PD Quarterly November 2010

Inside:

Creating Connections: The Value Proposition of Internal Communications (Part 1 of 2)

Lisa S. Kirby and Todd Sorensen

When we learned that the women's initiative at a major financial services firm in Boston sponsors a successful program called the "Lunch Bunch" for their executives, we loved the concept, but we had to chuckle. Lawyers in our firm would never let us get away with calling a new program the "Lunch Bunch."

Lawyers are a tough crowd, even compared to sophisticated executives in other industries. They are trained as professional skeptics. As professional development leaders trying to encourage new approaches and different ways of thinking, how do we ensure we communicate our messages successfully to this group?

As Harvard Business School professor Tom DeLong frequently reminds his students, in a professional services firm, any ambiguity in a communication is interpreted negatively. We all recognize the importance of carefully crafting our key communications, especially in this economically fragile time. In addition to the usual lawyerly resistance to the touchy-feely aspects of professional development, we continue to navigate significant changes in the market for legal services. Attorneys in these times tend to scrutinize firm communications more closely, lending them added weight.

At the heart of most professional development efforts is an emphasis on creating an environment where attorneys feel

PD QUARTERLY (formerly *Professional Development Quarterly*) is published four times a year by Professional Development Services.

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connected to a community and want to work to help move the organization to successfully meet its goals. Allison Friend, Chief Human Resources Officer at Goodwin Procter, points out that other industries, and increasingly some law firms, have figured out how to create "common languages and common purposes. Sharing a common language and working towards common goals helps build teams and means that people understand how their jobs contribute to the execution of the organization's mission."

Lofty goals, indeed, considering the cat-herding aspects of our roles, but there are concrete considerations that can help us move our efforts in this direction. Part I of this article will outline the reasons that internal communications is becoming a buzzword in the professional development community and will summarize the key considerations in an internal communications strategy. Part II, in the next issue, will share specific approaches with recommendations of when to apply them and pros and cons of each.

Why Internal Communications Is Increasingly Important

Internal communications strategy is becoming increasingly important to law firms and as part of professional development strategy in light of several developments.

Firm growth and complexity. First, law firms have become increasingly complex and more sophisticated as they have grown on a national and global scale. As firms expand through a variety of growth methods, the need to actively invest and nurture a "one-firm" culture that used to flourish organically becomes even more important. A lack of cohesive and relevant communication can lead to uneven experiences and pockets of confusion. To achieve buy-in and advance a unified firm strategy regarding attorney development, all parties need to be working from the same general understanding—a challenge even in a single office, and more so with distance, varying time zones, and cultural differences. (Consider the key series of meetings that an East Coast firm had historically scheduled for 9:00 am Eastern time, forcing attorneys in their newly-opened California office to report for work at 6:00 am to videoconference with key partners—not the best foundation for obtaining buy-in.)

Technology. Although the physical distance between offices may have grown, messages zip between screens more rapidly now because of advances in technology. Between email, instant messages, text messages, blogs, and Facebook updates, an unmanaged flow of fast messaging can quickly lead to a destructive rumor mill. (Consider the accidental messages that sometimes set fire to rumors, such as the firmwide email from a secretary at one firm asking for a billing number for the "associate compensation committee" whose existence hadn't yet been shared with the firm generally.) Rumors and confusion can unravel the positive contributions the professional development group is making. The constant stream of messaging also means that important outreach from the Professional Development team may get overlooked in the current with notices about server maintenance, baseball tickets, and lost umbrellas. This means that our strategies around communications need to become more sophisticated and comprehensive to stay ahead of the messaging tidal wave.

Technology has also influenced the way we operate as a community within our firms. No longer can senior partners be found paging through legal weeklies in the library, sharing table space with junior associates scanning the annotations to the federal rules. They're both sitting in their individual offices on their computers (and, based on our conversations with our attorneys, they are both probably wondering why the other can't take the time to stop by in person). The overall decrease in casual, in-person contact has further weakened the connectivity that used to allow messages to flow reasonably consistently through the firm, thus requiring the firm to deliberately direct this more.

The Millennials. The march of the millennial generation into law practice is also pushing communications issues into prominence. Older generations were generally a bit more content to be notified on a "need to know" basis by the powers that be. Millenials are accustomed to candid sharing from older generations and expect greater transparency. On this note, keep in mind that literal transparency is probably impossible and the goal is slightly different in a law firm professional development context. Friend notes that "what people really want is more information on what's happening and data points so they can understand the context. They want to feel a part of what is occurring at their firm. The black and white view of transparency vs. a 'black box' is not reality. Instead, the key is *sharing* information. If you don't share, the structure will inevitably fail because people will feel disconnected and distrustful."

The Economy. Finally, the shaky economy and potential long-term decline in the demand for legal services means that professional development leaders must strategically spotlight their key contributions. We can no longer assume that attorneys at our firms implicitly understand the support we offer—those messages must be purposely transmitted and reinforced.

Establishing the Value of Internal Communications

It is essential to develop an internal communications strategy in close connection with every aspect of developing a program. As outlined below, timing, vocabulary, and audience all play a critical role in a program's success. (We all know that there's no point in trying to announce a new program to partners during the last week of the fiscal year.)

Research from industries that are forward-thinking on internal communications establishes that there are many professional development benefits to a well-executed internal communications strategy. For example, a recent 2009/2010 Communication ROI Study by Towers Watson shows that effective internal communications is a leading indicator of financial performance and a driver of employee engagement. (*2009/2010 Communication ROI Study Report: Capitalizing on Effective Communication*, Towers Watson, Accessed October 15, 2010, http://www.towerswatson.com/research/670.) Companies rated as highly effective communicators had 47% higher total returns to shareholders over the last five years compared with firms that were the least effective communicators.

Of course, internal communication is a means to an end. Start with your firm's business strategy or your professional development strategic priorities — what do you want your constituents to think, feel, and do? A well-coordinated approach to internal communications offers the opportunity to increase the impact of your professional development efforts by engaging, informing, and directing employees, and ultimately to contribute to the success of your firm.

For example, a shared vocabulary throughout the firm, across practice areas and offices, is important to maximize the potential of programs and initiatives. Especially with unique terms or programs, embracing a common term can also lead to a greater sense of internal connection. As explained in the recent bestseller *Switch* by Chip Heath and Dan Heath (see www.switchthebook.com for more information), shaping the vocabulary can also form an important component of introducing cultural change. The authors explain how the creator of the term "designated driver" arranged to have the phrase and a related scenario used in numerous television shows in the early 1990's. This previously unknown term quickly permeated the culture and is now routinely understood around the country.

Similarly, when introducing a new initiative or concept, it's critical to build it into a variety of firm communications wherever possible. It's helpful to have a term for people to rally around, assuming, of course, that the catchy phrase is supported by thoughtful substantive structure. At Goodwin Procter, we wanted to elevate the perception of attorneys who had taken non-partnership track positions. So we changed their designation from "off-track" to "professional track." Of course, as detailed in Part II of this article, you'll want to choose the terms carefully and test them before a final rollout. One large East Coast firm called its new secretarial arrangement "service stations," offending many secretaries who didn't appreciate the impersonal connotation.

Well-executed communications also help promote professional development goals of increasing inclusivity. When everyone has the opportunity to clearly understand firm messaging on topics such as performance reviews, the playing field is leveled. Informal hallway chatting can create groups of those "in the know" and those who aren't. Clear, broad communication expands those networks. When everyone is starting from the same knowledge base, all are empowered to contribute to the conversation. For example, when firms decide to merge, feelings about the combination can diverge significantly depending upon whether or not employees are briefed regularly about the purpose and progress of the merger.

In the current economy, it's essential to continue to demonstrate the value of professional development contributions and ensure that we are having the greatest possible impact. While partners are weighing competing priorities, professional development successes need to be visible, in a well-managed and deliberate sense. One national firm uses a "pre-wiring" technique – building buy-in and support one-by-one with selected partners throughout the firm – before an official rollout. These pre-wired partners serve as ambassadors invested in the success of a program from the moment it goes live. (But make sure the partners are truly on board first. You don't want your key ambassadors to stand up at a meeting, stare down at their notes, and announce "Um, the professional development folks wanted me to tell you…." as recently happened at a midsize firm that tried that technique.)

Internal Communications Strategy Checklist

Building a comprehensive internal communications strategy to enhance your professional development efforts will probably involve some trial and error. But there are some places worth investing in before getting started. Your overall plan will involve doing some background research, engaging the support of your firm's leadership, and making recommendations for change. The following is a suggested checklist for your professional development communications plan:

Get buy-in: Internal communication efforts can only be successful if firm leadership understands the value that it can provide to the organization. Some of the ideas touched on above may serve as a good starting point for showing value.

Audit current communication efforts: To get an accurate picture of your firm's internal communication process, map out current communication efforts and their target audiences. Looking at the process holistically will help you to spot gaps in how information is shared within your organization and provide recommendations for new protocols.

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Gather feedback: Use formal tools such as surveys and focus groups, and informal channels such as anecdotal feedback, to understand what parts of your communication efforts are working well—and what areas need to improve. You'll also want to measure how well the attorneys understand the organization's strategic and business priorities and how they feel they are contributing to these efforts.

Find opportunities for alignment: Whether you work in a global firm with a dedicated communications team or you are a jack-of-all-trades, it's important to partner with colleagues to streamline communication efforts. Take the opportunity to learn about the work of your peers and find ways to work together to build more integrated communications. If you lack an internal communications team, your colleagues can serve as an informal advisory board who can help you ensure your communications are well-aligned with other firm initiatives.

Establish metrics: Clear, actionable goals that help to drive business results will appeal to firm leadership. "Increase satisfaction with mentoring program by X%" or "Improve time entry results by 3% for all timekeepers through a targeted training and communication campaign" are examples of measurable goals. Of course, keep the goals realistic and stay in touch with firm leaders as you move forward so that you can flex for fluctuations in the firm's strategy, external forces, and other factors. You may want to make your goals bite-size and achievable to gain some momentum at the beginning.

In Part II of this article, we will discuss how to proceed once you've done the background work and share specific internal communications techniques. (cont'd next page)

At this particular moment, internal communications may not seem a top priority, as many in professional development seek to regroup and adapt to changing priorities. In addition, the blogosphere seems to thrive on a steady diet of firm communications bloopers, adding an element of risk to any attempt to share information.

But it’s important to realize that this time creates an opportunity for professional development to raise our visibility and build support for our efforts. A Lunch Bunch may be out of the question, but we can leverage the techniques that have worked well for other industries to move us toward our goals.

Quotes of the Quarter:

“The good lawyer is someone who understands the needs of their clients, and the needs of their clients are not necessarily going to be just legal needs. They're going to be business needs, economic needs, understanding the science underlying difficult intellectual property issues, so the education that they're getting from economics, sociology, science, ethics, philosophy, these are all things that will make people better lawyers....

“We can learn something from business schools.... One thing that business schools do much better than law schools is teach students how to work in groups, and we do not do a good job of that. Ultimately, lawyers are going to work in groups, and they're going to have to work with clients. It's those softer skills, which I think we can improve on.”

> – Michael H. Schill, Dean, University of Chicago Law School, in the August 30 *Chicago Lawyer* (“Law school deans discuss the state of today’s legal education”)

“[I]f you look at job performance data related to age, it turns out that older workers perform better on every dimension of job performance. They turn over less, are absent less, their performance appraisals are better and, contrary to prevailing assumptions, they don't cost employers more than younger workers. Wages are higher for experience, not seniority, and higher wages for experience reflects productivity advantages.”

> – Peter Cappelli, co-author of *Managing the Older Worker: How to Prepare for the New Organizational Order* (2010, Harvard Business Press), in an interview with Knowledge@Wharton published 9/1/10.

Managing from the Middle

Dottie Palazzo

Donna Crawford, Education Director of the Illinois Supreme Court Commission on Professionalism, displayed a Gandhi quote in her e-mail signature:

"We must be the change we want to see in the world."

The dilemma of managing from the middle has been frequently discussed without much conclusion. Despite that, I hope that this article will provide some practical approaches for working toward change and thereby succeeding as a middle manager in a law firm. I have been a law firm middle manager for the last 20 years of my law firm employment. I am still here, so I at least survived – meaning I didn't give up or get fired.

I intend to draw on what I have learned and experienced to give you information and insights on how to cope and/or succeed as a middle manager in a law firm.

First of the **things I believe:** If you want to gain respect in a law firm environment, you have to act like a partner. You have to fit into the legal structure and to demonstrate that you care about the firm as much as, if not more than, the managing partner. Find one or two partners you respect and emulate their demeanor, their attitude, and their care for the firm. I would assume this advice works in a corporate setting as well. While you are looking for that role-model partner, notice that all partners aren't equal. Listen to what they say and how they act. Some of them have not much more authority or decision-making power than you do. That is probably most of them. So get over yourself about that.

Second of the **things I believe:** You can't change the firm structure. That is determined by the managing partner, who is a majority of one. You can only change your responses to that structure and the firm environment. With that out of the way, let's focus on the role of a middle manager.

The Manager's Role

I did a little research on this. Cathy N. Davidson, a Vice Provost at Duke University, and David Theo Goldberg, Director of the Humanities Research Institute and Professor at the University of California at Irvine, defined middle managers in their article "Managing From the Middle,"[1] which I have paraphrased as follows:

> Middle Managers are a level of department administrators having power over budget and operations of that department; who supervise staff but have bosses to whom they report; who write annual evaluations used to determine raises within limits prescribed by the organization; and who have hiring and firing power (subject to firm policy and employment laws). These administrators are also evaluated every year, and can be fired.

They also referred to middle managers as the "nodes in institutions" who, if they do it right, are to the organization what "software is to computers." I like that concept, so third of the **things I believe:** Middle managers in a

[1]See the Bibliography appended to this article for more complete citations to all the works cited..

law firm are the nodes or centering points that make the firm work.

The Davidson/Goldberg definition is good, but I also looked to one of my favorite resource materials, a paper I have read and reread for years entitled "In Search of the Virtuous Manager" by James L. Moffitt, JD, MBA, a former Marketing Director of Minnesota CLE. He defined management as:

> the art of defining, organizing, establishing, planning, supporting, maintaining, monitoring, and optimizing the contributions of, and relationships between, people united in the pursuit of specific business objectives.

His paper also describes the essence of management as "organizational responsibility, not personal opportunity." This leads to the fourth of the **things I believe:** Being a middle manager is primarily an organizational responsibility and not necessarily a personal opportunity. More on this important concept later.

At the ACLEA 36th Winter Meeting in February, 2000, the topic *Leading From the Middle* was presented by Pamela L. Ebel of Prime Time CLE, Steven H. Leleiko of PLI, and Liz Williamson of the ABA. In their materials Steve Leleiko listed the six roles of a leader-manager as:

1. Employee – responsible for executing policies and getting things done;
2. Advisor to a "boss";
3. Team Member of organizational management group;
4. Manager – assigns work, supervises staff, oversees an area of responsibility;
5. Leader – energizes staff, provides a vision, sets a moral/ethical tone; and
6. Judgment Maker – evaluates strategies, policies, people, and systems.

According to Steve, "these roles create a complex set of responsibilities." And so they do.

Pam Ebel commented on a reluctance of people who were clearly middle managers to be identified as such, maybe because they are insulted by the suggestion that they are anything other than the top dog. In a law firm like mine there is only one top dog, and it sure isn't me. Davidson and Goldberg wrote that middle managers should be unhappy because they are "buffeted on all sides." Their power is restricted. They are categorized as paper pushers or, worse yet, as overhead. No wonder Pam suspects that we are insulted to be identified as middle managers. Doesn't sound too good, but there are still ways in which we can earn respect.

What Is a Middle Manager To Do?

We can increase our knowledge base and power through collaboration with others in like positions, either within our own firms or in professional organizations such as the PDC or ACLEA or other professional organizations. This will enable us to find people who are willing to share their vision, their concerns, their knowledge, and their ideas, thus enhancing what each member has to offer to her organization. This is what Davidson and Goldberg did and is really the thrust of their article. But they also caution not to overreach your means and energies and to keep supervisors advised in order to get their support. According to Davidson and Goldberg, let your supervisors "take pride in, and credit for" what you are doing.

That last sentence kind of puts one off. "You want me to let my supervisor take credit for my hard work?" But one of the tips from the *A Good Lawyer* article referenced below reads: "Remember, when dealing with a bureaucrat, unless you can provide a reason why it's in their own best interest to do something, they will prefer to maintain the status quo."

Fifth of the **things I believe:** Do whatever it takes to gain influence in your firm.

One of the problems may be that we don't know how to effectively influence up. A recent American Management Association article entitled "Effectively Influencing Up" by Marshall Goldsmith points out that "Knows how to influence up in a constructive way" scored last in a manager evaluation survey at NASA just before the Columbia space shuttle exploded. Sixth of the **things I believe:** Maybe this is a training issue. Maybe we are more concerned about what authority we should have than in how to sell our ideas to our superiors.

In that article Goldsmith lists guidelines intended to help middle managers do a better job of influencing upper management, such as:

- Remember that it is your responsibility to sell, not their responsibility to buy;
- Focus on the larger good, not just your objectives;
- Don't waste energy on trivial points;
- Present a "cost benefit analysis" rather than just the benefits of your ideas;
- Recognize that upper managers are human, too – don't talk down to them;
- Support the final decision; and
- Focus on the future – let go of the past.

I really recommend this article which appeared in an unlikely place, the AMA seminars catalog for July 2008-April 2009.

Another method of influencing up would be lobbying. In an article entitled "Working Through Other People to Achieve Your Goals" in the October 2003 issue of *Of Counsel*, Phyllis Weiss Haserot acknowledged that creative people often do not have decision-making authority and have to use creative methods to get their ideas accepted, supported, and adopted in their organizations.

Presenting your ideas in advance in one-on-one discussions with decision makers or to small groups of upper management is a lot easier and more productive than taking it directly to a board meeting. Aside from the fact that it is easier to persuade one person or a small group, they are more likely to be candid in providing feedback, such as the nature of resistance or what it will take to get support or acceptance. By lobbying effectively, you can get buy-in and momentum going in your direction.

It may take a little longer than originally hoped to get a positive result. Be patient. Do not let your zeal for the idea get in the way of the selling process. Remember that the focus isn't on you the seller but on the buyer. How you present your idea is more important to success than the idea itself.

If you can't change the system, focus on what you can do. If management is "the art of...optimizing the contributions of...people united in the pursuit of specific business objectives," then be the best manager and leader of your people that you can be.

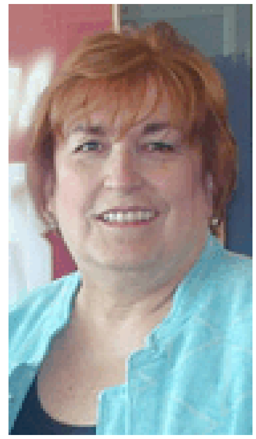
I frequently refer to an article from the December 1997 issue of the *New York State Bar Journal* entitled "A Good Lawyer [read Leader]" by Stephen W. Comiskey. It is based on the Marine Corps Principles of Leadership:

- Take responsibility for your actions and the actions of your staff;
- Know yourself and seek improvement;
- Set the example;
- Develop your staff;
- Ensure that an assignment is understood, then supervise it through to completion;
- Know your staff and look after their welfare;
- Keep everyone informed;
- Set goals you and your staff can reach;
- Make sound and timely decisions;
- Know your job; and
- Train your staff as a team.

I would add one more:

- Give credit where credit is due.

"How does this help me manage from the middle?" you may be asking. "It doesn't give me more authority or decision-making power." You may never get the authority and decision-making power you want. Remember Moffitt's essence of management is "organizational responsibility and not personal opportunity." Seventh of the **things I believe:** You will not get more responsibility until you prove you can fulfill your present responsibility.



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What are you losing?

I am not all Pollyanna. I realize this can appear to be just smoke and mirrors; ignoring the unpleasant. Sometimes that is all you can do short of moving on to a new position at a new firm. But if you are not going to the new firm as the managing partner, you may just be moving from one unsatisfactory middle management situation to another.

Here are two more important tips from the *A Good Lawyer* article:

1. If it's important, be shamelessly persistent. Be relentless.

2. Keep your sense of humor. It will help sustain you through the hard times and it will help you enjoy the good times even more.

Remember,

Be the change you want to see in the world.

* * *

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From the Summit to Solid Ground

Gaye Mara

If you've ever hiked up a steep, rocky slope, you know that getting to the top is not the hardest part. The hardest part is getting down afterward. The adrenaline that carried you up is gone. You're tired. And getting down onto solid ground is trickier than going up: You can't always see the footholds well because at the steepest points you have to descend backwards.

When I first heard about ALI-ABA and ACLEA's plans to convene a national Critical Issues Summit[2] in late 2009, it seemed like an extremely worthy goal at absolutely the wrong time. They wanted to generate a plan for reforming and integrating the lawyer development process, from law school through advanced practice, including bar admission, CLE/MCLE, and PD.

Forget about getting such a plan down to the solid ground of actually implementing it. In the prevailing circumstances, how were they going to energize people even to start the climb in the first place? We were in the midst of a severe economic downturn. Although law school applications were up, hiring was down, CLE providers were struggling, and law firms were laying off lawyers and cutting back on PD.

How were the Summit organizers even going to get the attention of the necessary people, let alone engage them in such an ambitious project?

Getting to the Top

But they persisted, and their results so far seem to confirm the maxim about not letting a good crisis go to waste. The pervasive economic pressures were highlighting the cracks in the current system and seemed to add impetus to everyone's search for better solutions. And the organizers made sure that the Summit was well organized, well resourced, and well attended by all the key constituencies.

A particular point of pride for PD was the high level of interest in the law firm competency models that our participating colleagues explained to the other conferees, and the latter's recognition of the potential broad usefulness of such models as an organizing principle for the work to be done. (For more detail on the Summit deliberations, see "Coming Together Around Lawyer Development: The Critical Issues Summit," at pp. 10-15 of our February 2010 issue; also see the many excellent materials available at the Summit website, www.equippingourlawyers.org, including videos of two plenary sessions.)

The sixteen Final Recommendations reported out of the Summit (available at the website cited above) suggested in the aggregate:

- First and foremost, the establishment of career-long lawyer competency models to guide educators' curriculum planning and practitioners' career planning at every stage of lawyer development and across all legal specialties and employment settings;
- Related improvements in the content of the subject matter to be taught, along with the adoption of proven teaching methods and intensive teacher training in those methods;
- Restructuring of the bar examination from a one-time event to a phased series that begins in law school and is appropriate to the lawyer's stage of development, thereby assessing the

[2] "Equipping Our Lawyers: Law School Education, Continuing Legal Education, and Legal Practice in the 21st Century," held in Scottsdale, Arizona, on October 15-17, 2009.

lawyer's competency at intervals as s/he progresses in his/her career;
- Better communication and collaboration on MCLE rulemaking, and improved and updated accreditation standards;
- Better sharing of information and resources among all legal educators, and broader access to developmental resources across the profession, including by small/solo and public interest lawyers; and
- Stronger encouragement and better preparation for all lawyers to serve the underserved.

Wow – "make no small plans"!

What's in It for Legal Employers and PD?

If the Summit's recommendations are accomplished (a huge *if*, to be sure), employers and PD professionals can look forward to:

- Better preparation of new law graduates for practice – with, among other things, stronger writing skills, better business acumen, and better client relations and teamwork skills – and a corresponding reduction in their need for the most elementary kinds of training and in the time it takes for them to become productive.

- Access to proven competency models that can guide internal curriculum planning, career planning, and competency assessment for all lawyers.

- Being on the same page with CLE providers and MCLE regulators as to the knowledge and skills to be acquired and accredited, and the methods and media to be employed in acquiring them, whether in-house or out.

Starting Back Down

Now begins the hard part – converting the lofty concepts of the Summit into a working reality on the ground.

I was reminded of that by a Summit participant, who told me that other conferees kept referring to "the MacCrate Report" as having the answers they were all seeking – yet he had never heard of it and, when he tried to get a copy, found it was out of print. This report,[3] nicknamed for the chair of the task force that produced it, was published in 1992. It was the culmination of a two-year undertaking by the ABA to create a core competency model for lawyers (it didn't use the term "competency" – instead the report identified the "skills and values" all lawyers should possess). The report also recommended how those overarching skills and values should be developed along the entire legal education continuum – a project eerily similar to the current one.

At the time I was a member of the newly formed Professional Development Consortium. Members of the MacCrate task force fanned out to promote their report to the various legal education constituencies, and I remember Dean Joe Harbaugh talking with our group about it and giving us copies. At least in our sector, the implementation effort ended there. I suppose they expected that the obvious excellence of their analysis and recommendations would be sufficient to motivate others to implement them. Instead, they were soon forgotten.

The Summit organizers seem determined to avoid the same fate. As noted in their *Strategic Plan for Implementation, 2010* issued last month, "ALI-ABA and ACLEA were committed from the outset to continuing the work begun at the Summit."

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[3] *Legal Education and Professional Development – An Educational Continuum. Report of The Task Force on Law Schools and the Profession: Narrowing the Gap.* July 1992: American Bar Association, Section of Legal Education and Admissions to the Bar. 414 pages.

They are supporting the continuing work of a Summit Joint Steering Committee and an advisory Summit Joint Initiatives Committee, composed of representatives of the key constituencies including PD and charged with bringing the Recommendations from concept to reality. And they're prepared for the long haul.

The *Strategic Plan*, issued a year after the Summit itself and now available on the Summit website, is the next major step. It lays out a set of goals tied to the Recommendations, with deadlines (as far out as December 2013) and action items for the accomplishment of each goal. Items of particular interest to legal employers and PD professionals include strategies for:

- "dealing with perceived differences in the accreditation of law firm in-house training; and … accrediting training in content or skills necessary for law practice even if not directly related to substantive law" (p. 5)
- creating broadly shared "model competencies" and delineating the "training needed for attorneys to achieve them" (p. 6)
- improving in-house training (p. 7)
- creating a "collaborative …. clearinghouse" for train-the-trainer resources and a "certification system for those who undertake the training" (p. 8)
- "[c]reating a clearinghouse of training materials for serving the underserved" and "[i]ncreasing the number of CLE programs devoted to training lawyers to serve the underserved" (p. 9)

If you are not already involved in supporting this effort and would like to be, consider joining the discussion group on the Summit website and signing up for the e-newsletter.

A Key Foothold

In bringing the Summit recommendations down to solid ground, the lawyer competency model is a key step that is not yet clearly visible.

In a recent article for ACLEA,[4] Charles Huxsaw of IOMA points out an apparent lack of clarity among the Summit participants about just what such a competency model would consist of. He notes, "One challenge for those who continue the work of the Summit would seem to be in clearing up the murkiness in the usage of terminology," both as to what competencies are called and what they actually are.

A second problem Huxsaw and others have raised is the fact that competency models typically address the *shared* skills and knowledge common to all the members of a profession. The MacCrate Report is a good example of such a model. But at least as important are the specialized knowledge and skills that are not held in common. A public defender and the tax counsel for a corporation, for example, share a few basic competencies as lawyers; but a curriculum that addresses only those competencies will leave them both unprepared for practice.

This has been a stumbling block for PD as well. Law firm competency models typically address shared skills like legal research and writing and leave the specialty skills to practice groups, if indeed they are dealt with at all. The Blackwell Sanders competency model[5] is the only one I'm familiar with that covers practice specialties with any depth and specificity, but not for all practice groups (they left it to each group to develop its own, and not all did) and in the form of practice milestones rather than competencies – *e.g.,* for the Commercial Litigation Practice Group, "Attend Rule 26 conference and draft

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[4]Charles Huxsaw, "Core Competencies and Practice Skills: One and the Same?" *In the Loop,* Fall 2010, Association for Continuing Legal Education, at 4-6.

[5]Peter B. Sloan, *From Classes to Competencies, Lockstep to Levels: How One Law Firm Discarded Lockstep Associate Advancement and Replaced It with an Associate Level System.* Kansas City, MO: Blackwell Sanders Peper Martin LLP, 2002.

Rule 26 discovery plan" (Sloan at 77). The problem with milestones is that they don't tell you *how* something is done, and the mere fact you completed a task doesn't necessarily mean you did it satisfactorily. But they provide at least some guidance for charting progress.

Yet a third stumbling block with competency models is the need for measurable standards so that lawyers and those concerned with their progress can know when the competencies have actually been achieved, as Ross Guberman has discussed in a series of articles in this publication.[6] Does "clearly" or "effectively" or "with minimal supervision," as seen in so many competency definitions, really give lawyers, trainers, and supervisors what they need to pronounce success? While it will never be possible, or even desirable, to remove human judgment from the assessment process, those humans could use clearer direction.

Fortunately, the training profession has already developed models and tools for solving these problems, and there are people on the Summit committees who possess that expertise or know where to find it.

For example, the accepted process for defining the learning objectives for a training program provides a template for defining measurable standards of competence. And the multi-level competency model developed by the American Society for Training and Development with and for its own membership,[7] including both shared "foundational competencies" and specialized "areas of expertise," along with detailed descriptions of the knowledge and skills needed for them, provides a possible template for accommodating both the common and the specialized skills lawyers possess.

[6] "Competencies Without Tears: Thoughts from a Trainer in the Trenches," February 2010 at 1; and "Competencies: Some Alternative Approaches," August 2010 at 15.

[7] See Gaye Mara, "What We Do: A Competency Model for PD," in the May 2010 *PDQ* at 9-13.

Reaching Solid Ground

The foresight of the Summit organizers and the continuing energy and commitment of the organizers, conferees, and post-Summit task forces have been truly impressive. Together, they hashed out a set of thoughtful recommendations for constructive and far-reaching changes in our system of legal education and continuing lawyer development. They have now developed a three-year action plan toward implementation of those changes. So far so good.

As noted above, the implementation effort will have to resolve the technical issues surrounding competency models. But that will be a walk in the park next to confronting the inertia and all the vested interests in things as they are that exist in any established system. The fading of the MacCrate Report, after a nationwide two-year effort, teaches that a more sustained commitment will be necessary.

We believe the changes the Summit conferees have recommended will benefit the legal profession, the justice system, and the society they serve. We wish our colleagues on the Summit task forces the wisdom and the stamina to bring those changes to fruition.

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Book Review

A Life Vest for New Associates

Elizabeth Foster-Nolan

Grover E. Cleveland, *Swimming Lessons for Baby Sharks: The Essential Guide to Thriving as a New Lawyer*. 2010: Thomson Reuters, St. Paul, Minnesota. (143 pages)

Swimming Lessons for Baby Sharks – yes, the title is what first got me interested. This book, written by Grover E. Cleveland, is one of the most practical and well-put-together books for young associates that I have read in a very long time. Today there are a multitude of self-help and how-to-succeed books on the market; but this book, for me, is, as they say, "spot on" as a useful resource for new associates. When you read through this book, I think you will be will be nodding in agreement at the stories and tips Grover discusses. It's as if Grover was in the room when we in the professional development field offer words of advice to new associates.

For purposes of full disclosure, I did work briefly with Grover when we were both associates at Foster Pepper and Shefelman in Seattle back in 1994-1995. However, I did not know that writing a book was on his life list; and, from what I can tell, I was not the inspiration for any of his "Avoiding the Perils of E-mail" stories.

This is the book I wish I had had when I was a new associate starting my second career. Grover gives answers to what I sometimes thought others would think were stupid questions. The book uses humor, personal history, and a practical approach to talk about how to succeed as an attorney. I believe this approach will resonate with law students who are entering law firm life at a time filled with tremendous changes and challenges in the legal field. What is great about the checklists and stories is that they are applicable to any attorney just getting out of law school. Young associates seem to want a road map to navigate their legal careers. Grover gives them that road map.

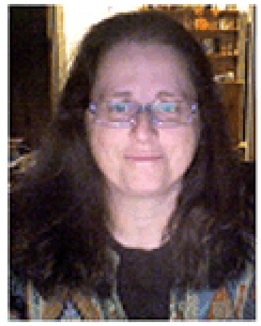
Grover reminds new attorneys to check their egos at the door, not to use their Blackberries while meeting with a client, and to make sure to build relationships within the firm as they grow as associates. He also reminds associates that burnout happens and provides useful ways to handle the delicate balance of a personal life and the desire to succeed as an excellent attorney.

Grover keeps in mind that society and the practice of law have changed by providing helpful social networking tips. Thankfully, I never had to think of those issues when I was a new associate. Last but not least, he provides advice on leaving with grace. In today's mobile workforce and the small legal world, it is imperative that an associate's departure is viewed as professional with no bridges burned.

This book should become part of Orientation, and it would be useful for partners who are designated as Mentors. It is easy for them to forget what it was like to be a first-year associate. Not only will it serve for some great conversations, but I also suspect it will be read several times by the associate and perhaps by the Mentor, too. It is an easy read.

The book was several years in the making. Grover started taking notes his first day as an associate. He wrote the book because he did not want to see associates struggle as they start out in their legal careers. While the lists and words of advice are things that most PD professionals say all the time, Grover has taken all the advice and anecdotes and put them in one easy-to-find place. It makes me think that all of us in the world of PD should be writing down the advice we give associates and compiling it for future PD professionals. It would make for some very interesting reading and help a lot of our future colleagues.

More information about Grover and his book can be found at http://swimminglessonsforbabysharks.com/synopsis.html.



***Elizabeth Foster-Nolan** is Director of Professional Development at Goulston & Storrs where she practiced law in the ERISA group before becoming PD Director. In her former life Elizabeth was a social worker. She can be reached at efoster-nolan@goulstonstorrs.com or 617-574-3552.*

The Learning Lab column will return in the February issue.

Professional Developments

Events

Upcoming PD-related conferences, seminars, and workshops:

Legal Profession:

- 11/30/10, Toronto, ON. *2010 Canadian Legal Career Professionals' Toronto Winter Meeting.* National Association for Law Placement, www.nalp.org.
- 12/9-10/10, Washington, DC. *2010 Professional Development Institute.* National Association for Law Placement/ALI-ABA, www.nalp.org.
- 12/14/10, online. *Virtual Legal Tech.* American Lawyer Media, www.virtuallegaltechshow.com. (Free; CLE credit available.)
- 1/22-25/11, San Francisco, CA. *47th Mid-Year Meeting.* Association for Continuing Legal Education, www.aclea.org.
- 2/3-5/11, Nashville, TN. *2011 Newer Professionals' Forum.* National Association for Law Placement, www.nalp.org.
- 4/27-30/11, Palm Springs, CA. *2011 Annual Education Conference.* National Association for Law Placement, www.nalp.org.

General Audience:

- 11/3-5/10, San Francisco, CA. *DevLearn 10 e-Learning Conference & Expo: The New Face of Learning.* E-Learning Guild, http://www.elearningguild.com/DevLearn/content/1674/home

- 11/4-5/10, New York, NY. *Kirkpatrick's Four Levels: Increasing Training Effectiveness Through Evaluation.* American Management Association, www.amaseminars.org.
- 11/10-13/10, Washington, DC. *Diversity Leadership Conference. Navigating Differences in a Changing World: Dialogues on Diversity, Culture, and Identity.* National Multicultural Institute, www.nmci.org.
- 11/15-17/10, Arlington, VA. *Fundamentals of Human Resources Management.* American Management Association, www.amaseminars.org.
- 11/15-17/10, San Francisco, CA. *Instructional Design for Trainers.* American Management Association, www.amaseminars.org.
- 11/15-17/10, San Francisco, CA. *Training the Trainer.* American Management Association, www.amaseminars.org.
- 11/18-19/10, San Francisco, CA. *Kirkpatrick's Four Levels: Increasing Training Effectiveness Through Evaluation.* American Management Association, www.amaseminars.org.
- 11/29-12/1/10, New York, NY. *Fundamentals of Human Resources Management.* American Management Association, www.amaseminars.org.
- 12/1-3/10, Atlanta, GA. *Training the Trainer.* American Management Association, www.amaseminars.org.
- 12/6/10 ff, New York, NY and online. ***ASTD Celebrity Series:** Blended Learning Certificate Program with Jennifer Hoffman.* 12/6-7 in New York City, plus 12/17 online session. American Society for Training and Development, www.celebrityseries.astd.org. (Repeated 12/13 ff in Chicago, 1/31 ff in San Jose.)
- 12/6-8/10, New York, NY. *Training the Trainer.* American Management Association, www.amaseminars.org.
- 12/8-10/10, New York, NY. *Instructional Design for Trainers.* American Management Association, www.amaseminars.org.
- 12/9-10/10, San Francisco, CA. *Human Resources Measurement and Metrics.* American Management Association, www.amaseminars.org.
- 12/15-17/10, San Francisco, CA. *Fundamentals of Human Resources Management.* American Management Association, www.amaseminars.org.
- 12/16-17/10, Chicago, IL. *AMA's Employment Law Course: Avoiding the Legal Pitfalls of EEO, FMLA, and ADA.* American Management Association, www.amaseminars.org.
- 1/31-2/2/11, New York, NY. *Legal Tech New York 2011.* American Lawyer Media, http://www.legaltechshow.com/.
- 2/2-4/11, San Jose, CA. *ASTD TechKnowledge Conference & Exposition.* American Society for Training and Development, www.astd.org.
- 2/7-9/11, San Diego, CA. *Training 2011 Conference & Expo*. Training Magazine, www.TrainingConference.com.
- 4/9-13/11, Orlando, FL. *The Performance Improvement Conference*: pre-conference workshops 4/9-10, conference 4/11-13. International Society for Performance Improvement, www.ispi.org.
- 5/22-25/11, Orlando, FL. *ASTD 2011 International Conference & Exposition.* American Society for Training and Development, www.astd.org.

Certificate and Degree Programs

American Management Association, Myers-Briggs Type Indicator® (MBTI®) Certification Program, www.amacourses.com (4 days. See the website for dates and locations.)

American Society for Training & Development, Certificate Programs, www.astd.org (see the website for online and/or on-site dates and locations for each topic.):

- Action Learning Certificate (2 days)
- Advanced Designing Learning Certificate (2 days)
- Advanced E-Learning Instructional Design Certificate (2-days)
- Analyzing Human Performance Certificate (3 days)
- Blended Learning Certificate (2 days)
- Business Essentials Certificate: Strategy, Finance, Marketing (3 days)
- Career Planning and Talent Management Certificate (2 days)
- Coaching Certificate (2 days)
- Consulting Skills for Trainers Certificate (2 days)
- Creating Leadership Development Programs Certificate (2 days)

- Creating New Supervisor Training Programs Certificate (2 days)
- Designing Learning Certificate (3 days)
- Designing Synchronous Learning Certificate (6-week online program)
- Developing Great Managers Certificate (2 days)
- E-learning Instructional Design Certificate (2 days)
- Essentials of Adobe Captivate 4: Production Tips and Tricks (1 day, online only)
- Essentials of Adult Learning (2 week online program)
- Essentials of Camtasia Studio 6 with Kevin Siegel (1 day online program)
- Essentials of Coaching SMEs to Facilitate Learning (2 week online program)
- Essentials of Copyright Law for Workplace Learning Professionals (2 week online program)
- Essentials of Developing Program Objectives (2 week online program)
- Essentials of E-learning Authoring Tools (2 week online program)
- Essentials of E-learning Strategy Development (2 week online program)
- Essentials of Efficiency in Learning (5 day online program)
- Essentials of Game Design (2 week online program)
- Essentials of Performance-Based Job Aids (2 week online program)
- Essentials of Personality and Leadership Assessment Tools (2 week online program)
- Essentials of Podcasts, Video, and Writing for the Web (2 week online program)
- Essentials of Scenario-Based E-learning with Ruth Clark (5 day online program)
- Essentials of Social Media for Learning (2 week online program)
- Facilitating for Excellence Certificate (1 day)
- Facilitating Organizational Change Certificate (2 days)
- Facilitating Synchronous Learning Certificate (4 week online program)
- HPI (Human Performance Improvement) Basics Certificate (4 week online program)
- HPI in the Workplace Certificate (3 days)
- Learning for Multiple Generations Certificate (2 days)
- Managing External Vendors Workshop (3 week online program)
- Managing Organizational Knowledge Certificate (2 days)
- Managing the Learning Function Certificate (3 days)
- Measuring and Evaluating Learning Certificate (3 days)
- Presentation Skills Certificate (2 days)
- Project Management for Trainers Certificate (2 days)
- Rapid Learning Techniques Certificate (2 days)
- ROI Basics Certificate (3 week online program)
- ROI Skill Building Certificate (2 days)
- Selecting HPI Solutions Certificate (3 days)
- Test Design and Delivery Certificate (2 days)
- Training Certificate (3 days)
- Training Certificate Plus! (4 days)

Clark Certification Programs, www.clarktraining.com:

Ruth Clark's programs are now offered online only. Check her website for available dates for:

1. e-Learning Certificate:

- Needs Assessment for Performance Technologists: Tools and Techniques
- How to Plan, Design, and Evaluate e-Learning
- e-Learning and the Science of Instruction

2. Instructional Systems Design Certificate:

- Needs Assessment for Performance Technologists: Tools and Techniques
- How to Plan, Develop, and Evaluate Training
- Building Expertise: How to Apply Learning Psychology to Instructional Design

Ithaca College Online Professional Certificate Programs, Ithaca College, www.ithaca.edu/gps/professional_programs. Two-week online sessions in:

- Performance Improvement Management
- Strategic Communication Management
- Sustainability Leadership

Training Live+Online Certificate Programs. www.TrainingLiveAndOnline.com. Upcoming online courses in:

- E-Learning Design
- Training Manager: Managing the Training Function
- Scenario-Based E-Learning
- Producing Great Podcasts
- Instructional Design: Performance-Based and Results-Focused
- Leading Effective Live Online Events
- Designing E-Learning with Captivate

American Society for Training & Development CPLP Certification: Certified Professional in Learning and Performance. This is a comprehensive program consisting of approximately 10 weeks of coursework, a knowledge-based examination, and submission of a qualifying work product. It addresses the nine areas of expertise identified in the ASTD Competency Model for workplace learning & performance professionals:

1. Designing learning
2. Delivering training
3. Improving human performance
4. Measuring and evaluating learning
5. Facilitating organizational change
6. Coaching
7. Career planning and talent management
8. Managing the learning function
9. Managing organizational knowledge

www.astd.org/content/ASTDcertification/.

University of Pennsylvania Executive Education for Chief Learning Officers. Penn's Wharton School and Graduate School of Education have teamed to create the "Executive Program in Work-Based Learning Leadership." The program offers "blended learning approaches that include onsite classes, virtual sessions, individual and team project work, and application work" in five curriculum blocks:

1. Organizational/strategic leadership
2. Workplace learning and performance leadership
3. Business analysis
4. Evidence-based decision making and analysis
5. Use of technology to support and enhance workplace learning

Students in the program may obtain a certificate from Wharton for any single course block, or may use the curriculum to pursue a master's or doctoral degree from the Graduate School of Education. executiveeducation.wharton.upenn.edu/clo.htm.

Villanova University Master of Science in Human Resource Development. A two-year online master's program, offering courses in

- organizational change
- human resource planning
- compensation
- international human resources
- organizational training
- project management

Villanova University, www.VillanovaU.com/MHRD.

George Washington University/Hildebrandt Institute Master of Professional Studies and Graduate Certificate in Law Firm Management. The Master's curriculum is a two-year, 30-credit, blended learning program consisting of two 12-credit segments (Law Firm Management and Law Firm Leadership), and a 6-credit Independent Research Project. Each 12-credit segment begins and ends with an on-campus residency period in Alexandria, VA, with 4 months of online distance learning in between. The 12-credit segment in Law Firm Management may stand alone as a Graduate Certificate. nearyou.gwu.edu/sfm/index1.html.

News:

At its 26th Annual Meeting in San Antonio in October, the **Association of Corporate Counsel** announced the creation of an on-line database where law departments can anonymously share their performance data (such as outside legal expenses) and see how they compare to their peers. Susan Hackett, ACC general counsel, says they hope to have the site up and running, "if not fully populated," by mid-2011. The upshot: Law firms can expect continuing pressure on fees. David Hechler, *Corporate Counsel*, October 28, 2010.

Law Technology News has announced its 8th annual technology awards competition, to "honor our most technology-savvy legal professionals and organizations." Awards will be given in five categories:

- IT Director of the Year;
- IT Champion of the Year (*e.g.,* a lawyer or other legal professional within an organization who is not a member of the IT staff, who helped push for technology adoption);

- Most Innovative Use of Technology in a Law Firm;
- Most Innovative Use of Technology in a Law Department (including government agencies);
- Most Innovative Use of Technology in a Trial.

Entry is free, and the deadline to enter is December 1, 2010. The nomination form is available at http://pdfserver.amlaw.com/ltn/LTN_NOMINATION_FORM.pdf

Resources:

The **Masie Center** has just released a free e-book, *Learning Perspectives 2010*, with chapters by 40 "global learning leaders" on such topics as the new learning and social networking media, the new generation of learners, knowledge management, and what's changed and what hasn't in workplace learning. Download a copy at http://www.learning2010.com/ebook.

The Four-Page Business Development Plan is a simple and feasible approach for lawyers looking to grow their practice. From the September 2010 issue of IOMA's *Partner's Report for Law Firm Owners* – available at http://www.ioma.com/four_page_business.html.

Display PowerPoint from a Blackberry. Sean Doherty of Law Technology News reports on a test drive of the new Blackberry Presenter,

> "a small device that fits in the palm of your hand and is designed to receive a Microsoft PowerPoint presentation from a Bluetooth-enabled BlackBerry device and display it on a projector, television, or monitor without the aid of a computer."

He found it satisfactory for the purpose but slow to load, and therefore recommends preloading your slides on it. The software is free from Blackberry; the Presenter device is $199.99. "Review: BlackBerry Presenter. New BlackBerry device facilitates PowerPoint presentations." *Law Technology News*, September 1, 2010.

Managing Seniors in the Workforce. Lawyers and others in the Boomer generation are seeking opportunities to continue working, or return to work, past traditional retirement age. They present both opportunities and challenges for employers. *Managing the Older Worker: How to Prepare for the New Organizational Order* (2010, Harvard Business Press), by Peter Cappelli and Bill Novelli (former AARP executive director), is a guide for younger supervisors on how to work most productively with subordinates old enough to be their parents. The authors cite statistical evidence that older workers are exactly the type of employee that employers are looking for – reliable, mature, knowledgeable, and productive – and yet supervisors, especially those under 40, are reluctant to hire them and intimidated about managing them. The book suggests developing a collaborative rather than directive supervisory relationship, and tailoring management and supervisory approaches to older workers' motivations and needs, such as:

- Getting their input on how the job should be done
- Recognizing the value of the organization's mission and their contribution to it
- Providing opportunities for social interaction
- Offering flexible scheduling
- Tailoring benefits to their needs

Case studies explore the practices of companies that successfully employ older workers.

Health Care Reform Explained. The University of Iowa College of Law has organized a free, 14-session, Web-based course examining the provisions, implementation, and effects of the new federal health care reform law (the Patient Protection and Affordable Health Care Act). The course is presented by a national faculty of legal and medical academics and is targeted to law students, lawyers, and healthcare students and practitioners, but is open to the public. It examines both national and state (Iowa) implications of the law. The two-hour afternoon sessions began on Thursday, August 26, and will end Thursday, December 2. Live sessions with predominantly legal content convey Iowa CLE credit, and an archive of presentation videos, readings, and PowerPoint slides from past sessions is available. http://www.uiowa.edu/~ibl/HealthLawColloquium.shtml

MCLE Watch

In August the **Virginia** MCLE Board postponed for a year, until November 1, 2011, implementation of a requirement that at least 4 hours of attorneys' annual CLE be in the form of "live interactive programming." The Board adds that it "decided on July 21, 2010, that more time is needed so that lawyers and MCLE providers have an opportunity to clearly understand the regulations before they go into effect." A colleague reports that the Board got strong pushback from attorneys at the prospect of a cutback in their allowable on-line hours. http://www.vsb.org/site/news/item/live-inter-rqt-postponed/

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