

# ACTION LEARNING & EXPERIENTIAL LEARNING THEORY

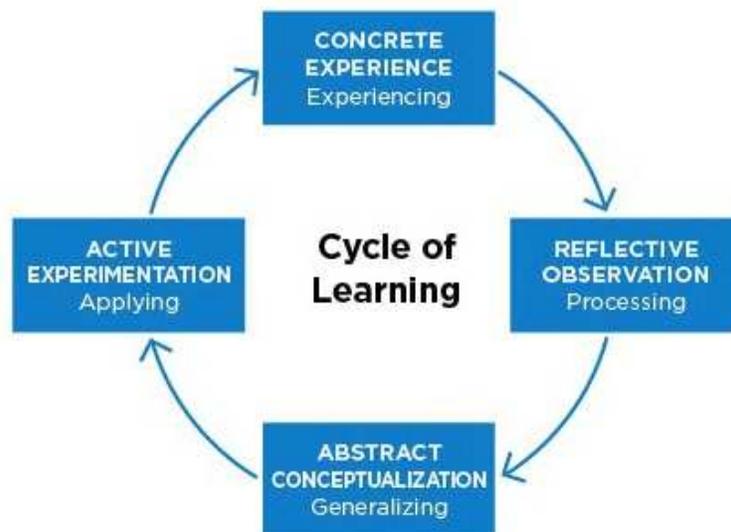
“Learning is the process whereby knowledge is created through the transformation of experience” (Kolb, 1984, p. 38).

David Kolb's learning theory, which he began to develop in the 1970s, is based on two factors: a four-stage experiential *learning cycle* and four distinct *learning styles*.

## THE EXPERIENTIAL LEARNING CYCLE:

Effective learning occurs when a person progresses through the four stages: (1) having a concrete experience followed by (2) observation of/ reflection on that experience which leads to (3) the formation of abstract concepts (analysis) and generalizations (conclusions) which are then (4) used to test hypothesis in future situations, resulting in new experiences.

It is important to note that while a person can *enter* the cycle at any point (e.g. begin with analysis/conclusions at Abstract Conceptualization and then see if it works out at Active Experimentation) effective learning only occurs when a person is able to execute *all four stages* of the model. No one stage of the cycle is effective as a learning procedure on its own.



## THE FOUR LEARNING STYLES:

Different people naturally prefer a certain learning style, which is influenced by a variety of factors including environment, educational experiences, etc. The learning style preference is a combination of two pairs of variables, namely the Processing Continuum (how we approach a task: doing or observing)

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and the Perception Continuum (our emotional response to the task: abstract/thinking or experiential/feeling).

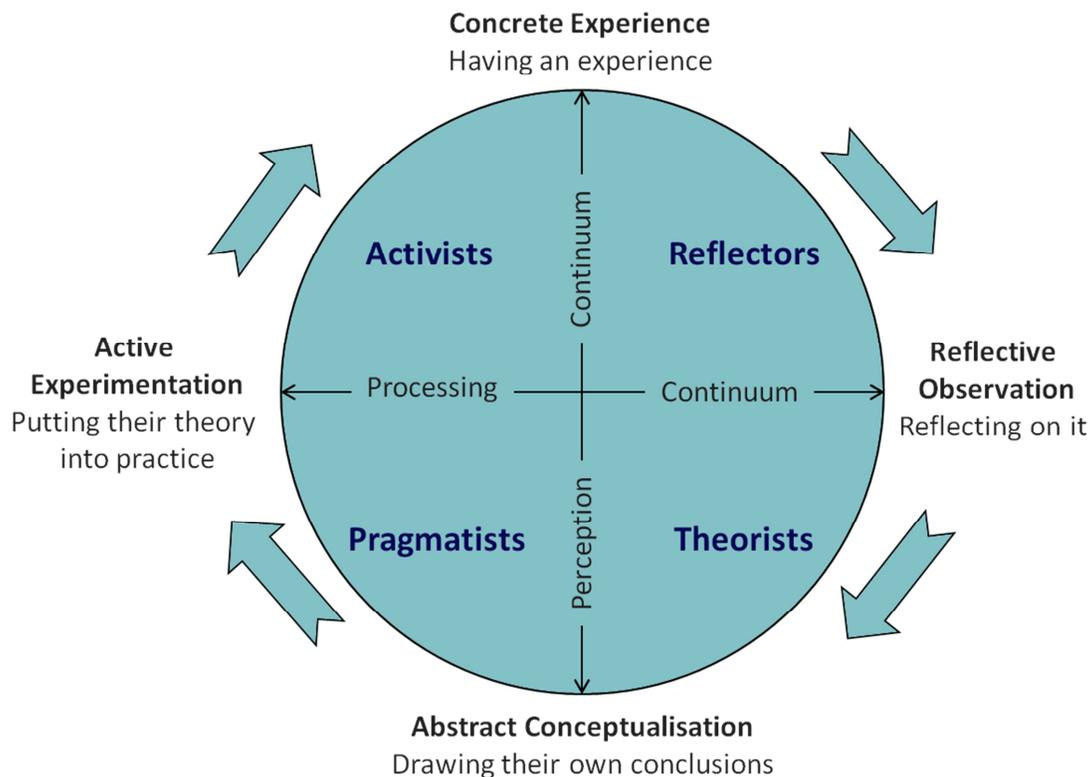
In 1993, Peter Honey and Alan Mumford created the Learning Style Questionnaire (LSQ) based on Kolb's work. They rechristened Kolb's four learning styles as follows: Activist, Reflector, Theorist and Pragmatist.

**Activists** seek challenge and immediate experience -- they are always ready to dive in and try it! While open-minded to new things, they get bored with implementation. QOTD: "Let's just throw it up against the wall and see if it sticks."

**Reflectors** gather data, ponder and analyze, listen before speaking, and are thoughtful -- they're the ones who stand back and watch. QOTD: "Let's just think about this for a moment before we rush into anything."

**Theorists** are rationally objective and think things through in logical steps. While they can assimilate disparate facts into coherent theories, theorists also want to figure out how new things fit into their current 'framework' -- and tend to be uncomfortable with new things until they do. QOTD: "I'd like to understand this a bit more, especially how it fits into {x}."

**Pragmatists** seek and try out new ideas. They are practical, down-to-earth, and enjoy problem solving. They don't want to belabor decision-making, and are bored with long discussions. QOTD: "I just don't see how this is relevant if it's not going to work in real life."



## WOULD YOUR LAW FIRM BENEFIT FROM ACTION LEARNING?

What's Your Situation?	YES	NO
1. Do you have an organizational problem/issue for which no one knows the solution -- but many people have an opinion?		
2. Does the problem/issue involve compelling, unstructured questions?		
3. Is the problem/issue a critical business and/or strategic imperative?		
4. Does the problem/issue have an impact on your business results?		
5. Is it an issue for which regular problem-solving techniques would find an acceptable answer?		
6. Is it an issue that can be solved through systematic analysis?		
7. Is some sort of [possibly transformational] change needed in your law firm?		
8. Does your law firm generally accept the need for improved organizational learning?		
9. Are your lawyers rewarded for asking good questions?		
10. Is there a free flow of communication between leadership and the rank-and-file?		
11. Is conflict surfaced and dealt with, or is your culture conflict-averse?		
12. Does your law firm want to develop attorney leadership skills?		

**If you answered YES to questions 1-4, Action Learning might be appropriate for your firm's problem/issue.**

**If you answered YES to questions 5-6, a more traditional problem-solving approach might be a better fit.**

**If you answered YES to half of questions 7-12 your firm probably has the organizational readiness to explore Action Learning.**



# When You Need Your Cats to Herd the Rest of the Cats: A Case Study on Developing Leading Lawyers

by Jessica Buchsbaum

*Learn how one firm implemented a successful Action Learning based lawyer leadership development program — and how powerful Action Learning tools can be used by other firms to develop leaders and plan for the future.*

Ok, ok, ok... I know I drew on a tired cliché for my title, but can you seriously think of any imagery that more clearly conjures up the environment in which we need to develop leadership in our lawyers? For the vast majority of the attorneys practicing at our firms, leadership is not something that comes naturally or easily.

Why is it so hard for lawyers to lead? For starters, lawyers are a group of independent souls who don't love authority and leadership. Larry Richard's comprehensive research on lawyer personalities utilizing the Caliper Profile — an in-depth personality assessment measuring over 25 performance traits that has been validated through extensive research — reveals that lawyers score in the 89th percentile for autonomy compared to members of the general population, who test in the 50th percentile. Richard's research divulges not only that we ask our leaders to manage a group whose very being resists leadership, but also that lawyers themselves do not have the traits that we see in traditional leaders. They are highly skeptical and lack sociability and resilience. Beyond that, lawyers are trained to be practitioners, not leaders. The bottom line is that we are, for the most part, asking cats to herd the other cats, and most firms determine the next leader based on his or her ability to generate business — not always the best indicator of superlative leadership qualities.

The leadership dilemma remains, however, because having strong leaders is a business imperative; law firms cannot func-

tion successfully when each lawyer is head of a pride of one. While identifying and grooming future leaders are concerns that plague every law firm, Bilzin Sumberg was particularly focused on this very concern because we are focused on transition. Our Managing Partner and Executive Committee are at the stage in their careers where they are keenly interested in cultivating the next group of leaders within our firm.

Ensuring the firm's success beyond the tenure of our current leadership required us to examine our existing leadership and what style of leadership our future leaders would need to embody. We asked ourselves: What key skills would our future leaders need to draw on to continue our firm's success? Here's how we answered that question:

- Collaboration
- Consensus building
- Strategic thinking
- Holding themselves and others accountable

Looking at our future leaders, it was clear they would lead in a different and more collaborative way. They would have to rely on and trust each other, build consensus, and learn how to hold each other accountable.

It goes without saying that any significant firm initiative requires support from top firm management. Our Executive Committee recognized the importance of developing a new

generation of leaders within our firm. We felt the need. This meant that the Executive Committee was willing to accept the significant costs, both in actual dollars and attorney time, associated with undertaking such an ambitious initiative. Further, members of the Executive Committee were completely committed to taking on the role of “sponsors” of the program. This required members of the Executive Committee to offer guidance and mentoring and ultimately to evaluate the success of the program.

With the Executive Committee’s support, we got to work building a leadership development program that would solve all the world’s problems! I might have oversold that... We embarked on designing a program that focused on the challenges that lawyers face in leading and being led, addressing how adults learn best. We conducted research on various options for leadership development. We investigated university programs and partnerships, which offered strong faculty resources and curricula, but which also seemed less practically oriented than the program we were seeking. E-learning offered lower costs, but was not well-suited to adult styles of learning and we had concerns about its efficacy. Finally, we explored coaching, which would provide a tailored program, but presented a problem of scale, given the size of the group we hoped to train. We concluded the option that best suited our firm was an Action Learning program.

*Action Learning is a development program in which companies ask a group to solve a significant and urgent business problem with no easily identifiable solution.*

What we ended up with was a ten-month Action Learning program facilitated by Caliper Corporation. Action Learning is a development program in which companies ask a group to solve a significant and urgent business problem with no easily identifiable solution. It has the added benefit of building strong leaders in the process because the participants are “learning by doing” and delving into all the aspects of leadership in a

true-to-life setting. The goal of the group is to solve the urgent business problem, and move beyond their individual expertise and collaborate to generate ideas and solutions that they individually may have never considered before. The duration of an Action Learning project is generally nine months to a year.

Action Learning projects are facilitated by an Action Learning Coach who highlights lessons learned through the process of problem solving. Our coach had over 25 years of coaching and training experience, specializing in organizational development. The coach facilitated all of the programs and taught our participants how to effectively use management tools like “The Ladder of Inference” and “The Root Causes Tree,” among others. She led a particularly interesting exercise where all the participants were blindfolded during a discussion so they could focus on active listening and giving all participants a voice. An Action Learning Coach works with the group every step of the way to highlight and facilitate lessons learned. The coach guides the team through the process of leading with questions, taking risks and reflecting on actions to generate new ideas, making course corrections, and building individual and team confidence. As the team members work together, natural leadership qualities emerge and the participants become more proficient at taking risks, making difficult decisions, asking the right questions, and leading their peers — coaching and mentoring peers and building team trust and collaboration. Approximately 50% of the Action Learning process focuses on solving the problem — the rest is about learning.

Working closely with our Caliper facilitator, we addressed all of the components required to have a successful Action Learning program, including developing a mentoring program for the participants, identifying the program sponsors (those members from the Executive Committee who would be responsible for measuring the success of the solutions to our problems), and providing regular coaching from Caliper consultants.

I invite you along on the journey of how my firm implemented a successful Action Learning based lawyer leadership development program.

### **Identify candidates for the leadership development program.**

Realistically identify potential leaders. It is also helpful to consider whether some of your existing leaders could benefit from refining their skills. Our leadership development candidates were 13 lawyers from various practice groups, half of whom were equity partners and half of whom were non-equity partners — and all of whom either held leadership roles within the firm or had been asked to undertake leadership roles. We also considered diversity in the makeup of the group. We wanted our group to be diverse in as many ways as possible with one exception: The group needed to be equal in power and authority within the firm. If one member, or even a select few members, had authority over the rest of the group, collaboration would have been stifled and the other members of the group would have simply followed the member with the most authority. This is detrimental to the Action Learning process. We divided our group of 13 lawyers into two groups.

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**Obtain participant buy-in.** While we had buy-in and support from our sponsors, we knew it would be just as vital to have buy-in from the 13 partners we identified as candidates for this program. Our facilitator held on-site individual meetings with each potential participant to explain the program and the time commitment required. At the initial stage we emphasized the importance of the problems that we wanted them to work on and focused less on the leadership development aspect. We explained that the program would require seven one-day sessions where the group would work with the group facilitator on the problems the firm was facing. They would also be required to work, as a group, in between the sessions. We let the groups determine how and when they would meet. One group wanted to meet on Fridays and the other group preferred weekends. Both groups wanted to be off-site at a hotel for all of

their sessions. Like any good law firm we love an acronym, so we affectionately coined the program name SAPP, which stands for Strategic Analysis Planning Program.

**Implement the Action Learning program.** The linchpin of a successful Action Learning program is “The Problem.” When we began crafting the problems our group would address over the next ten months, we focused on ensuring our topics would be both urgent and important so as to engage the team members. Due to the importance of this initiative, our Managing Partner took primary responsibility for working with our Action Learning consultant to formulate the “problems” that we considered high-level firm strategy issues reviewed by our Executive Committee on a regular basis. We thought about which areas of the firm culture and management the Executive Committee would likely explore further to lead our firm more effectively and the challenges faced in leading Bilzin Sumberg. This analysis resulted in the first group, SAPP1, being tasked with making recommendations as to how our firm should strategically position itself in three to five years. The second group of partners, SAPP2, was tasked with making recommendations as to how the firm could continue to promote a culture of engagement and buy-in from the partners. Once we had crafted the “problems,” we kicked off the program with our Managing Partner and the rest of the sponsors in attendance, and the Managing Partner made an intentionally brief presentation of the problem to each group.

Both groups had seven sessions over a ten-month period. The sessions were mandatory and required 100% participation and attendance. The groups reframed the problem, divided into smaller working groups, and did extensive research. As the participants worked on their problems during the sessions, the facilitator would stop the group so that they could seek and discuss feedback, learn how to ask questions, support each other, and learn how to avoid making assumptions. This was all done in real time, because the participants needed the information to effectively work together on their recommendations and as a team.

Between sessions, the group continued to work on their recommendations through subgroups that addressed different aspects of the problem. They interviewed management to learn about our firm's processes and decision-making rationale, talked to their peers at other law firms, spoke to industry experts, and even consulted with leaders from other professional services companies. Both groups met with the sponsors periodically to communicate their progress, to obtain input, and to make sure they were garnering the sponsors' support before the final recommendations were made late last year.

**Wrap up the program.** Our sponsors met with each group to give specific feedback about which recommendations were being adopted and which needed further refinement. The participants were offered the opportunity to spearhead some of the new initiatives that were recommended and approved by the sponsors. The goal is for the SAPP members to utilize their new or improved leadership skills to make their recommendations a reality. In fact, the sponsors adopted many recommendations from the group and we are already realizing some of the benefits of a more engaged partnership — a success from the SAPP members', sponsors', and consultant's perspectives!

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We also took the time to reflect with the sponsors and SAPP members on the process, what was gained, and what we would have changed. The results were encouraging. Both teams learned more about the firm as a business, about each other, and, most importantly, about how to lead. Here are some highlights of what they felt they gained through the process:

- Strengthened relationships between team members and improved communication in the office;
- The value of listening, asking questions, and not interrupting;
- The value of gaining real buy-in, and not issuing directives;
- Tools for conducting effective meetings;
- How to set ground rules in a team environment, like holding each other accountable, being honest, and showing mutual respect; and
- The value of brainstorming and taking time to strategize.

Before I conclude with some tips on how to implement an Action Learning program at your firm, I offer these words of wisdom: The program was a phenomenal professional development opportunity for our lawyers, but it was not without its challenges. Be prepared to overcome obstacles that include:

- Making the time commitment. So much time! Lawyer time and administration time!
- Obtaining participant buy-in, which can be easier said than done.
- Preparing administration and current firm leadership to be transparent and open to providing sensitive information and to having current methods of leadership/management analyzed and criticized.

If you are undaunted by the challenges of offering such a program and you're interested in implementing a similar program, even without the benefit (and expense!) of a consultant, I've provided some key takeaways from our Action Learning leadership development for you to consider as you design your own program:

- Have a purpose. It is imperative that you feel the need and understand why your firm needs to focus on leadership development and that you be able to explain that to key decision-makers.
- Gain buy-in and support from top firm leadership, as you would with any significant firm initiative.

- Identify the most important leadership skills your future leaders will need. Ask, “What key skills would our future leaders need to draw on to continue our firm’s success?” Be realistic and focus on three to five skills.
- Select program participants. This should be tailored to your firm environment. Should the program be targeted toward high potential partners, those who are being asked to transition into leadership roles imminently, and/or those who are existing leaders facing some challenges in their roles? Remember to be mindful of the diversity of your team.
- Identify your program facilitator. Obviously a third party consultant makes the program less complicated, and when selecting a consultant consider your firm culture and your participants. If you don’t have the budget for a consultant, don’t fret! This can be conducted in-house by selecting a firm member who has the time and desire to facilitate your group. I would highly recommend anyone managing an Action Learning program read *Optimizing the Power of Action Learning* by Michael J. Marquardt to prepare.
- Obtain participant buy-in and structure the program. It is important that you have a committed group of participants who are willing to devote their time and energy to a non-billable endeavor. Make it easier for the participants by tailoring the logistics to the group. Determine their venue, time, and date preferences. Identify sponsors who will be responsible for determining the success of the program, who will be a resource along the way, and who will determine which recommendations will be accepted.

The program was a success at our firm. When we compared the skills we wanted our leaders to possess with those skills they felt they developed, we were pleased with the outcome. Along the way, we started the process of developing our future leaders and the firm gained some valuable recommendations surrounding where we should be focused to thrive in the next three to five years and how we can foster a culture of engagement and ownership among our partners. We are looking forward to the continued implementation of the SAPP recommendations and are excited about the future of our firm.

Action Learning is a powerful and underutilized tool for law firms to plan for the future and provide unparalleled leadership development. Not only will you help equip your future leaders with the skills needed to herd cats, you’ll also help them to become a little less feline themselves!

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## About the Author



Jessica Buchsbaum is the Chief Legal Talent Officer for Bilzin Sumberg Baena Price & Axelrod LLP in Miami, Florida. Her responsibilities include the development and implementation of firm-wide recruiting and professional development strategies and initiatives.

Jessica also works closely with Bilzin Sumberg’s Culture Committee on its Diversity Initiative and is responsible for the firm’s participation in the NALP/Street Law Legal Diversity Pipeline Program. Jessica can be contacted via email at [jbuchsbaum@bilzin.com](mailto:jbuchsbaum@bilzin.com).