ross Guberman

At 4:06 A.M., John Associate prints out his 23-page summary-judgment motion and walks down the hall. When he reaches Jane Partner's office, he smiles proudly and deposits the motion in the middle of her desk. Then he rubs his eyes and goes home.

He returns to the office six hours later. On his chair sits the draft, covered in red ink. Jane's large scrawl at the top catches his eye: "Good start. Too long. Analysis confusing. Hard to follow. Can you redo by the end of the day?"

"Just who does she think she is?!" John fumes. For the past two weeks, he had pushed everything aside for this motion. The research was impeccable, the argument clever and assertive. Besides, everyone has always told him what a great writer he is. He sure has the resume of one: *summa cum laude* in English from Cornell, a prestigious journal at Columbia Law, plaudits all through school. The firm must have agreed. Jane and her fellow partners appeared to love his writing when he was a summer associate. "And this was so much better!" he thinks.

On the red-inked pages of John's would-be masterpiece, you can find two of the great mysteries of law-firm life. First, why do associates see writing as their greatest strength, while partners often consider it the associates' greatest weakness? Second, if partners are such great writers themselves, why can't they teach associates to produce drafts that make them happy?

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As a professional-development expert, seeing associate after associate with writing problems, you've probably pondered these same mysteries yourself. The good news is, you can do a lot to improve associates' writing. But let's first consider the bad news: the many reasons why law-firm writing is such a tough skill to master.

Ten Causes

1. **A cursed genre.** As a famous law-school dean once said, "There are two things wrong with almost all legal writing. One is its style. The other is its content." Indeed, you couldn't find a better recipe for bad prose than legal writing: Start with dry subject matter, mix in dense and abstract legal standards, and add endless citations and quotations from writing that's not so terrific in the first place. It's no wonder why many of us lawyers struggle to make our writing readable and clear.

2. **Confident in all the wrong places.** Associates consider themselves smart, and they believe that smart people write well. So while they'll concede that they need to learn how to take depositions or to negotiate stock-purchase agreements, they don't expect to devote much of their career to perfecting their writing skills. Yet "writing needs improvement" figures on evaluations of even the best associates.

3. **The limits of law school.** The standard law school first-year research-and-writing course is too ambitious. Professors are expected to teach students how to reason, how to cite, how to conduct online research, and how to incorporate cases and secondary authorities. They must also teach students what a legal memorandum and appellate brief look like, and they must introduce the basics of oral advocacy. Little time remains for style, structure, or any of the other skills so dear to law-firm supervisors' hearts. Yet many new associates believe that their legal-writing training is finished simply because they took the same introductory course everyone else did and then churned out a few papers or a journal article.

4. **"Look how smart I am."** Many associates see writing projects as a chance to show partners how much research they have done. But partners don't want to see the work that went into the memorandum; they want to solve the problems on their desks. Nor do partners want the intellectual pontifications that many associates include to make themselves look clever.

5. **"Who wants to be plain?"** In the words of a Wisconsin judge, "Great legal writing does not sound as though it was written by a lawyer." The "Plain English" movement arose from such sentiments, and it has done wonders for legal writing. But when associates hear partners say, "use plain English," they think that means "dumb everything down." And so they resist. In some cases, they fill their prose with jargon, legalese, and 50-cent words that serve only to obscure their points. In other cases, they use abstract, ponderous language because they're not sure what their points are in the first place. In the process, they misunderstand the message of the Plain English movement: that crisp, clear, uncluttered prose allows readers to focus on substance rather than form.

6. **Scoring points on the page.** Law school exams reward students for spotting issues—for what educators call "ideational fluency." But law firms reward associates not for spotting problems, but for solving them. Partners want associates to distill complex ideas and cut to the chase. One of the most frequent complaints I hear from partners, in fact, is that associate drafts read like an answer to a law-school exam. Many associates take years to make this shift from law-school writing to law-firm writing.

7. **Priorities out of whack.** Associates obsess over idiosyncratic style differences among partners ("Does she like 'notwithstanding or 'despite?'"). That wouldn't be a problem if they didn't spend so little time worrying about the 95% of writing traits that all partners want to see improved: cluttered prose, awkward clauses and sentences, rambling structure, faulty usage, ineffective use of authorities.

8. **"Beneath my pay grade."** Many associates tell me they see themselves as "idea people." Because of the way law firms are structured, however, they should first try to be "detail people." Many partners at elite firms say that usage-and-grammar mistakes figure among the most common flaws they see in associate work product. Even more complain about typos and proofreading errors. The causes here are many. Law-school professors rarely penalize students for mechanical errors. High schools and colleges no longer teach grammar. Many associates believe that support staff or other attorneys will correct their citation and proofreading errors. And let's face it: Today's computer, email, and Instant Message culture doesn't encourage polished prose.

9. **"You call that feedback?"** Partners play their own role in associates' writing problems. In most firms, "feedback on writing" means two things. On day-to-day projects, a partner often marks up drafts so ferociously that the associate has no way to make sense of the edits: which changes matter most, what messages should I take away for the next project? At evaluation time, many partners veer to the other extreme, offering such vague pronouncements as "Your writing needs improvement" or "Your arguments need to be better organized." Unless the partner offers specific solutions, such advice generates much anxiety but little growth.

10. **"Why even bother?"** Associates often have a passive-aggressive approach to mark-ups. Like all of us, when they say they want "feedback," what they really want are "compliments." So when assignments come back drowning in red ink, associates become defensive. They tell themselves the changes are arbitrary—or worse, that there's no point in working hard on drafts because the partner will change everything anyway.

Ten Solutions

You can meet these challenges on many fronts. Some creative solutions you can carry out alone; for others you'll need support from partners and from the associates themselves.

1. **What is "writing" anyway?** Help your firm define what "writing" means in each practice area. Partners agree more than you might think when you ask them to break down "writing" into specific, trackable skills. Ask your firm's partners for the three or four writing skills they'd most like to see improved, then communicate the results to your associates. As the sidebar on the next page shows, you can predict what you're likely to hear: cutting clutter, drafting active sentences and clauses, streamlining structure, incorporating authorities, and proofreading.

Question: "What are the three writing problems you see most often in associate work product?"

Most popular answers, in order:

1. Poor structure/rambling organization
2. Passive voice/awkward sentences/ ambiguous clauses
3. Clutter/wordy
4. Grammar/usage/proofreading/attention to detail
5. Ineffective use of authorities

Source: Guberman 2006 Survey of Law Firm Partners in Selected Major Firms

2. **Evaluating without tears.** Hearing that "your writing needs improvement" is painful and unhelpful. Develop a better form for feedback on writing projects. When associates get mark-ups, you want them to focus on big-picture writing techniques they can use the next time, not on style quirks or pronouncements about their talents. Most partner changes fall into four distinct categories: stylistic (cutting clutter and making provisions and sentences more forceful); structural (staying "on message" and using authorities effectively); mechanical (wording, usage, and formatting); and substantive (understanding nuances in the law and making judgment calls about which arguments are best). Using a form that encourages partners to put their feedback into these categories will help them provide the editing guidance associates need.

3. **Do you follow me?** Collections of model agreements and litigation documents are overrated. Unless the firm explains exactly what makes each model a model, the associates will simply copy or guess. Ask your most dedicated partners to annotate model documents in their practice areas with clear, practical advice. *What* makes the heading good? *Why* is the indemnity clause drafted this way?

4. **Stop usage fights.** Get every associate a legal-usage manual. Attorneys waste too much time arguing over usage issues and correcting common errors. Unless your firm has its own style manual, buy every lawyer a good desktop guide. The best all-purpose reference is Bryan Garner's *Dictionary of Modern Legal Usage*. For corporate attorneys, consider Kenneth Adams's *A Manual of Style for Contract Drafting*, published by the ABA.

5. **I'll scratch your back.** Encourage associates to seek feedback from peers. Most of us are better editors than writers. Associates should consider asking one another to review drafts before sending them up the food chain. Even if the "editors" can't bill the time, trading drafts is a great way to build skills and relationships.

6. **Give me five!** Encourage partners to follow the "five-minute rule." If an associate has billed more than 20 hours for a project, urge the partner to sit down with the associate for five minutes to go over big-picture writing issues rather than simply review the individual changes on the draft. You may think five minutes isn't long, but it's much better than nothing, which is how much face-to-face mentoring most associates get after they turn in a writing assignment.

7. **The perfect partner program.** In the best in-house programs I've seen, partners sit down with the associates in their practice group and go over a document point by point. In a corporate department, for example, they lead a discussion on why each contract provision is there and why each one reads as it does. This approach is much better than the typical one-hour lunch meeting during which the

partners speak in generalities about good writing or simply tell war stories.

8. **So what do you want me to do about it?** Urge partners to tell associates what they should "do," not how their writing should "be." Although telling associates to "be concise" or to "be clear" may sound helpful, it's not. Much better advice: "Cut 10% of your words by deleting adjectives and adverbs," or "Start by listing three specific reasons why the judge should grant the motion."

9. **Triage time.** Discourage everyone from dwelling on idiosyncratic tics. You can attack this problem on two fronts. Try to get partners to distinguish between their favorite wording quirks and the make-or-break writing skills that their clients need. If they say, "But everything I want is important," remind them that if associates are left to choose, they will focus on subjective wording preferences and ignore what matters most. Urge the associates themselves to divide mark-ups into two groups: (1) changes that are idiosyncratic or cosmetic; and (2) changes that are stylistic or substantive. They should keep a running list of changes in the second group that they use for all future assignments. Of course, if several partners make the same edits, they should add them to their list even if they think they are idiosyncratic.

10. **A fresh voice.** Go outside the firm when necessary. If you want to book an external writing workshop, look for an interactive course that's short on generalities and long on specific tips and examples. Make sure the associates will spend at least half their time writing, editing, or otherwise interacting. If you're looking for a long-term curriculum, here's a good start: an overview program for new associates, practice-specific workshops for midlevels, and then a supervising-and-editing course for senior associates. For associates with serious writing problems, group courses aren't enough. Seek one-on-one coaching as needed, but make sure the associate has committed to a specific plan for working with the consultant on long-range goals, not on next week's memo deadline.

Concluding words

As the famous litigator Floyd Abrams once said, "The difficult task, after one learns how to think like a lawyer, is relearning how to write like a human being." Law firm writing is always a sensitive topic, all the more so when associates and partners disagree so fervently about the quality of associates' writing skills.

That said, by encouraging your colleagues to provide better models, practical guidance, and detailed feedback, you can boost morale, spur associate development, and help all attorneys produce the sort of writing that their clients and judges will love.

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Planning and Designing an Evaluation Process in viDesktop

Dana Rooks

Editor's Note: *The respondents to our [2006 Technology Survey] voted the viDesktop/viEval suite of products as Most Valuable Application. Dana Rooks, who was recommended to us by another subscriber as an especially innovative user of the software, kindly agreed to write about it for us.*

When I first became involved in running WilmerHale's associate evaluation processes several years ago, our process, like that of many firms, included a cumbersome combination of emails, documents, accounting reports, and databases. A copious amount of time was spent gathering and combining individual feedback and other information to produce a summary for each associate. Of course, we also spent a considerable amount of time focusing on content, the look and feel of execution, and the desired outcome. All of this added up to a long timeline for what seemed to be an interminable process.

With the advent of technology designed to combine and track all of this information, those days are gone for many of us. In 2001, WilmerHale piloted viDesktop, a performance management software that had been specifically designed for law firms. Since then, viDesktop has gone through several upgrades and expanded its focus and capabilities well beyond law firms. Its many features allow administrators to spend more time focusing on the results they are trying to achieve, and far less time on managing data.

We have used viDesktop for a variety of processes, from conducting anonymous surveys and project-based evaluations to collecting partner votes and information for the firm's "mentor of the year" award. Managing evaluations continues to be its most important function for law firms, and so I have focused this article on that process.

Because viDesktop has tremendous flexibility, and evaluation processes tend to be specific to a firm's culture, I have provided below an approach to planning and designing an evaluation process using the software, rather than specifics about how my firm uses it.

What are the firm's goals in conducting associate evaluations?

It's best to start planning an evaluation process by focusing on the desired outcome. With that focus, here are some questions to guide your planning:

1. **What types of feedback do you want the evaluation system to provide?** Detailed feedback about specific skills? More global feedback about an associate's overall performance? Feedback in the form of ratings or of written comments, or both? Different kinds of feedback for different levels of seniority? Do you want associates to complete a self-evaluation?

2. **Can the evaluation process be combined with other processes?** For example, should it be linked to competencies or "benchmarks," if your firm has those tools in place? Or should they be created as a context for evaluations if they don't yet exist? Should some of the information collected in the evaluations feed directly into the assignment process?

3. **Will you use the evaluations not only to provide feedback but, as in most firms, to help the firm make decisions about promotions or about compensation?** If so, how does the data you'll need for that purpose differ from the information that provides useful feedback to the associate?

4. **Do you want to provide not only individual evaluations, but also compilations about groups of associates that, for example, help to identify patterns or provide an overall picture of a practice area's associates?**

viDesktop has a number of features that allow you to customize it depending on your answers to these or other questions. Some of these include the ability to present the form in defined sections, to score questions, to make certain questions mandatory, to branch questions depending upon the evaluatee group or the answer to a previous question; to provide predefined answers, check boxes that allow multiple selections, radio button lists that allow only one selection, and free-form comment boxes.

Some firms use the benchmarks they have identified for associates to create an evaluation template so the information gathered identifies specific training needs and areas for improvement. Statistical reports presenting the information gathered in percentages or scoring reports is also a useful feature in this regard.

Administrators also have the ability to use questions as filters to drill down within the information; for example, if a questionnaire includes a question asking participants to identify their practice area, that question can be used as a filter to view only the answers submitted by individuals in that practice area.

It is relatively easy to take a first cut at identifying top performers by asking evaluators to rate performance along a scale. Combining this effort with soliciting information for promotions (votes, comments) is also an option, even if the intent is to use that information only for the firm's purposes; one of the many Display Options allows administrators to hide certain questions and sections before printing an evaluation report.

Is there information evaluators should have in front of them while commenting?

1. **Demographic information** can be included in each evaluatee's User Profile so it is displayed on screen to evaluators. This feature allows administrators to easily provide evaluators with information about an individual's seniority/class year, practice area, mentor assignment, start date, office, and other information. User Profiles can also be included on the printed reports.

2. **Guidelines, criteria for promotion,** and other information can be provided to evaluators on the opening page of the evaluation.

3. **Hours spent on individual assignments during the evaluation period, and a description of the work an associate performed** prompt evaluators to better recall their work experiences with individual evaluatees.

- viDesktop is capable of interfacing with accounting systems, so the names of client matters and the total hours billed to each matter during the evaluation period can be imported into an evaluation. Administrators can set a minimum hours threshold to import this information only for client matters to which evaluatees billed more than a certain number of hours.

- Evaluatees can then select evaluators in viDesktop while viewing this information and provide a tailored description of the work performed. Evaluatees can assign multiple evaluators to a matter, choosing to provide individual descriptions of the work performed with each evaluator or to copy a description previously entered for another evaluator.

- viDesktop compiles all of this information so it can be displayed to evaluators immediately before they begin to step through the evaluation questionnaire.

Is it important to ensure that all potential evaluators have commented on an associate's performance?

Administrators have a variety of options available to customize this aspect of the process.

1. **Associates can also solicit evaluations** from partners with whom they have had experience on non-billable projects, even if those matters are not imported from the accounting system into viDesktop.

2. **Partners can choose** to evaluate associates who did not request evaluations from them.

3. **Partners can view the list of other solicited evaluators and the matters on which an evaluatee is being evaluated** to help ensure the firm receives comments from everyone with relevant experience, or to determine whether it's necessary to provide an evaluation.

4. **Evaluators can quickly decline an evaluation** if they have no relevant experience on which to comment.

5. **viDesktop identifies any client matters to which evaluatees did not assign evaluators.**

6. **Administrators can easily follow up with evaluatees and evaluators** through status reports and email distribution lists viDesktop is capable of generating for different populations.

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How should the evaluation information be presented to individual associates?

Before printing the individual evaluation reports for delivery, a best practice in conducting performance evaluations is to review evaluator comments for clarity and appropriateness. Administrators have the ability to edit evaluator feedback in viDesktop.

I am also a firm believer in attributing comments to evaluators. It allows evaluatees to put the feedback they receive in context, enhances the credibility of the evaluation process, and helps to ensure that evaluators take ownership of their comments. Not every firm is comfortable with this approach, and viDesktop offers the ability to decide whether to display and print an evaluator's name. Along those same lines, administrators can decide whether to include the client matter information at the top of the printed evaluation report. And, as mentioned above, administrators can choose to hide or display questions and answers.

The General Comments section can be utilized as a place to provide a short summary that pulls together the themes of an individual's evaluation, so evaluatees aren't left trying to figure which is the best advice among disparate comments.

Finally, administrators can choose whether to print composite reports listing all evaluator comments, or individual reports listing each evaluator's comments.

I have only skimmed the surface of viDesktop's capabilities in assisting law firms to conduct an effective evaluation process. I encourage you to explore and experiment with the software. I had the tremendous advantage of having a dedicated evaluations coordinator who enthusiastically familiarized herself with the many features viDesktop offers its customers. Having that resource while brainstorming on an ideal evaluation process is invaluable.

Law Firm Librarians: A Tradition of Educating Lawyers

Ellen M. Callinan

Imagine the typical summer associate starting his first research project. For a year or two, he *thinks* he's been reading court decisions in his casebooks. In reality, he's been reading carefully selected cases trimmed significantly to illustrate specific points of law by the casebook's author. Although he used online databases to locate cases for first year legal research and writing assignments, those exercises are often designed to lead students to existing law with clear signposts along the way to allow them to concentrate on the writing component.

The first research assignment represents a terrifying departure from the familiar territory of law school. Legal research in a law firm is the wild, wild West (or Lexis) – no study aids summarizing the cases for tomorrow's class, no certainty that the precedent you need even exists, and even worse, a Damocles' sword of cost swinging over the electronic tools you know best.

Many summers are shocked by this realization. They are usually too embarrassed to admit that the one thing they should be able to do as budding lawyers is just as confusing as figuring out how to file service of process or what to wear on casual Fridays. The timid will hide in their offices. The savvy ones will find a librarian.

For decades, law firm librarians have been on the front lines of training associates in one of the most fundamental practice skills – the art and science of legal research. Whether informally through reference service or through formal training programs, firm librarians bridge the gap between law school courses and the realities of research in practice.

Origins of the Research Skills Deficiency

A threshold question is, Why does this gap exist in the first place? The poor quality of legal research skills has been noted for over a hundred years. Paul Callister, an academic law librarian who is developing a new pedagogy of research education, assembled the following quotes from 20th century observers:[1]

- From **1902**: "I have been amazed at the helplessness of law students, and even of lawyers when they go into a library to search for authorities. . . . Law schools should teach their students how to do these things."[2]
- From **1949**: "I speak from an experience of 25 years on the bench, an experience sometimes painful . . . , when I say to you that one of the big mistakes in legal education today is relative neglect of this important subject of legal research in law school."[3]
- From **1959**: "I have been concerned with the teaching of legal bibliography for nearly thirty years. . . . I am certainly not satisfied with what we are doing or with what anybody else is doing."[4]
- From **1968**: "The teaching of legal research is one of those areas that we all talk about—and do least about. . . . Those who do it well . . . readily move on to more 'worthwhile' things—such as teaching Torts."[5]
- From **1977**: "Why do recent law school graduates have difficulty using a law library? This question is a never ending source of puzzlement to private law librarians and others who come in contact with new lawyers."[6]
- From a **1988–89** survey of legal research skills: "In [my] eighteen years as a law firm librarian, I find legal research skills totally lacking among summer associates . . . ."[7]

- From **1989**: "Although the literature is replete with 'new' methodologies for [legal] research instruction, none of it has demonstrated that even the best taught and most innovative of legal research courses can compare with the excitement and intellectual interest that often can be found in the 'substantive' first-year courses."[8]

Law schools and firms share responsibility for this deficiency.

Legal Research Education in Law School

As recently as the 1980s, legal research was taught as a non-credit enrichment course in major U.S. law schools. Even as the movement to improve skills training in law schools grew, and legal research and writing (LRW) courses emerged as credited, mandatory courses taught by full professors, the focus of this expansion was legal writing. The reason is not surprising. Until recently, most first-year LRW courses were taught by lawyers, not by librarians. Although many law schools now offer advanced legal research courses[9] taught by librarians as electives, even within the library community, there is no consensus on the best way to teach legal research on any level.

A fierce debate has raged in the law library community for nearly twenty years over this issue. On one side, many respected academic librarians[10] insist that the bibliographic method, which describes research resources and the functions they serve, is the most effective means of teaching research because it provides students with an historical context of the tools. Others[11] prefer a process-based approach in which students learn by doing within a three-part conceptual framework that blends civics, factual analysis and a matrix of types of research tools.

Although the debate itself continues, in many ways it has been eclipsed by a more pressing concern – the role of vendors in research training.[12] While law schools deliberated over how and when to teach legal research, Lexis and Westlaw quietly stepped in to guide law students in the use of their databases. Because so few resources were devoted to research education, law students embraced any chance to learn how to research. The problem with this scenario is obvious – vendors teach specific techniques using only their own tools. Without a neutral venue for comparing all research tools, print as well as electronic, produced by all publishers, law students do not develop the ability to discriminate among tools based on objective criteria.

Meanwhile in the Law Firms . . .

Amid complaints about the legal research skills of lawyers, law schools and law firms achieved a division of labor to produce lawyers who could research well enough. When mentoring was alive and well in law firms, law schools taught their students to think like lawyers, and law firms taught recent graduates how to act like lawyers. Senior lawyers spent time explaining the intellectual context of issues and pointed their charges to law librarians who led them to the appropriate research tools. It was expected that new lawyers would master the fundamentals of their subject specialties by spending hours finding and reading the relevant laws.

As the billable hour became the guiding principle in firm decision-making, senior lawyers found less time to explain the law, and firm librarians found themselves thrust into expanded roles in the education of researchers. Because the billable hour made formal training programs difficult to implement, firm librarians taught at the point of need; *i.e.,* when an associate showed up with an actual research question, the librarian showed her how to select and use the correct resource to find an actual answer. This arrangement filled the gaps in law school training and worked fairly well when a library was primarily a physical entity and the limited resources were in print format.

The growth of computer technology disrupted this arrangement. Computers made it possible to capture and reproduce cases, statutes and regulations without incurring the high costs of linotype printing, opening the door for small publishers to compete in niches with the big vendors. Small, specialty legal publications flooded the marketplace of legal information, and practicing lawyers embraced these increasingly relevant materials. For firm librarians, this phenomenon meant more titles to purchase, organize, and learn in order to support the attorneys who used them.

The more obvious impact of computer technology was the creation of Lexis and Westlaw, in 1973 and 1975 respectively.[13] In the early days of Lexis and Westlaw, researchers used slow, dedicated terminals to access impressive, but still small, collections of laws. These limitations confined the databases to case finding status, and most attorneys still read decisions in print. Notably, the huge Star Trek-like consoles were physically located in the library. But changes were afoot.

The speed and size of the databases increased throughout the 1980s, and law students and lawyers alike spent more time online. Personal computers replaced dumb terminals, freeing individuals to purchase their own hardware. Lexis and Westlaw responded by developing software for these machines, thus extending the amount of time customers could spend on their databases by increasing the number of physical seats available to do so.

Soon the two companies took a momentous step that accelerated the pace of use – they gave all law students individual, unlimited passwords for the duration of their academic careers.[14] Law schools paid deeply discounted fees for access; law firms did not. Firms did, however, bill back the growing costs to clients, often making a nice profit on the service. Nonetheless, as these newly-minted attorneys filtered into law firms, the firm librarians who watched their annual online costs soar derisively termed this practice "heroin pricing."

For some time after Lexis and Westlaw started distributing free passwords to all law students, law firms continued to bill back the rising Lexis and Westlaw costs, marked up to cover administrative costs. New lawyers sat online and gained expertise in their practice areas while clients paid for both their time and the online fees. Efficiency was not an objective.

Things changed in September 1991 when the *American Lawyer* published "Skaddenomics," a cover story that blew the cover on the "ludicrous world of law firm billing."[15] By then, Corporate America was already examining its legal bills more carefully and requesting more detail than previously supplied.

This scrutiny was fueled, in part, by the presence of so many former firm attorneys then working in-house at these companies. Multi-tiered career tracks didn't exist to accommodate the population bubble that entered law school in the late 1970s and reached firm maturity seven years later, and placing those attorneys rejected as partners with firm clients was seen as a kind alternative. Grateful or not, those lawyers were intimately familiar with the billing practices of their former firms and started to review bills with sharper eyes.

Other developments, including the Total Quality Management movement and the emergence of the DuPont Legal Model,[16] increased the pressure on law firms to reign in costs and reduce inefficiency. Changing their relationship with Lexis and Westlaw was an obvious starting point for law firms, and negotiations began to create flat rate contracts and other managed pricing arrangements. The advent of the Internet gave the firms some bargaining leverage; however, the efficient and effective use of all research tools became an objective as well as the means of this new frugality.

Enter the Law Firm Librarian

With all these forces at play, firm librarians saw an opportunity to contribute to their companies by assuming greater responsibility for research education. The library profession was already being transformed by the technology revolution, and many felt that teaching lawyers to use new research technology was simply part of this phenomenon.[17]

Teacher is just one of many hats today's law librarian at a law firm. The fundamental skill of librarians - information management – is more valuable than ever in a world of information overload. Librarians emerged in new roles, such as knowledge managers, IT directors, web developers, as well as in traditional positions involving the selection, acquisition, dissemination, utilization, storage and preservation of print and electronic information.[18]

The typical law firm librarian is a member of the senior administrative staff, along with managers of technology, human resources, and financial services. The librarian may be a "solo," running all aspects of the library's operations, or the director of a staff of over 100 employees. Librarians typically hold masters' degrees in library and information science from accredited universities. Dual-degree librarians, who possess both law and library science degrees and traditionally found employment in academic settings, flocked to firm librarianship, attracted by substantial salaries and benefits befitting their education and experience. The legal background of many firm librarians fueled their entrance into training roles.

Trained as Trainers

As the need and interest in teaching at law firms grew, resources sprung up to support the efforts of the law firm librarians. Since 1993, the American Association of Law Libraries has sponsored the National Legal Research Teach-In,[19] a campaign to collect and share high quality training materials within the library community to streamline the process of developing effective programs. These training programs are conducted in conjunction with National Library Week, an international event held every April.

Lexis developed a training program, Teaching Research in Private Law Libraries (TRIPLL), to improve the teaching skills of law firm librarians.[20] Since 1990, Lexis has selected thirty firm librarians to attend a three-day workshop at which they learn effective techniques for teaching research. Topics include presentation skills, lesson planning, marketing and program evaluation. Lexis also makes Training Toolkits available to firm librarians to support educational programs during National Library Week and summer associate season.[21] Firm librarians can also use Tips from the Pros at the Lexis site.[22]

Successful librarian-teachers have shared their expertise through written scholarship. *Perspectives: Teaching Legal Research and Writing*,[23] a free newsletter from West Publishing, has been a channel for tips and techniques since 1992. Marie Wallace, a former firm librarian turned professional speaker, has a column in LLRX[24] in which she covers such training techniques as connecting with an audience and using ice breakers. Articles have appeared in the major law library journals on this subject as well.[25]

The American Association of Law Libraries (AALL), the major professional association for the community, has taken other steps to support librarian trainers. In 2000, AALL partnered with Lexis to endow a research fund for studying, among other things, how lawyers actually conduct legal research.[26] Kris Gilliland, director of the law library and assistant professor of law, University of Mississippi Law Library, was among the first recipients of this grant.[27] This project continued the independent research of Patricia DeGeorges,[28] Penny Hazelton, and Morris Cohen in the mid-1990s, in which they surveyed alumni of the Yale, University of Washington, University of Southern California, University of Florida, and William

Mitchell law schools.[29] This work has helped law librarians define the training needs of practicing attorneys. In addition, AALL appointed a special committee to promote law librarians as research trainers in 2002[30] and another committee to foster legal research as a subject specialty in 2005.[31]

Research Training Initiatives at Law Firms

Firm librarians recognize that their training programs compete with the billable hour, and find creative ways to offer training to their attorneys. National Library Week, an annual event in early April, is a favorite excuse to educate and entertain firm attorneys. The Lexis Library Relations Group posts ideas and resources on its librarians' website[32] to inspire librarians to host training as part of National Library Week celebrations. West, in conjunction with AALL, publishes training kits every spring.

Librarians sneak training into research trivia contests and use the week to introduce themselves to firm attorneys, who are more likely to ask for point-of-need training from someone they know.[33] Donna Trimble of Bowman and Brooke compiled a useful list of her favorite NLW training activities,[34] including:

- An acronym contest to test and expand attorneys' knowledge of legal, medical and government terms;
- A display featuring different types of reference sources each day of the week, including directories on Monday, medical books on Tuesday, and Partners' Picks on Friday;
- Training programs to introduce newly acquired tools.

The arrival of summer and fall associates is a common trigger for research training programs. At Clausen Miller, library director Nancy Tuohy supervises the assignment of all research assignments to summers, giving her a unique opportunity to mold their research skills.[35] Jan Bissett of Dickinson Wright shared tips in her LLRX column, including advice to teach associates to use the reference interview and to document their research process.[36] Fried Frank's Cindy Carlson conducted a survey of skills to create tailored training for incoming summers.[37] Firm librarians in Cincinnati created their "Inside Look" program to give summers a heads up on the realities of legal practice.[38]

Some law firm librarians educate lawyers on a full-time basis, such as Marlene Gebauer, Amy Carr and their team at Greenberg Traurig. These team leaders receive their own training in instructional design from such organizations as ASTD (American Society for Training and Development), then manage the process of creating extensive research training programs within the firm.

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Conclusion

Law firm librarians can and do train lawyers at all levels to perform a fundamental practice skill – legal research. Firm librarians are involved in research training in a variety of ways, from full-time teams of educators to others who conduct training programs between managing libraries and other functions. Professional Development directors would be well served to team up with law librarians to provide strong skills to their attorneys.

Notes

1. Paul D. Callister, *Beyond Training: Law Librarianship's Quest for the Pedagogy of Legal Research Education*, 95 Law Libr. J. 7 (2003).
2. Horace E. Deemer, 1 AM. L. SCH. REV. 404 (1902).
3. *Proceedings of the Forty-First Annual Meeting of the American Association of Law Libraries Held at Pennsylvania Hotel, New York City on June 21 to 24, 1948,* 41 Law Libr. J. 161, 170 (1948) (remarks of Hon. Bernard L. Shientag).
4. *The Teaching of Legal Writing and Research—A Panel*, 52 Law Libr. J. 350, 367 (1959) (remarks of William R. Roalfe).
5. Charles D. Kelso, *Curricular Reform for Law School Needs of the Future*, 20 J. LEGAL EDUC. 407, 412 (1968).
6. Robin K. Mills, *Legal Research Instruction in Law Schools, the State of the Art or, Why Law School Graduates Do Not Know How to Find the Law,* 70 Law Libr. J. 343, 343 (1977).
7. Joan S. Howland & Nancy J. Lewis, *The Effectiveness of Law School Legal Research Training Programs*, 40 J. LEGAL EDUC. 381, 385 (1990) (quoting a librarian participating in a study conducted in 1988–89).
8. Thomas A. Woxland, *Why Can't Johnny Research? or It All Started with Christopher Columbus Langdell,* 81 Law Libr. J. 451, 458–59 (1989).
9. Ann Hemmens, *Advanced Legal Research Courses: A Survey of ABA-Accredited Law Schools*, 94 Law Libr. J. 209 (2002).
10. Robert C. Berring & Kathleen Vanden Heuvel, *Legal Research: Should Students Learn It or Wing It?* 81 Law Libr. J. 431 (1989).
11. Christopher G. Wren & Jill Robinson Wren, *The Teaching of Legal Research*, 80 Law Libr. J. 7 (1988).
12. Ian Gallacher, *Forty-Two: The Hitchhiker's Guide To Teaching Legal Research To The Google Generation,* (September 6, 2005). *ExpressO Preprint Series.* Working Paper 701. http://law.bepress.com/expresso/eps/701.
13. William G Harrington, *A Brief History of Computer-Assisted Legal Research*, 77 Law Libr. J. 543, 553 (1984-85).
14. Shelley Ross Saxer, *One Professor's Approach to Increasing Technology Use in Legal Education*, 6 RICH. J.L. & TECH. 21 (Winter 1999-2000), *at* http://www.richmond.edu/jolt/v6i4/article4.html.
15. *Skaddenomics*, Am. Law., Sept. 1991.
16. "Overview of the DuPont Legal Model," *The DuPont Legal Model, A Web Resource Offered by DuPont Legal.* http://www.dupontlegalmodel.com/files/introduction_overview2.asp.
17. Constance M. Matzen, *The Changing Role of the Law Firm Librarian: From Collection Curator to Information Specialist and Educator*, 49 *North Carolina Libraries 28* (Spring 1991).
18. Alan Cohen***, Beyond the Books*****,** The American Lawyer, July 1, 2006.
19. See The National Legal Research Teach-In, http://www.aallnet.org/sis/ripssis/teach_in.html.
20. See Teaching Research in Private Law Libraries (TRIPLL), http://www.lexisnexis.com/infopro/profdev/education/default.asp#tripll.
21. See http://www.lexisnexis.com/infopro/training/toolkits/default.asp.
22. Tips From the Pros, http://www.lexisnexis.com/infopro/training/toolkits/summer/2005/default.asp#tips.
23. See Perspectives at http://west.thomson.com/newsletters/perspectives/.
24. See http://www.llrx.com/cgi-bin/llrx.cgi?function=browseauth2&id=9.
25. Sid Kaskey, *The Law Librarian as Trainer*, 17 Legal Reference Services Quarterly 37 (1999); Amy Eaton *Teaching Legal Research in the Law Firm Library*, 19 Legal Reference Services Quarterly 47 (2001).
26. See http://www.aallnet.org/about/research_fund.asp.
27. See http://www.aallnet.org/press/press010710_e.asp.
28. Dr. DeGeorges wrote her doctoral dissertation on this subject. See DeGeorges, Patricia A. *Legal Research Skills of Summer Associates: Expectations Versus Reality A Case Study*, Columbia University, 1992.
29. Kevin L. Butterfield, *The AALL Research Agenda*, 45 Law Library Lights 9 (Winter 2001).
30. See http://www.aallnet.org/committee/promote_report.asp.

31. See http://www.aallnet.org/committee/fostering_research.asp.
32. National Library Week Toolkits, http://www.lexisnexis.com/infopro/training/toolkits/.
33. Bonnie Sucha, *It's About Opportunities: Reflections on Celebrating National Library Week*, AALL Spectrum (November 2005).
34. Donna Trimble, *National Library Week Ideas*, http://www.aallnet.org/chapter/mall/nlw.pdf.
35. Nancy Tuohy, *The Librarian's Place in the Life of the Summer Associate*, AALL Spectrum (March 2001).
36. Jan Bissett, *Summer Associates Welcome*, Reference Coast to Coast Column, LLRX (April 15, 2002).
37. Cindy Carlson, *Summer Training Ideas*, Notes from the Technology Trenches Column, LLRX (April 24, 2005).
38. Mary Lynn Wagner, *Cincinnati Librarians Give Summer Associates an "Inside Look" at the Legal Profession,* LLRX (February 15, 1999).

Quote of the Quarter:

"Before setting sail in 1492, Columbus was known for frustrating the scholars of Queen Isabella's court with problems to be solved. One of his most famous was the challenge to balance an egg on its narrowest end without any external support. After weeks of experimentation and trials, the scholars reported that the feat could not be accomplished. Columbus walked over to the table and rapped the end of the egg on the table, creating a flat spot and allowing the egg to balance.

"The scholars howled with indignation, claiming that he had broken the rules. Columbus reminded them that the only rule was that of no external support. Any additional limitations to solving the problem had been self-imposed by the scholars.

"The Europe of 1490 believed the world to be flat. Sailing too far would cause you to fall off the end of the earth or be consumed by dragons that lay in wait. Columbus considered such beliefs to be an imposed assumption without any substantiation. This allowed him to consider the possibility that the world might be round, and by sailing west you could end up in the Far East.

"Unencumbered thoughts are the building blocks of creativity and innovation. When we create self-imposed rules and assumptions (you cannot alter the egg and the world is flat), we limit the bounds of our creativity. Innovation suffers."

– Jim Fuller in October 2006 *Performance Xpress* (International Society for Performance Improvement)

PDQ Classics:

Believe It or Not, a Substantive Law Seminar CAN Be Less Dull than Dishwater

Valerie Fitch

[***Editor's Note:*** *This article was first published in our February 2001 issue.]*

Designing and implementing a substantive law program or seminar is tricky. Unlike a skills course, substantive law is not the type of subject matter that automatically lends itself to an interactive format. A large amount of fairly dense information needs to be communicated within a limited amount of time.

In addition, the persons who teach these seminars are usually experts in the area (or they wouldn't be teaching it), and they know the information inside and out. Often they find it difficult to impart the content in a way that makes it accessible to those who are new to the subject matter. For instance, a course entitled "Bankruptcy for Beginners: Fraudulent Conveyances" would be attended not only by the junior bankruptcy lawyer, but by litigators and finance attorneys who would like exposure to this substantive area of the law.

Courses with titles such as "Overview of the Securities Act of 1933," "Introduction to Underwriting Agreements,"or "Introduction to Extraordinary Remedies" don't exactly bring the masses running to their computer to e-mail in their RSVPs. The question is: Can the program be designed to accomplish all of its goals – to impart the information in a facile way, minimize the snooze factor, and use a lecture format to the best advantage? The answer is, yes, with some planning.

Many of the below suggestions are translatable to any program. They can be particularly useful for presentations that are long on substantive material and short on format options.

Crafting the Substantive Law Program

Here are some key things to think about when you initially begin the process of planning a substantive law program.

- **Who is the audience?** Is the program aimed at young lawyers or more experienced lawyers; at those for whom the substantive subject matter falls within their area of specialization, or will there also be attendees for whom the subject matter is completely new?

- **Who is the presenter?** Can this person hold an audience's attention? If it's someone you've seen teach before, at least you'll know his/her relative strengths and weaknesses. If not, you will have to talk to the person ahead of time, and make suggestions regarding the presentation (*see* Educating Your Presenter and Getting the Program Off the Ground, below).

- **What will the materials consist of?** Often, there will be pertinent statutes, regulations, codes, or other third party materials that will need to be included and discussed, especially if the seminar includes "updates" of these. Can the presenter give you a substantive (more than just a few bullets) outline to be included in the materials? Does the subject matter lend itself to a case study or to a "learning by example" method? For example, in "Bankruptcy for Beginners: Fraudulent Conveyances," it was useful to develop examples of situations where a fraudulent conveyance may have occurred. When such examples are included in the materials, the materials become a much more valuable "bookshelf" reference.

- **What time of day is the seminar being presented?** Lunchtime, while a great time to get people together, can be deadly for substantive law seminars because the weight of the subject matter coupled with the weight of a full stomach usually creates slumber. The efficacy of substantive law seminars is inversely proportional to the number of calories consumed by the listener. Early morning is a better time – a light breakfast, lots of coffee, new knowledge, and you're ready to face the day.

- **Does the subject matter lend itself to a visual presentation?** Some visuals are always, always, better than no visuals, even if the PowerPoint presentation consists only of bullet points. Even "Introduction to Real Estate Law" can lend itself to some interesting visuals (Clip Art IS your friend!). A comparison of rent control and rent stabilization laws can greatly benefit from a split screen, opposing bullets, a "pros and cons" approach, etc.

Educating Your Presenter and Getting Your Program Off the Ground

Now that you've picked the date, the time, the place, the subject matter, and identified the audience and the attorney who will be teaching the seminar, it's time to do your part to "train the trainer" and get this program moving. Assume that this is a seminar entitled "Introduction to Intellectual Property Law."

- **Go talk to the person** (do NOT rely on someone else to do this, if at all possible). Ask him/her how he/she plans to present. Odds are the person will tell you that he/she plans to deliver the subject matter lecture-style. Suggest that the presenter incorporate visuals, case studies, Q&A, "pros & cons," war stories, ANYTHING to break up the lecture format. Also ask the person if he/she plans to sit or stand. If the person has not decided, strongly suggest that standing is much more effective and commands much more attention than the often (and legitimately) maligned "talking head."

- **Make sure that someone goes over the materials and the "game plan" with the presenter ahead of time.** Experience has shown that in substantive subject matter lectures, the problem is usually too much material rather than not enough. Taking the example of "Introduction to Intellectual Property Law," perhaps a 1.5 hour program would be better served by concentrating on copyright law, while noting briefly what the broader spectrum of Intellectual Property law encompasses, rather than trying to fit everything from patent prosecution and trade dress to internet music piracy and domain name disputes into the limited time allotted.

  Example: The new "Introduction to Copyright Law" program could then flow as follows:

  1. Introduction
  2. What is a "copyright"?
  3. How are these rights acquired?
  4. What can be copyrighted?
  5. Who can be a copyright holder?
  6. What is the applicable law?
  7. Where is it codified?
  8. What constitutes copyright infringement?
  9. What recourse does a copyright holder have?
  10. How are the damages for copyright infringement calculated?

- Then, **try to get the materials to the attendees ahead of time**, if possible. Particularly in the case of a meaty subject, it's helpful if the first time the attendees see the materials is NOT as they sit down at the program. We have one frequent presenter who teaches only substantive courses. He always makes his materials available at least one week before the program, and his presentation style assumes that the materials have been read. Attendees know this about him, and therefore they do pick up the materials in advance and even read them.

- **Always provide an "executive summary"** of the materials, if possible. For instance, in the "Introduction to Copyright Law" example, a list of the applicable statutes, key terms, statutes of limitation, registration requirements, key governmental entities dealing with copyright issues, etc. in the front of the materials will prove very helpful. Including the names of the attorneys in your firm who practice in this substantive field is also helpful.

- **Include citations to additional references**, in case the attendee wishes to learn more about the subject matter. One seminar on copyright law does not make a copyright law specialist, and by providing lists of pertinent publications, hornbooks, articles, and other reference material, you encourage your attendee to do more than just leave at the door what he/she learned in the last hour and a half.

If you follow this roadmap, you are well on your way to planning and executing a useful and engaging substantive law program. Be sure to tape it for future use!

*[**Valerie Fitch**, Esq., is Director of Professional Development at Pillsbury Winthrop Shaw Pittman LLP.]*

Classic Quote:

"The task of leadership is to create an alignment of strengths in ways that make the system's weaknesses irrelevant."

– Peter Drucker, as reported by David Cooperrider in August 2006 *T+D* (American Society for Training and Development)

(***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 columns. You can reach us at (703) 719-7030 or maraeg@profdev.com.)*

Needs Assessment: Interviewing Practice Group Leaders

Whether you are designing a competency model, revamping an existing professional development program, or just getting the lay of the land as a new PD director, some of the first brains you want to pick are those of your practice group or department leaders. They are on the front lines of the challenges facing the firm, and they are keenly aware of the performance and development needs in their areas.

Here are some of the questions you might ask them. Ideally, arrange for at least a 90-minute interview. Send your questions ahead to give the leader some time to think about them. And at the meeting, be prepared to take a lot of notes very fast, or to tape the discussion and transcribe it later.

– Gaye Mara

Sample Interview Questions for Practice Leaders

Background Information

1. Please give me a 5-minute summary of:
   - the work of your group
   - the clients it serves
   - the problems/issues you are most often asked to address
   - your group's level of interaction with other groups and offices.

2. What are some key changes occurring in the business environment that will have the greatest impact on your group over the next few years? In the legal and regulatory environment?

3. Please profile your group for me:
   - What are the positions, numbers, and years of experience of the lawyers, legal assistants and other staff?
   - What changes, if any, in the composition of the group do you expect in the next few years?

4. What would you say are the three most valuable things that currently promote professional development in the firm? In your group?

5. What are the three most significant barriers to performance improvement in the firm? In your group?

Areas of Competence

1. What are the tasks on which your (a) lawyers, (b) legal assistants, and (c) other staff members spend most of their time?

2. What are the most important areas of *legal and technical knowledge* for your group? What would be the best way to strengthen them? What works against maintaining top expertise now?

3. What are the most important *legal and technical skills* for your group? What would be the best way to strengthen them? What works against top legal and technical skills now?

4. What are the most important *business knowledge and skills* for your group to master? What would be the best way to improve them? What works against strong business expertise now?

5. What are the most important *communication skills and media* for your group? What would be the best way to enhance the effectiveness of the group's internal and external communications? What works against good communications now?

6. What are the most important *client knowledge and client service skills* for your group to master? What would be the best way to improve your group's service to clients? What works against good client service now?

7. What is the most important knowledge about the firm and the group itself for members of your group to possess? What would be the best way to solidify their command of this information? What works against current and complete knowledge now?

8. Do you believe your group is as productive as it might be? If not, what hinders you from top productivity now?

9. Given the areas of competence I mentioned in the preceding questions, where do the lawyers in your group excel? The legal assistants? Other staff members?

10. If you could address only three of the abovementioned areas of competence for improvement, which three would you choose?

Priorities and Scheduling

1. Given the goals of the firm and your group's requirements, which broad areas of competence should be emphasized the most? In other words, how would you allocate 100% of the available time and budget for your group among the following (your numbers should add to 100%):

   __% Substantive legal/technical knowledge
   __% External business/industry knowledge
   __% Internal firm/practice knowledge
   __% Client knowledge
   __% Legal/technical skills
   __% Communication skills
   __% Client service skills
   __% Business skills
   __% Other:_________________________
   100% Total

2. Which populations should be emphasized the most? That is, if the performance development needs of all your personnel added up to 100%, how would you allocate those percentages among:

   __% New employees
   __% Partners
   __% Counsel
   __% Associates
   __% Legal assistants
   __% Secretaries
   __% Other:________________________
   100% Total

3. What amount of time would you consider feasible and appropriate for each of your experienced people to spend in professional development activities in a one-year period? How much time do those people spend now?

4. Are there particular times of the day, week, month, or year that are not feasible for people in your group to spend in such activities? For what reason(s)?

Delivery Strategies

1. What developmental programs, materials, and other resources have individuals in your group found most useful in the past? Least useful?

2. Given the goals of the firm, your requirements, and the individuals in your group, what kinds of professional development support should be emphasized the most? That is, how would you allocate 100% of your group's professional development resources among:

   __% Self-instructional materials
   __% On-the-job resources (e.g., reference books, model documents, checklists, etc.)
   __% One-to-one consultations, coaching, mentoring
   __% Problem-solving discussions with peers
   __% In-house seminars and workshops
   __% Outside seminars and workshops
   __% Cross-training with clients or other outside groups
   __% Rotations or "stretch" assignments
   __% Other:________________________
   100% Total

Evaluation

1. How will you know if the [competency model/ professional development program] is working? How can we best measure success?

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Professional Developments

Events

Future PD-related conferences, seminars, and workshops:

Legal Profession:

- 11/14/06, Chicago, IL. *CLE Boot Camp: Program Planning from A to Z.* Association for Continuing Legal Education, www.aclea.org.
- 12/7-8/06, Arlington, VA. *NALP Professional Development Institute 2006.* $555 members, $655 nonmembers. National Association for Law Placement, www.nalp.org.
- 1/27-30/07, Nashville, TN. *ACLEA 43rd Mid-Year Meeting.* Association for Continuing Legal Education, www.aclea.org.
- 2/1-3/07, St. Louis, MO. *Newer Professionals' Forum.* National Association for Law Placement, www.nalp.org.
- 2/1-3/07, San Antonio, TX. *PDC Winter Meeting.* Professional Development Consortium, www.pdclegal.org.
- 3/2/07, Chicago, IL. *NALP 2007 Diversity Summit.* National Association for Law Placement, www.nalp.org.
- 7/26-28/07, Boulder, CO. *PDC Summer Meeting.* Professional Development Consortium, www.pdclegal.org.
- 7/28-31/07, Philadelphia, PA. *ACLEA 43rd Annual Meeting.* Association for Continuing Legal Education, www.aclea.org.

General Audience:

- 11/5-8/06, Orlando, FL. *Elliott Masie's Learning2006: Learning in a "Flatter" World.* Learning 2006/Learning Consortium/ASTD, www.learning2006.com.
- 11/7-8/06, San Diego, CA. *The Annual Diversity Seminars: Business and HR Partnership and Integration.* The Conference Board, www.conference-board.org/diversityseminars.htm.
- 11/13-15/06, Seattle, WA. *Accelerated Learning Training Methods Workshop.* The Center for Accelerated Learning, www.alcenter.com. (Repeated 12/4-6 Phoenix, 3/07 Orlando, 4/07 Atlanta, 5/07 Washington, 6/07 Lake Geneva)
- 11/14-17/06, Atlanta, GA. *Performance Professional Workshop Series.* International Society for Performance Improvement, www.ispi.org. (Repeated 2/20-23 in Phoenix)
- 11/27-28/06, Atlanta, GA. *Action-Oriented Learning: Increasing the Application of Training.* American Management Association, www.amanet.org.
- 11/29-12/1/06, Orlando, FL. *Instructional Design Institute.* Training Magazine, www.trainingmagevents.com.
- 11/29-12/1/06, Orlando, FL. *Classroom Instructor Institute.* Training Magazine, www.trainingmagevents.com.
- 1/31-2/2/07, Las Vegas, NV. *ASTD TechKnowledge 2007 Conference & Exposition.* American Society for Training and Development, www.astd.org.
- 2/7-9/07, New York, NY. *The 2007 Enterprise Learning Strategy Conference. Learning Where You Work: Creating Cultures to Transform Performance, Productivity and Growth.* The Conference Board, www.conference-board.org/els.htm.
- 2/26-28/07, Orlando, FL. *Training 2007 Conference & Expo.* Training Magazine, www.trainingmagevents.com.
- 3/21-23/07, New York, NY. *The 2007 Talent Management Strategies Conference: Focus on Business Impact.* The Conference Board, www.conference-board.org/diversity.htm. (Repeated 4/17-19 in San Diego.)

- 3/28-30/07, San Diego, CA. *The 2007 Annual Diversity Conferences: Rhythms of Our World: Examining and Honoring Our Uniqueness and Multiplicities.* The Conference Board, www.conference-board.org/diversity.htm. (Repeated 4/24-26 in New York, 5/22-24 in Chicago.)

- 4/30-5/3/07, San Francisco, CA. *2007 ISPI/ IFTDO International Performance Improvement Conference.* International Society for Performance Improvement, www.ispi.org.

- 6/3-6/07, Atlanta, GA. *ASTD 2007 International Conference & Exposition.* American Society for Training and Development, www.astd.org.

- 6/7-13/07, Phoenix, AZ. *Training Directors' Forum.* Training Magazine, www.trainingmagevents.com.

Resources

Best Practices in PD. A new IOMA research report compiles articles and case studies on *Law Firm Training & Professional Development Best Practices.* The case studies include Arnold & Porter's use of individual development plans, Blank Rome's mentor program, Howrey's e-learning program, and Miller & Chevalier's competency-based training program. The table of contents and ordering information can be accessed at www.ioma.com.

Creativity Kit. The second edition of the business best-seller *Thinkertoys: A Handbook of Creative-Thinking Techniques* is out, along with a revised version of the brainstorming card set, *Thinkpak*. Author Michael Michalko developed his innovative problem-solving techniques as an Army officer training intelligence specialists; he has since gone on to consult to government and business on how to break out of constraints on thinking to solve tough problems creatively. The book retails for $19.95 ($13.57 from Amazon), the card pack for $16.95. (www.creativethinking.net)

Work Patterns. Office furniture manufacturer Steelcase collaborated with customers to study how people use their work space. The study identified

- three major types of working "collections": active, anticipated, and archived;
- six major worker types based on how the collections are used and how the worker interacts with others: Concierge, Keeper, Processor, Broker, Player, and Specialist; and
- the best office space organization for each type

Steelcase has published an article, "The Six Patterns of Work" (in "past articles" under "360 e-zine"), summarizing the study results, and an online survey questionnaire, "WorkWays," to identify which type you are. (www.steelcase.com)

Miscellany

Computer Immersion Program: Well, not literal immersion, since you'd be on top of the water. But for the advanced computer user who can't get enough geek talk at home, cruise the eastern Caribbean with kindred spirits on February 3-10 and immerse yourself in *PC Paradise*: workshops on Windows, Linux, Office 2007, "20 Things You Didn't Know Word Could Do," Photoshop, "Extreme Googling," "Best Freebies of 2007," and more. For Mac enthusiasts, there's an Alaska cruise in May. (www.geekcruises.com)

MCLE Watch

(We thank David Carr of Reqwired, Inc. for the information on which this column is based.)

Illinois appears to be getting ready to stagger attorneys' CLE compliance dates. On October 5, the Supreme Court amended MCLE Rule 796 to remove specific dates for attorneys to certify compliance with their annual CLE requirements. The old rule gave an initial certification due date of July 31, with a possible extension to September 30. The new rule changes that to an initial date "31 days after the end of the attorney's reporting period," and an extended date "an additional 61 days from the original certification due date." www.state.il.us/court/MCLE/.

Beginning January 1, 2007, all **New York** MCLE providers must use a new certificate of attendance form; no other form will be accepted. The new form is available online at www.nycourts.gov/attorneys/cle/NY_Certificate_of_Attendance.pdf.

On October 10, the **Oregon** Supreme Court by a 5-1 vote rejected the Board of Governors' proposal to remove the Elimination of Bias requirement. (www.osbar.org)

The **Pennsylvania** Supreme Court has approved a two-year pilot project by the CLE Board to explore telephone conferences as an additional form of distance learning. During the project, which began October 1, lawyers may receive distance learning credit for participating in pre-approved telephone seminars. (A previous pilot project resulted in the acceptance of online courses for distance learning credit.) (www.pacle.org)

South Carolina is also warming up to distance media. It has raised the time allowed for a telephone course to 90 minutes, and the hours cap for audio/visual and telephonic activities from 4 to 6 credit hours per period. (www.commcle.org)

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