

# PROFESSIONAL DEVELOPMENT QUARTERLY

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## **The “Whys” and “Hows” of Work Brokering**

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### **Introduction**

As apprenticeship in the practice of law goes the way of the horse and wagon, the professional development director's role has become crucial not only to the development of legal staff, but to the success of the law firm. Professional development directors oversee a myriad of development initiatives, including formal training, benchmarking, evaluations and more, all of which are, or should be, aligned with the firm's goals. But if your firm could implement only one professional development initiative, what would it be?

I would choose a work assignment allocation system, or “work brokering.” Designing and implementing an effective work brokering system requires a significant initial investment of time and thought. Generating buy-in is key. Once the program is functional and the kinks worked out, however, work brokering is an efficient, cost-effective tool for associate development. In fact, given a sufficient pool of available work assignments, progress toward achieving the program's goals should be evident within a matter of months.

Recently, I had the opportunity to design and implement a formalized work brokering process for the corporate department of my 160-lawyer firm. Of all of the professional development initiatives my firm has undertaken, formalizing the associate work brokering program in our corporate department has had one of the most immediate and profound effects on

individual associate development. Work brokering has enhanced client service and, over time, it will directly impact overall profitability. Yet the introduction of formalized work brokering was not without controversy. I offer my experiences and observations in hopes that they will be of use to other firms in structuring their own work assignment processes.

In the paragraphs that follow, I have first outlined several of the more compelling arguments for work brokering. I have then highlighted a few of the most important issues to consider when preparing to launch work brokering. While no one system can work for all firms or departments, these ideas should help anyone responsible for designing a work brokering system get off to a good start.

### **Why Commit to Work Brokering?**

#### *Develop the Most Skilled Attorneys*

The most effective attorneys often specialize in one or more areas, but their expertise is built upon a broad foundation of experience. Crafting an efficient, practical legal solution is merely one criterion of competence. To most effectively serve clients, attorneys must analyze context, issue-spot, and predict and evaluate the consequences of various courses of action, often under significant time pressure. They must also recognize when to consult other experts. Referrals and cross-selling, both of which require some breadth of experience, are further components of competent lawyering.

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Associates who are forced to specialize too early can find themselves at a severe disadvantage when later asked to stretch outside of a narrow range of issues. They may lack the confidence to make appropriate judgments. Deficient experience may hamper their ability to jump into unfamiliar territory and spot the legal landmines, or to call in other team members as necessary. Client well-being is jeopardized when an issue is not examined in its full context. With each repetitive assignment, as associates' tenures lengthen and their billing rates rise, opportunities to master basic competencies on the job slip away.

An effective work broker will help associates develop a broad substantive knowledge base prior to specializing. Exposing associates to a variety of matters, clients and supervisors will help associates develop the perspective, creativity and flexibility necessary to provide informed client service. As a further benefit to the firm, attorneys with broad skill sets and confidence grown from experience will be well positioned to reshape their practices, as appropriate, when new practice areas emerge or hot practice areas dry up.

### *Guarantee Clients the Best Staffing*

While clients appreciate consistency in their legal teams, they also expect that the best associates will be staffed on their matters. In order to guarantee clients the best possible staffing for all matters, firms must ensure that each department trains a core group of broadly-skilled associates who are competent to handle any matter that may come their way. An associate already familiar to a client may not always be the most appropriate staffing choice. In a "free-market" assignment system, associates often routinely work for the same client. The client is exposed to a limited number of associates and the associates are not necessarily challenged to expand their skills and experience. They will not always bring the best insight and perspective to new matters.

Additionally, the continuing availability of a particular associate to undertake and manage a given matter is far from guaranteed. Associate attrition rates are remarkably high. In fact, new associates entering large law firms are more likely than not to abandon them after only a few years.<sup>1</sup> While recent economic conditions have undoubtedly reduced voluntary attrition, associates are still leaving; firms in some markets have laid off unprecedented numbers of associates over the past year or two. Even associates who remain at one firm are not always available to work on particular matters, due to workload, illness or other factors.

A designated work broker can balance the broad goal of ensuring that associates are skilled in many areas with the more immediate interest of clients and partners. Certainly, assigning work to an associate already knowledgeable about a client, skilled in running a particular matter or comfortable with the lead partner can generate an efficient result. From a short-term perspective, it can be difficult to justify the time and effort required to bring yet another associate up to speed. Associates exposed to a variety of situations, however, will be best positioned to size up new matters, plan strategies and provide sound advice. And, a greater number of associates with appropriate skills will be available to staff new matters. This will benefit partners and clients alike.

### *Minimize Training-Related Attrition*

Inadequate training is a common cause of associate attrition. Perceiving gaps in their skills, many associates will abandon their firms, seeking employment (and better training) elsewhere. Other associates advance to partnership consideration before training deficiencies are fully recognized, or fully acknowledged. In the former instance, were a training gap to be articulated prior to an associate's departure, remedial training, if available, might be an efficient remedy. In the latter case, however, associates are often simply asked to leave.

Regardless of the circumstances, replacing an associate who has not been sufficiently trained incurs needless expense by a firm. Recruiting and replacing an associate is an enormously expensive proposition. Estimates range to \$300,000 and above for recruiting efforts *alone*.<sup>2</sup> This

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<sup>1</sup> See, e.g., Beyond the Bidding Wars: A Survey of Associate Attrition, Departure Destinations and Workplace Incentives, A Year 2000 National Research Study on Lawyer Careers, NALP Foundation for Research and Education (2000).

<sup>2</sup> See, e.g., Fleischer-Black, Matt, "Managing in the Age of Anxiety," *The American Lawyer* Vol. XXIV, No. 10 October 2002), 112.

excludes the firm's lost investment, associate "ramp-up" time and similar costs.

By controlling distribution of client work, the work broker can help ensure that all associates receive the types of assignments necessary to develop a full complement of skills and experience. The work broker will be attuned to potential developmental weaknesses and should make assignments that will remedy any emerging gaps before they become problematic. Additionally, the work broker can help remedy any misplaced perceptions surrounding training and competency, whether by acting as a sounding board for associates who are concerned about their own development, or by providing associates timely opportunities to demonstrate particular skills.

### ***Generate Low-Cost, High-Benefit Results***

Professional development tools that are more visible than work brokering are often significantly more expensive. High-profile training classes generally require consultants' fees or attorney preparation time, not to mention the hours each participating associate spends in class. Other popular tools such as mentoring programs and performance evaluations involve little or no classroom time but do require attorneys' active participation. They also often involve spending the firm's money.

Work brokering, in contrast, is one of the least costly professional development initiatives, in terms of both dollars and time. A carefully conceived work brokering process is very streamlined. If the work broker is a qualified administrator, no billable hours are turned over to work brokering. Work brokering requires virtually no budget. And, as noted above, work brokering actually *reduces* training-related attrition and associated costs. Even hiring a dedicated work broker can pay for itself if attrition is reduced by only one associate every year or two. Over time, work brokering's impact on associate development and the overall profitability of the firm will be significant.

### ***Enhance Associate Morale***

Unhappy associates who resign saddle a firm with a lost investment and high replacement costs. Unhappy associates who remain spread gloom, despair or even unrest among their colleagues. In law as in any other industry, employees who are content, invested and engaged are more valuable than their disaffected counterparts. Associates who are actively challenged and supported will return the highest degree of loyalty and have the potential to be the biggest producers. Ideally, to foster healthy associate morale, a law firm will ensure that most associates are working at approximately the same pace and with a variety of partners on a variety of matters.

An effective work brokering system will help remedy or prevent an environment in which some associates routinely work on exciting, high-profile matters with partners who take the time to teach and mentor while other associates work on routine, less-challenging matters with poor managers, or in which some associates are overworked at all times while others simply never have enough to do. Further, associates will have yet another resource for assistance with and advice on professional development matters. A feeling that the firm is invested in associate success will generate significant good will among all of the firm's attorneys.

Each of these arguments alone may be insufficient to convince a firm to implement work brokering, particularly any firm that would rather avoid investing in associate training, or that prides itself on its entrepreneurial culture or that for any other number of reasons is resistant to structured work brokering. Taken together, however, and tailored to a firm's goals and culture, they provide a solid foundation upon which to further build the case for structured work brokering.

## **How to Implement an Effective Work Brokering System**

### ***Generate Institutional Buy-In***

Because work brokering requires that partners and associates cede some perceived measure of control, institutional buy-in is crucial. First, a clear need must be identified. Are narrowly-skilled associates routinely surfacing at partnership consideration time? Are some associates billing furiously while others look for projects to fill their time? How is associate morale? If your firm's associates are all developing substantive expertise and lawyering skills in a manner consistent with the firm's goals, you may not need to change your existing work allocation method.

Second, any identified need must be discussed among all who will be affected. It will not be sufficient merely to communicate the need. Active discussion will increase buy-in, even among participants who are less than enthusiastic but who ultimately feel that their contribution to the debate has been heard and considered.

Third, the reasons for and processes related to work brokering must be communicated to all affected parties at every appropriate opportunity. Adjusting to a work brokering system requires modifying habits that may be deeply ingrained, and reinforcement of the new system should occur in every possible forum.

## *Generate Individual Buy-In*

Creating individual buy-in is an ongoing process. Not all attorneys will immediately agree that structured work brokering is a win-win situation. In fact, partners and associates alike may view this new system with some degree of suspicion. It will be important for the work broker to speak in advance of implementation with as many participating attorneys as possible, preferably one-on-one, to generate maximum good will. Partners, particularly those who have nurtured particular client/associate relationships, must be assured through words and actions that the work broker is not out to summarily strip them of their resources. Associates should understand that the work broker's role is to help ensure appropriate associate development.

Once work brokering is up and running, ongoing communication with partners and associates alike is a wise investment. Show partners that you are willing to balance their staffing preferences with the broader objectives of the firm. While a work broker in a mandatory system has the power to summarily overrule partners' express preferences, unthinking inflexibility will ultimately undermine the credibility of the entire work brokering system. Engage associates in conversations about their assignments, and use the opportunity to educate them about professional development goals. If constituents believe that the work broker truly has their best interests at heart, they will not only gladly participate, but may even become champions themselves.

### *Take these Steps*

**1. Cultivate one or more champions** and enlist the tireless support of the most respected and influential figures in your firm. For reasons noted above, work brokering can be a hard sell in some instances. At my firm, some of the most influential partners in the corporate department are the most vocal advocates for and frequent users of work brokering. Leading by example, they also direct the senior associates with whom they work to acquire junior staffing by using the work broker. With firm leaders visibly committed to work brokering, your professional development staff will be relieved of some of the burden of promoting the new procedure.

**2. Design a simple, user-friendly tracking system** via which associates will regularly report their anticipated workload. To minimize the administrative burden, design a mechanism that will automatically prompt associates to submit current workload information and will sort and compile the data. With larger groups of associates, an organized summary or compilation makes a handy reference, as the work broker will need associates'

development goals and availability at his or her fingertips.

**3. Decide whether the work brokering system should cover associates at all levels or focus primarily on associates in their most junior years.** Junior associates are the most obvious candidates because not only are they uncomfortable refusing work, but more importantly, they lack the perspective of experience necessary to adequately monitor their own development. Making this decision with respect to your mid-level and more senior associates requires a careful look at your firm's culture and expectations of these associates, and at their levels of achievement.

**4. Choose your work broker carefully.** The identity of the work broker changes from firm to firm and even from department to department. The work broker can be a partner, a professional development manager or an experienced department administrator. In my firm, I am the work broker for the corporate department and partners are the work brokers in the other departments. Regardless of who fills it, this role requires exceptional organizational and communication skills and a commitment to achieving the firm's associate professional development goals. Additionally, the work broker must be someone whom the attorneys respect, who is able to devise creative solutions to achieve client goals and who will drop everything, when necessary, to engineer the most appropriate staffing solution.

**5. Decide how to deal with non-compliance.** To be truly effective, the work brokering system must be mandatory. That said, your work broker is unlikely to be available at all hours of the day and night. Set parameters for your supervising attorneys, such as requesting 24 hours notice where possible. Designate a back-up work broker if the primary work broker is unavailable in true emergency situations. Design a way to accommodate late-night staffing requirements, and recognize that some staffing will simply not go through the work broker. Decide when this is acceptable and when it needs to be addressed.

**6. Decide how to balance the need for broad and varied experience with the benefits of ongoing client relationships.** While the arguments in this article have focused on work brokering's utility in diversifying an associate's experience, building continuing relationships is also an important part of an associate's development. Consider whether certain existing relationships should be accommodated, and build some flexibility into your work brokering system to permit client relationships to flourish. This is a great opportunity for the work broker to generate buy-in while furthering associate development. I have found that once partners understand the objectives of work brokering, and are comfortable that the work broker

will do everything possible to accommodate particular staffing requests when an existing associate relationship is truly critical, the same partners will be more open to new staffing on particular clients or matters where the identity of the associate is not so critical. Similarly, associates have more faith in the system when they are able to continue nurturing particular client relationships.

### *Communicate, Communicate, Communicate*

Communication can never be too frequent. Once a firm, department or practice group decides that a work brokering system is in order, the work brokering team must plan and pursue a communication strategy:

**First, the need must be communicated.** Work brokering is less likely to work if the reasoning behind its implementation is not clear to those affected. Messages should be tailored to each particular audience. Partners may be more interested in the economic drain the system may plug, while associates may be more interested in their partnership prospects. Each group, however, should have a common understanding of the objectives and expectations of work brokering.

**Second, the procedure must be made clear and intuitive.** Remind partners frequently of whom they should contact for what, and how this will make their lives easier. In my department, we have a separate work broker for the paralegals. Yet another work broker handles assignments for first year associates, who accept assignments in all departments. While I handle only assignments for the corporate associates, I will always take the applicable information from any supervisor who comes to me seeking paralegal or first year staffing. I remind the supervisor of the identity of the appropriate work broker, but tell them I will handle it from there. The supervisors get friendly, “one-stop-shopping” and I can transmit the request to the appropriate work broker.

The firm’s top management and most respected partners should be engaged in the communication effort. Every available resource should be leveraged. E-mail memos or distribute them in hard copy. Address the issue at retreats and at meetings of departments, partners and associates. Tie work brokering in explicitly with the firm’s other initiatives, such as client service or strategic growth. Once the message is out, do not assume it will stick. I was interested to observe that after a few months certain details, such as to which associates work brokering actually applied, became hazy to some of the participants.

Therefore, we now periodically re-circulate the original announcement. Soliciting feedback from participants is a gentle way to remind them about work brokering and will also help you tweak your process as appropriate. Follow up with any personnel who do not comply with the system. Make work brokering an integral part of the culture.

### **Conclusion**

As I noted at the outset of this article, my most recent experience with work brokering was implementing a formalized system in the corporate department of a 160-attorney law firm. The department had for some time already offered a work brokering option that was convenient, but not mandatory. In taking control of work brokering for junior and mid-level associates, the department sought first to ensure that all associates developed in accordance with the firm’s goals and second to bolster associate morale.

I would be exaggerating to report that the concept of mandatory work brokering was greeted with resounding enthusiasm in either the partner or associate camp. Ultimately, most attorneys have in fact complied and great success has resulted in merely one year. This success is particularly evident in the development of our junior-level attorneys, who had not yet begun to develop significant client relationships or a particular expertise at the outset of mandatory work brokering.

This article reflects only one system in one department of one firm. Other firms and departments have devised their own unique systems, the parameters and character of which are determined by applicable culture. The benefits of structured work brokering are certainly not limited to transactional departments. Any firm that wants to ensure well developed associates and, indeed, its own longevity, would do well to consider whether work brokering is appropriate, even if only for particular departments or practice groups.

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## **Annual London MCLE Fair: Consumer-Driven International CLE** *Ruth Steinholtz and Dottie Palazzo*

The Twelfth Annual London MCLE Fair is scheduled for January 16 and 17, 2004, at the offices of Herbert Smith in London. This annual seminar began in 1993 as one lawyer's attempt to comply with California CLE requirements. It is still going strong ten years later, providing accredited CLE to Americans posted either temporarily or permanently in Europe, to English barristers, and to civil lawyers and in-house counsel from a variety of industries working throughout Europe. Recently the program has even begun to attract lawyers from the U.S., including some former participants who moved back home but who recognize the Fair as a convenient way to satisfy multiple CLE requirements in a compact, interesting format.

The Fair is unique in the CLE world. The program always opens with a session entitled European Law Update, which covers one or more areas of change during the prior year. The remaining substantive law topics are international in nature, designed to appeal to the Fair's international audience. It also covers specific U.S.-required topics, *i.e.*, legal ethics and professionalism, elimination of bias in the legal profession, and instruction on causes, prevention, detection and treatment of substance abuse. Some participants have told us it is the only program in Europe which covers bias and substance abuse.

The program provides 12 CLE credits in California and other 60-minute-hour states, and 14 credits in NY and other 50-minute-hour states. These credits include ethics, elimination of bias, and substance abuse as applicable in

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U.S. CLE states. Some portions of the program are also approved for Bridge-the-Gap credits. In addition, it is also approved by the Law Society of England and Wales for 12 CPD credits.

The sponsor is CLE Europe, Ltd., which is a consortium of representatives of Reed Smith - London and Jones Day Europe, in addition to international lawyer training consultant Richard Diebold Lee of San Francisco and Ruth Steinholtz, the Fair's co-founders.

The task of developing the program and choosing the speakers is led by Ruth Steinholtz, the Program Director. The goal is to select topics that appeal to lawyers practicing in the UK and other European countries. The organizers have followed certain precepts from the beginning: Speakers are drawn from the participating organizations -- Reed Smith, Herbert Smith, and Jones Day -- but are by no means limited to those organizations. Speakers come from other organizations in the UK and Europe, and even on occasion from the U.S., depending on the subject matter to be covered. Speakers are selected because of their expertise on the topic, as well as their ability to teach using innovative training techniques. It is not unusual at the Fair to see mock mediations, dramatized skits, interactive discussions and, of course, the familiar Socratic method delivered in English, albeit with an international flair.

As befits any European endeavor, the organizers have also paid attention to the creature comforts and culinary desires of the audience. Croissant and fruit are featured as breakfast every morning. Lunch each day consists of a full range of hot and cold culinary delights. And afternoon tea rounds out the package. This may sound frivolous but in the opinion of the organizers, and the participants, it is not. The goal is to provide a serious approach to continuing legal education in a comfortable, relaxed atmosphere that encourages networking. That combination seems to keep people coming back year after year.

Finally, the organizers see this as a service and have kept the registration fee down so that no one is excluded for reasons of cost. Early registration cut off is November 30, and the early fee for 2003 was £235 plus VAT (£273.12 total) which roughly converts to \$485 U.S.

In 1997 the organizers established The Consortium for

Continuing Legal Education in Europe to give the Fair a more formal basis. In 2001, the consortium became CLE Europe, Ltd. A web site - [www.CLEEurope.com](http://www.CLEEurope.com) - was created in order to make it easier for lawyers to find and register for the Fair.

The London MCLE Fair today provides the same old good stuff envisioned by Ruth Steinholtz and the other organizers in 1993, except it is now bigger and better than ever. Go visit our web site and come to the Fair!



## The Learning Lab: Tips & Tools for Creative Lawyer Training

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

### A New Model for Administrative Orientation

A law firm we know, after years of yawn-inducing administrative orientations, decided that its new associate orientation program needed an overhaul. Associates complained that administrators droned on for too long and deluged them with irrelevant information. Administrators complained that associates hadn't listened and did not cooperate with essential policies and procedures.

This firm did a lot of litigation work. While brainstorming about how to bring life to the orientation sessions, the Training Committee realized that many of the firm's support services were involved in getting a brief filed: the library and legal assistants for research support, cite checks, and getting the relevant court's rules; secretaries and word processing in formatting and finalizing the brief; the copy room in producing and binding the copies; and mail and courier services in getting the copies delivered.

So they decided to punch up the orientation by organizing it around this real-world application. And they renamed the orientation program "Filing a Brief."

They produced an orientation manual to accompany the program. The first page functioned as an agenda for the program, a table of contents for the manual, and a checklist to help in filing briefs later on. A series of panel

presentations by the appropriate in-house people was organized around the steps listed on that page:

1. Receive and confirm assignment
2. Read rules and develop schedule
3. Research and writing
4. Word processing
5. In-house review
6. Client review
7. Final research and changes
8. Cite check
9. Final word processing and proofing
10. Reproduction and binding
11. Delivery to court clerk by filing deadline

Each of the numbered steps was discussed in detail by one of the panelists, and keyed to a corresponding numbered tab in the manual.

The new program was a great success. The presentations had a practical focus and provided genuinely useful information, and the administrators got their points across. The associates found the presentations vastly more interesting and memorable, and what they couldn't remember after the program they could look up in the manual.

– Gaye Mara

## **Making Training Count**

Your firm has just put on its annual writing skills workshop for associates, taught by a nationally renowned legal writing consultant. The participants have rated the program “excellent” on all counts. That is gratifying, especially since you figure the firm’s cost at over \$45,000: \$5,000 for the consultant’s time and travel, plus \$40,000 in lost billable time for the associates who took part, plus something more for catering, administrative time, and miscellaneous expenses.

You ask a few associates what they got out of the program. One, known as a good writer, says she picked up “a couple of useful ideas” she plans to implement. Another says he agrees with the instructor’s approach and only wishes the partners he works for shared that perspective. A third offers that it was valuable “to be able to think about writing as writing,” and also just to get everyone together because it “promotes collegiality and reinforces the firm’s commitment to associates.”

You know from experience that when the next associate evaluation cycle rolls around, there will still be the usual complaints about associates’ writing. And when the next annual budget cycle rolls around, the funds allocated to the in-house training program will largely depend on everyone’s positive feelings about it, because there’s no hard evidence that the firm is getting a return on its investment in training.

Is there a better way? Yes.

### **1. Training Strategically**

The most surprising thing about many law office training programs is how little analysis goes into them. Surprising, because this is happening in organizations that overflow with analytical talent. Any time a performance problem surfaces, the usual solution is to throw some training at it. If it sticks, great. If it doesn’t, then we throw some more training at it or, in the worst case, conclude that the throwee just “isn’t a good fit” with the firm and start easing him or her in the direction of more suitable employment.

If we really want to improve performance, we must study it more carefully. The goal, after all, is not to put on training programs; it is to produce work that meets the firm’s standards and results that satisfy its clients. Training can help with that, but it is not the only approach nor even always the best one to strengthen performance.

The first thing to recognize is that formal training is an expensive way to solve a performance problem, even if – especially if – it is designed and delivered by in-house faculty. That is because the greatest cost of training is not trainers’ fees, but attendees’ time. In an environment where time is the most precious resource of all, training should be reserved for critical competencies that the firm has identified as strategically important to its success. And then the training should be done as effectively and time-efficiently as possible.

### **2. Analyzing Performance Factors**

A second important fact is that training can solve only the performance problems that result from lack of knowledge or skill. If people already know how to do something, more training won’t help.

Studies in a variety of organizations have consistently shown that a minority of performance problems – perhaps 15% -- result from lack of knowledge or skill. In other words, the great majority of performance problems – some 85% -- will not respond to training. That is because they result from other factors, such as:

- lack of internal motivation and/or external incentives to perform (often including affirmative disincentives);
- unclear or conflicting expectations about what to do or how to do it;
- inadequate time, resources, or authority to fulfill the expectations;
- work environments, systems, or procedures that impede work instead of facilitating it.

Even where the training need is clear, these other performance factors should be dealt with because they can negate the best training.

For example, supervisory skills training for partners is often proposed. Many partners will readily admit they could be better supervisors. Yet even when excellent training is done, supervision does not improve. Why? Because all the partners’ incentives run to producing billables, not to developing associates. Firms must revise the incentives to get any benefit from the training.

Similarly, when we investigate the reasons behind associates’ writing problems, it sometimes turns out there was poor communication about the assignment, or they were asked to put in no more than X number of hours on a project that realistically required substantially more time.

Sending them to a writing workshop won't fix those kinds of problems. And it won't even fix a skill deficit if the techniques they learn in the program conflict with supervisors' expectations.

### 3. Selecting Learning Approaches

Third, formal group instruction – what we usually mean when we say “training” – is only one of many ways professionals can learn new knowledge and skills. Training is at its best when:

- the members of the group are all at a similar, threshold level of competence,
- they need to learn the same specific things,
- those specific things have been identified prior to the training and designed into it, and
- they will have the opportunity to apply what they learn soon and often (“Use it or lose it” is a cardinal rule of training).

Other good ways to strengthen competence are through challenging assignments, individual coaching and feedback, good documentation (like user manuals, procedural checklists, model documents), ready access to internal experts and information, user groups and other special interest groups, and participation in professional networks and activities. These approaches are usually more efficient and often more effective than formal training. They are always a useful adjunct to it.

### 4. Evaluating Return on Investment

Finally, evaluations that tell us what participants thought of a training activity don't tell us as much as we need to know about the firm's return on investment. Participant feedback is only the first of four possible levels of training evaluation:

1. Reaction (how participants rate the training, or “smile sheets”)
2. Learning (whether they learned what the training was meant to teach)
3. Performance (how their work has improved)
4. Results (how outcomes have improved for the firm and clients)

The deeper the level at which we evaluate, the more confidence we can have that the firm is getting its money's worth from training. Level 2 (learning) evaluations are most commonly done with pre-tests and post-tests. Level 3 (job performance) is easy if the firm has a first-rate performance appraisal system and the timing is right; alternatively, direct feedback can be collected from supervisors. Level 4 (results) is the most difficult; depending on what types of data the firm is already collecting, it may require a little or a lot of extra effort such as tracking writeoffs or conducting a client survey.

By whatever means, evaluations at Levels 3 and 4 ought to be done at least occasionally. They will show you where training is repaying the firm's investment, and perhaps also where it is not.

Good training can be expected to produce competence, but at high cost. For that reason, training should be done only where competence is lacking and is critical to the firm, and where other, less costly performance solutions would be less effective. And the impact of training – in increased competence, in improved job performance, and in better outcomes for the firm and its clients – should be tracked to ensure that the firm is investing wisely.

– Gaye Mara

[*Note: We first published this article in June 1998.*]

## Professional Developments

### Events

Upcoming courses and conferences:

- 5/4-6 in Cambridge, MA: *Teaching Negotiation in the Organization: A Comprehensive Program for Training Directors and Key Training Personnel*. \$2,250. Harvard Law School Negotiation Program. Contact Anne Daniels, (781) 239-1111 for information or to register. (Repeated 12/7-9)
- 6/9-12 in Chicago: *The Fifth Annual Best of Organizational Development Summit*. Many of the top names in OD are speaking at this conference. \$1445/1695 conference; \$345/445 half-day pre-conference skill-building workshops. Linkage, Inc., (781) 402-5555, [www.linkageinc.com](http://www.linkageinc.com).
- 8/2-5/03 in San Francisco: *ACLEA's 39<sup>th</sup> Annual Meeting*. Six conference tracks include an In-House track for professional development directors. The conference concludes with a "CLE Leadership Symposium: Issues, Options, and Cutting-Edge Solutions" to promote dialogue and collaboration between CLE Professionals and Oversight Authorities on 8/5. Association for Continuing Legal Education, (512) 453-4340, [www.aclea.org](http://www.aclea.org).

### Resources

**Ida Abbott** is producing an e-newsletter, *Management Solutions*, for "people interested in creating ... a workplace where lawyers learn, thrive, and produce great results." The two issues out so far (January and April) included articles, case studies, best practices, and links to diagnostic tools on Abbott's new web site. The range of Abbott's subject matter includes mentor programs, performance appraisal, professional development, restoring morale among top performers, succession planning, and working with difficult clients. Obtain a free subscription and check out the other resources available on the web site at [www.IdaAbbott.com](http://www.IdaAbbott.com).

**The Dickie Group** is now making available online some of its highly-regarded finance and accounting courses for lawyers. The five courses now available are Financial Statement Basics, Accounting Gamesmanship, Merger and Acquisition Accounting, Management Discussion and Analysis, and Lawyers Corporate Finance. Course length runs from 3-1/2 to 6 hours, and the content is supplemented with three to ten-minute minicourses explaining and illustrating key terms. Financial

arrangements include individual tuition and firm package deals. [www.thedickiegroupp.com](http://www.thedickiegroupp.com) or (781) 290-2222.

**Performance Appraisal Revisited:** Tom Coens and Mary Jenkins, *Abolishing Performance Appraisals: Why They Backfire and What to Do Instead*. San Francisco: Berrett Koehler, 2002 (338 pages, paperback). Some highly respected management thinkers, starting with Dr. W. Edwards Deming 50 years ago, believe that performance appraisal is inherently counterproductive and reinforces an outmoded patriarchal approach to employee relations. In this book Coens, a labor and employment lawyer, and Jenkins, a consultant and former HR manager at General Motors, make a provocative case for abolishing appraisals altogether.

Their concluding chapters on "What to Do Instead" are less satisfying, unfortunately, although they do provide examples of a few organizations' successful alternatives and a suggested process to follow in developing our own. At the very least, this book is a good cautionary reminder of all the many things that can go wrong with employee evaluations, and of the importance of being clear about what it is we are trying to accomplish in using them.

**Retention Strategies.** Six years ago the nonprofit National Association of Insurance Commissioners had a 30% turnover rate. Its employees, who provide "technical assistance to all 50 states [on] information systems and insurance," were being lured away with salary offers up to 50% higher than NAIC could pay. But after NAIC designed and implemented a package of low-cost benefits that increased employees' job security, flexibility, and quality of life, turnover dropped to 7 percent.

The new benefits include an "infants in the workplace" program under which new parents may bring babies up to 6 months old to the office. The parents must sign a liability release drafted by NAIC's lawyers and insurance carriers, submit an infant-care plan, and designate a coworker to serve as alternate care-giver when the parent is tied up. A grievance procedure protects the welfare of other employees. In five years 33 infants have gone through the program, and all but one of their parents has stayed with NAIC.

Other benefits in the package include a "no layoff" policy, flextime and compressed work week, telecommuting and job sharing, a no-interest computer purchase program, a sick-leave "pool" for donating leave to seriously ill colleagues, and one day's additional leave for community service. The program, described in more detail at [www.workforce.com](http://www.workforce.com), has attracted national attention and won Workforce's 2003 Optimas Competitive Advantage Award.

Firms interested in the Optimas Award competition can get more information at the same web site. There are awards in 10 categories for achieving business results through HR. The application deadline for the 2004 awards is September 19, 2003.

**More Retention Strategies.** A study by Peter Cappelli, a professor at Penn's Wharton School, shows that employers with tuition assistance programs attract better employees and keep them longer than the competition. Besides increased loyalty, another reason for the lower attrition is that it takes employees a long time to get a degree while working full time. Cappelli's study (paper No. W9225) is published at [www.nber.org/papers](http://www.nber.org/papers).

## MCLE Watch

### Online CLE Gains Ground

By our latest count, 37 of the 40 mandatory CLE states approve online CLE for at least limited credit, and 28 states offer CLE courses on their own web site or the site of an affiliated host such as LegalSpan, Taecan, or WestLegalEdcenter. Grouped in descending order of "online friendliness," the states sort out as follows:

**1. 21 States permit all required credits to be earned online with qualifying courses.** "Live webcasts" with video and/or audio and opportunities for interaction with faculty are the type of course which most often qualifies. For online courses that do not qualify as "live and interactive," credits may be capped at half or less of the total requirement. Some states do not permit new admittees to meet their initial requirements with online courses. These states are:

Alabama	Minnesota	North Dakota
Alaska	Missouri	Oregon
Arizona	Montana	Texas
California	Nevada	Vermont
Colorado	New Hampshire	Virginia
Florida	New Mexico	Washington
Idaho	New York	Wisconsin

**2. 16 States restrict the amount of credit that can be earned online** to half or less of the total requirement:

Delaware	Kentucky	South Carolina
Georgia	Maine	Tennessee
Iowa	North Carolina	Utah
Kansas	Ohio	West Virginia
Indiana	Oklahoma	Wyoming
	Pennsylvania	

**3. 3 States give no credit for online CLE courses** (Louisiana says a policy change may be forthcoming):

Arkansas	Louisiana	Rhode Island
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### Other MCLE Developments

**California's** elimination of its emotional distress requirement became effective on February 1. However, credit may be available for "[i]nstruction in ... prevention, detection, and treatment of ... emotional distress ... [as] a portion of a substantive law education activity." (Rule 2.1.3 of the MCLE Rules and Regulations, State Bar of California.) Click on "What's New" at [www.calbar.ca.gov/state/calbar/calbar\\_generic.jsp?sCategoryPath=/Home/Attorney%20Resources/MCLE](http://www.calbar.ca.gov/state/calbar/calbar_generic.jsp?sCategoryPath=/Home/Attorney%20Resources/MCLE).

Beginning July 1, new admittees to the **Colorado** Bar must take a 6-credit professionalism course (raised from 4 credits). [www.coloradosupremecourt.com/cle/cle\\_home.htm](http://www.coloradosupremecourt.com/cle/cle_home.htm)

As noted in our February issue, the **Illinois** Supreme Court's Rules Committee held a hearing January 27<sup>th</sup> on a new MCLE proposal. The Committee chairperson, Patricia C. Bobb, has a strong background in litigation skills training. She is a past chair of NITA's Board of Trustees, and a current member of the Board of Regents of the American College of Trial Lawyers.

According to the new Regulations and Guidelines posted March 31 on the **New York** CLE Board's web site, (1) New York no longer gives "self-study" credit for reading except in special circumstances (Section 3.B), and (2) new admittees who have practiced elsewhere for 5 years may apply up to 16 CLE credits earned in the two years prior to their New York admission toward meeting their first CLE requirement in New York (Section 3.A.3). [www.courts.state.ny.us/mcle.htm](http://www.courts.state.ny.us/mcle.htm)

# The Capital CLE Calendar

Volume 9, No. 7 ■ May 1, 2003

**How to Read This Schedule:** The following course schedules list, first by topic and then by date, live continuing legal education (CLE) courses offered on and after the date of this issue. The course provider code in all caps at the end of each course listing keys to a provider listing in the provider directory which follows the course schedules. (If a program has multiple sponsors, the provider listed first is the suggested contact for registration.)

All course listings in the **Distance** schedule indicate the delivery medium, such as telephone conference, online seminar, satellite broadcast, etc. All course listings in the **D.C.-Area** schedule indicate the location; if no location is given, the course will be held in Washington, D.C.

Each course listing also includes, if available, the beginning and ending times, tuition fee, and total CLE credit hours approved or pending for the course (credits appear in brackets at the end of the listing). Please note that CLE credit requirements vary by state and credit arrangements vary by course and provider. If credit is important to you, be sure to confirm in advance with the course provider or appropriate CLE Board whether and how the needed credits are obtainable.

**Course Providers.** Contact information for the sponsoring organizations follows the course schedules.

More detailed information on the courses in this schedule is available from the course providers.

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

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

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

## Distance Course Schedule

### ANTITRUST/UNFAIR COMPETITION LAW

6/10/03 (Rescheduled from 6/19). *Antitrust Teleseminar Series: Attorney-Client and Work Product.* Teleconference. ABA/ABA Antitrust Section.

9/19/03. *An Antitrust Primer.* 1-3 pm ET telephone seminar. \$118. TRT. [2.0] (Repeated 11/28, 12/19)

### BUSINESS/CORPORATE LAW AND PRACTICE

5/8/03. *A Practical Guide to the New Attorney Conduct Rules Under the Sarbanes-Oxley Act.* 1-2 pm ET live webcast. \$40/60. WLE/Chicago Bar Assn. [1.0]

5/8/03. *Corporate Responsibility Post-Enron.* 1-3 pm ET telephone seminar. \$118. TRT. [2.0 ethics] (Repeated 5/21, 6/18, 7/2, 7/31, 8/26, 9/10, 10/2, 10/16, 10/31, 11/24, 12/22)

5/15/03. *Valuation Update.* Telephone seminar. \$128. ALI-ABA.

5/21/03. *Counseling Small Businesses.* 9 am-10:30 am or 1:30-3 pm ET live webcast. \$139. PBI. [3.0, 1.0 ethics]

5/28/03. *Advising the Audit Committee in 2003.* Videoconference and teleconference. ABA/ABA Business Law and Litigation Law Sections.

6/25/03. *General Practitioner's Update -- Transactional.* 8:30-11:30 am ET live webcast. \$139. PBI. [3.0]

6/25/03. *General Practitioner's Update -- Litigation.* 1 pm-4 pm ET live webcast. \$139. PBI. [3.0,1.0]

### CAREER AND PERSONAL DEVELOPMENT

6/12/03. *Mistakes Lawyers Make.* 1-2 pm ET teleconference. \$250/450 per firm location. ABA. [1.0]

### CIVIL RIGHTS/CONSTITUTIONAL LAW

5/1/03. *Trying and Defending 42 U.S.C. Section 1983 Claims.* 12-2 pm ET telephone seminar. \$129. VACLE. [2.0] (Replay 5/22)

## CLIENT DEVELOPMENT/CLIENT RELATIONS

5/5/03. *Marketing Your Legal Practice in the 21st Century*. 1-3 pm ET live webcast. \$70/90. WLE /Chicago Bar Assn. [2.0]

## COLLECTIONS

5/21/03. *Collection Law from a Consumer Attorney's Point of View*. 1-2 pm ET live webcast. \$40/60. WLE /Chicago Bar Assn. [1.0]

## COMMERCIAL LAW

5/19-20/03. *Negotiating Commercial Leases: How Owners and Corporate Occupants Can Avoid Costly Errors*. Begins 9 am ET live webcast. \$1195. PLI. [13.5, 1.0 ethics]

5/20/03. *Contract Remedies and Litigation Advice*. 12-2 pm ET telephone seminar. \$99-267.98. VACLE. [2.0] (Replay 6/12,9/26)

7/23/03. *2nd Annual Commercial Law Developments Update*. Teleconference. ABA/ABA Commercial Law Section.

## CORPORATE COUNSEL PROGRAMMING

5/8/03. *General Legal Areas of Practice for Health Care General Counsels*. 12-1:30 pm ET teleconference and live audio webcast. \$60-150. ABA/ABA Health Law Section.

## COUNSELING SKILLS

5/16/03. *Psychology of Counsel as Counselor*. 1-3 pm ET telephone seminar. \$118. TRT. [2.0] (Repeated 6/9, 6/24, 7/28, 8/13, 9/2, 9/29, 10/10, 10/28, 11/17, 12/15)

## DIVERSITY/ELIMINATION OF BIAS

5/20/03. *Cultural Competence in Healthcare*. 9:30 am-12:30 pm ET live webcast. \$120/180. WLE/Chicago Bar Assn. [3.0] ( Meets CA and MN elim. of bias reqmt.)

## EDUCATION LAW

5/14/03. *Third Annual School Law Institute 2003*. 9 am ET live webcast. \$799. PLI. [6.25]

## EMPLOYEE BENEFITS LAW/ERISA/PENSIONS AND PROFIT-SHARING/EXECUTIVE COMPENSATION

5/21/03. *Distributions From Retirement Plans / Estate Planning Using ESOPS*. 12-2:10 pm ET telephone seminar. \$129. VACLE. [2.0] (Replay 6/5)

5/29/03. *ERISA Fiduciary Responsibility Issues Update*. 12-4 pm ET American Law Network satellite seminar. \$179. ALI-ABA. [3.67] (80+ viewing sites nationwide)

Fall/03. *Annual Fall Employee Benefits Law and Practice Update*. 12-4 pm ET Video Law Review satellite seminar. \$179. ALI-ABA. (80+ viewing sites nationwide)

## EMPLOYMENT AND LABOR LAW

5/5/03. *Five Years Since Burlington & Faragher: What Have We Learned?* 4-7 pm ET live webcast. \$105/135. WLE/Chicago Bar Association. [3.0]

5/7/03. *The New FLSA Regulations: A New World in Overtime Litigation*. 1-2:30 pm ET teleconference and live audio webcast. \$45-300.

ABA/ABA Labor Law Section. [1.5]

5/28/03. *What's In and What's Out with Employment Law*. 1-3 pm ET telephone seminar. \$118. TRT. [2.0] (Repeated 8/22, 9/12, 11/14, 12/12)

6/4/03. *Comparing Labor and Employment Law in the US, Canada, UK, and Germany*. Teleconference. ABA/ABA Labor and Employment Law Section.

9/24/03. *Employer-Employee Relationships*. Teleconference. ABA/ABA Tax Law Section.

Fall/03. *Emerging Issues in Employment Law and Litigation: Review and Preview of the Supreme Court Term*. 12-4 pm ET Video Law Review satellite seminar. \$179. ALI-ABA. (80+ viewing sites nationwide)

## ENVIRONMENTAL LAW

5/?/03. *Minefields and Minerals - Part 1 and Part 2*. Online seminar. \$59. CLEO/Live Oak CLE. [ Part 1: 3.0, Part 2: 3.0, 0.5 ethics]

## ESTATES/TRUSTS/PROBATE LAW

5/8/03. *Estate Planning: What's Next for Practitioners*. Telephone seminar. \$128. ALI-ABA.

5/14/03. *Recent Developments in Estate Planning*. 12-2:30 pm ET telephone seminar. \$129. VACLE. [2.5] (Replay 5/22)

5/21/03. *Distributions From Retirement Plans / Estate Planning Using ESOPS*. 12-2:10 pm ET telephone seminar. \$129. VACLE. [2.0] (Replay 6/5)

6/5/03. *Annual Spring Estate Planning Practice Update*. 12-3:15 pm ET American Law Network satellite seminar. \$179. ALI-ABA. [3.0] (90+ viewing sites nationwide)

Fall/03. *Annual Fall Estate Planning Practice Update*. 12-3:15 pm ET American Law Network satellite seminar. \$179. ALI-ABA. (90+ viewing sites nationwide)

## ETHICS AND PROFESSIONALISM/SUBSTANCE ABUSE

5/?/03. *Practical Legal Ethics in Florida: Issues and Answers*. Online seminar. \$75. CLEO/NBI. [3.0,3.0 ethics]

5/6/03. *Government Lawyers: Playing by the Rules*. 1-3 pm ET telephone seminar. \$118. TRT. [2.0] (Repeated 5/19, 6/10, 6/25, 7/29, 8/14, 9/8, 9/30, 10/14, 10/29, 11/18, 12/17)

5/7/03. *When Does My Professional Life End and My Private Life Begin?* 1-3 pm ET telephone seminar. \$118. TRT. [2.0 ethics] (Repeated 5/20, 6/17, 7/1, 7/30, 8/25, 9/9, 10/1, 10/15, 10/30, 11/20, 12/18)

5/8/03. *Corporate Responsibility Post-Enron*. 1-3 pm ET telephone seminar. \$118. TRT. [2.0 ethics] (Repeated 5/21, 6/18, 7/2, 7/31, 8/26, 9/10, 10/2, 10/16, 10/31, 11/24, 12/22)

5/9/03. *Ethical Minefields -- Stock in Lieu of Fees and Other Issues*. 1-3 pm ET telephone seminar. \$118. TRT. [2.0 ethics] (Repeated 5/27, 6/19, 7/22, 8/1, 8/27, 9/11, 10/3, 10/17, 11/3, 11/25, 12/23)

5/14/03. *Misconduct -- Should Bar Counsel Get Involved or Take a Hike?* 1-3 pm ET telephone seminar. \$118. TRT. [2.0 ethics] (Repeated 6/5, 6/23, 7/24, 8/11, 8/29, 9/24, 10/8, 10/22, 11/10, 12/1, 12/30)

### **(Distance Courses, cont'd)**

5/15/03. **Child Support Tele-Talk: Professional Ethics for Attorneys.** 2-4 pm ET telephone seminar. \$295 per site. NCSEA.

5/15/03. **Lawyer Substance Abuse -- Forever a Challenge.** 1-3 pm ET telephone seminar. \$118. TRT. [2.0 ethics] (Repeated 6/6, 7/25, 8/12, 9/25, 10/9, 11/11, 12/2)

6/3/03. **The Case of the Resistant Assistant: A Legal Ethics Thriller.** 12-2 pm ET telephone seminar. \$139. VACLE. [2.0] (Replay 6/11)

7/11/03. **Ethical Issues for Health Lawyers.** Teleconference. ABA/ABA Health Law Section.

10/22/03. **Ethics For Patent Lawyers. Part 1.** Teleseminar. \$149. PLI.

12/10/03. **Ethics For Patent Lawyers. Part 2.** Teleseminar. \$149. PLI.

### **FAMILY LAW**

5/15/03. **Child Support Tele-Talk: Professional Ethics for Attorneys.** 2-4 pm ET telephone seminar. \$295 per site. NCSEA.

6/19/03. **Child Support Tele-Talk: UIFSA Part 2.** 2-4 pm ET telephone seminar. \$295 per site. NCSEA.

8/21/03. **Child Support Tele-Talk: Military Enforcement.** 2-4 pm ET telephone seminar. \$295 per site. NCSEA.

9/18/03. **Child Support Tele-Talk: Bankruptcy.** 2-4 pm ET telephone seminar. \$295 per site. NCSEA.

10/16/03. **Child Support Tele-Talk: Supervisory Skills.** 2-4 pm ET telephone seminar. \$295 per site. NCSEA.

### **FOOD AND DRUG/MEDICAL DEVICE/BIOLOGICS LAW**

5/20/03. **Hatch-Waxman: Should Pharmaceutical Patents Be Treated Differently and Why?** Teleseminar. \$149. PLI.

### **GENERAL LAW/MULTIPLE TOPICS**

Monthly. See dozens of monthly, live online CLE seminars on a range of topics announced at the beginning of each month by CLEO.

5/21/03. **Practicing Preventive Law.** 1-2 pm ABA Connection teleconference. \$0-110. ABA/various ABA sections. [1.0] (Advance reading)

### **GOVERNMENT LAWYER PROGRAMMING**

5/6/03. **Government Lawyers: Playing by the Rules.** 1-3 pm ET telephone seminar. \$118. TRT. [2.0] (Repeated 5/19, 6/10, 6/25, 7/29, 8/14, 9/8, 9/30, 10/14, 10/29, 11/18, 12/17)

### **HEALTH CARE/MEDICAL LAW/PROVIDER REPRESENTATION**

5/1/03. **Strategies in Reporting to the Data Bank.** 1-2:30 pm ET telephone seminar. \$115-225. AHILA/various AHILA groups.

5/2/03. **Ethical Responsibilities When Representing Clients in the Healthcare Industry.** 12-1:30 pm ET teleconference and live audio webcast. \$45-150. ABA/ABA Health Law Section. [1.5]

5/7/03. **Patient Rights and Responsibilities.** 1-2:30 pm ET telephone

seminar. \$115-225. AHILA/various AHILA groups.

5/8/03. **General Legal Areas of Practice for Health Care General Counsels.** 12-1:30 pm ET teleconference and live audio webcast. \$60-150. ABA/ABA Health Law Section.

5/15/03. **2003 Health Law Update.** 12- 4 pm ET American Law Network satellite seminar. \$50-179. ABA [3.66, 3.5 ACHE] (80+ viewing sites nationwide)

5/16/03. **The Status of IPAs.** 12-1:30 pm ET teleconference and live audio webcast. \$45-150. ABA/ABA Health Law Section. [1.5]

5/19/03. **The Health South Controversy: Sarbanes-Oxley Enforcement in Healthcare.** 1-2:30 pm ET telephone seminar. \$115-225. AHILA/various AHILA groups.

5/20/03. **Developing Specialty Hospitals / ASCs.** 4-7 pm ET live webcast. \$105/135. WLE/Chicago Bar Assn. [3.0]

5/20/03. **Cultural Competence in Healthcare.** 9:30 am-12:30 pm ET live webcast. \$120/180. WLE/Chicago Bar Assn. [3.0] ( Meets CA and MN elim. of bias reqmt.)

5/21/03. **Anatomy of the Health Midwest Sale and Other Tales from the States.** 1-2:30 pm ET telephone seminar. \$115-225. AHILA/various AHILA groups.

5/29/03. **Danger! Erosion of the Peer Review Privilege Can Be Dangerous to Organizational and Professional Health.** 1-2:30 pm ET telephone seminar. \$115-225. AHILA/various AHILA groups.

6/4/03. **Financial Support Arrangements Between Academic Medical Centers and Faculty Practice Plans.** 1-2:30 pm ET telephone seminar. \$115-225. AHILA/various AHILA groups.

6/12/03. **Forced Labor and Liability--The Effect of EMTALA on Physicians.** 1-2:30 pm ET telephone seminar. \$115-225. AHILA/various AHILA groups.

7/11/03. **Ethical Issues for Health Lawyers.** Teleconference. ABA/ABA Health Law Section.

### **INSURANCE LAW**

5/13/03. **Split-Dollar Insurance Today.** Telephone seminar. \$128. ALI-ABA.

### **INTELLECTUAL PROPERTY/PATENT/COPYRIGHT/TRADEMARK LAW**

5/9/03. **The New Patent Amendment Format.** Teleseminar. \$149. PLI.

5/20/03. **Hatch-Waxman: Should Pharmaceutical Patents Be Treated Differently and Why?** Teleseminar. \$149. PLI.

6/3/03. **To Settle or Not: Is Settling IP Litigation an Antitrust Violation?** Teleseminar. \$149. PLI.

6/26/03. **Intellectual Property Issues: Structuring Successful Deals in Uncertain Times.** 10:30 am-5:55 pm ET satellite broadcast. \$299. PLI. [5.0, 0.5 ethics]

6/26/03. **Intellectual Property Issues in Structuring Deals and Drafting Agreements.** 11 am-6 pm ET American Law Network satellite seminar. \$299. PLI. (80+ viewing sites nationwide)

10/22/03. *Ethics For Patent Lawyers. Part 1.* Teleseminar. \$149. PLI.

12/10/03. *Ethics For Patent Lawyers. Part 2.* Teleseminar. \$149. PLI.

## INTERNATIONAL LAW AND TRADE

5/8-9/03. *International Securities Markets 2003: Emerging Best Practices for a Rapidly Evolving Regulatory Scheme.* 9 am ET live webcast. \$1495. PLI. [9.5]

**LITIGATION/TRIAL AND APPELLATE ADVOCACY** [See also various substantive law topics for specialized litigation courses.]

5/?/03. *A View from the Bench: Keys to Practicing in Houston State and Federal Courts from the Judges Perspective.* Online seminar. \$59. CLEO/Live Oak CLE. [3.0,1.0 ethics]

5/?/03. *Superior Deposition Strategies in California Civil Trial Practice.* Online seminar. \$75. CLEO/NBI. [3.0,0.5 ethics]

5/?/03. *Damages in Florida Civil Trial Practice.* Online seminar. \$75. CLEO/NBI. [3.0,0.5 ethics]

5/2/03. *Expert Opinions -- The 3 R's: Reliability, Relevance and Review.* 1-3 pm ET telephone seminar. \$118. TRT. [2.0] (Repeated 5/29, 6/11, 6/26, 7/10, 7/18, 8/6, 8/21, 9/4, 9/18, 10/13, 10/23, 11/5, 11/21, 12/3, 12/16)

5/5/03. *The Future of Punitive Damages After Statefarm v. Campbell.* Teleseminar. \$149. PLI.

5/14/03. *Trial Advocacy: Presenting Your Case at Trial.* 4-7 pm ET live webcast. \$105/135. WLE/ Chicago Bar Assn. [3.0]

5/14/03. **Litigation Series: Class Action Basics.** 1-2pm ET teleconference and live audio webcast. \$16-110. ABA/ABA Lit. Section. [1.0]

6/10/03 (Rescheduled from 6/19). **Antitrust Teleseminar Series: Attorney-Client and Work Product.** Teleconference. ABA/ABA Antitrust Section.

6/17/03. *The Attorney-Client Privilege and the Work Product Doctrine.* 12- 2 pm ET telephone seminar. \$129. VACLE. [2.0] (Replay 6/16)

6/25/03. *Recent Developments in Civil Litigation.* 12-2 pm ET telephone seminar. \$129. VACLE. [2.0] (Replay 7/15)

6/25/03. *General Practitioner's Update -- Litigation.* 1-4 pm ET live webcast. \$139. PBI. [3.0, 1.0 ethics]

6/27/03. *A Guide to Success in Complex Litigation: Effective Handling of a Federal Case.* 9:30 am ET live webcast. North Carolina Bar Assn. <http://www.legalspan.com/nccbar/catalog.asp>.

7/9/03. **Litigation Series: Discovery of Electronic Evidence: How to Request It, Limit the Request and Use It Appropriately.** Teleconference. ABA/ABA Lit. Section.

Fall/03 (tentative). *New Developments in the Amended Federal Rules of Civil Procedure and the Federal Rules of Evidence.* 4-hour Satellite seminar. ALI-ABA.

## MEDIATION SKILLS AND PRACTICE

6/18/03. *Using Advocacy Techniques in Mediation.* 1-2 pm ABA Connection teleconference. \$0-110. ABA/various ABA sections. [1.0]

(Advance reading)

## MULTI-DISCIPLINARY/MULTI-JURISDICTIONAL PRACTICE

5/13/03. *MDP (Multidisciplinary Practice) -- Back Again?* 1-3 pm ET telephone seminar. \$118. TRT. [2.0] (Repeated 6/4, 6/20, 7/23, 8/8, 8/28, 9/23, 10/7, 10/21, 11/4, 11/26, 12/29, 12/31)

## NEGOTIATION SKILLS

5/19-20/03. *Negotiating Commercial Leases: How Owners and Corporate Occupants Can Avoid Costly Errors.* Begins 9 am ET live webcast. \$1195. PLI. [13.5, 1.0 ethics]

## REAL ESTATE/LAND USE/HOUSING/REAL PROPERTY LAW

5/12/03. *Residential Real Estate Closings: Beyond the Basics.* 4-7 pm ET live webcast. \$105/135. WLE/ Chicago Bar Assn. [3.0]

5/15/03. *Life Cycle of a Real Estate Transaction - From Deal Formation to Exit Strategy.* 4-7 pm ET live webcast. \$105/135. WLE/ Chicago Bar Assn. [3.0]

5/19-20/03. *Negotiating Commercial Leases: How Owners and Corporate Occupants Can Avoid Costly Errors.* Begins 9 am ET live webcast. \$1195. PLI. [13.5, 1.0 ethics]

## SECURITIES LAW

5/8-9/03. *International Securities Markets 2003: Emerging Best Practices for a Rapidly Evolving Regulatory Scheme.* 9 am ET live webcast. \$1495. PLI. [9.5]

5/23/03. *Securities Regulation -- Keeping You and Your Client Out of Jail.* 1-3 pm ET telephone seminar. \$118. TRT. [2.0] (Repeated 9/5, 10/24, 11/7, 12/5)

## SECURITY AND TERRORISM ISSUES

5/22/03. *The Cost of Increased National Security Among the NAFTA Countries.* 4-7 pm ET live webcast. \$105/135. WLE /Chicago Bar Assn. [3.0]

## TAX LAW

5/6/03. *The Gift Tax System.* 4-7 pm ET live webcast. \$105/135. WLE/Chicago Bar Association. [3.0]

5/28/03. **Last Wednesday Taxation Series: Corporate Tax.** Telephone seminar. ABA/ABA Tax Section.

6/25/03. **Last Wednesday Taxation Series: Exempt Organizations, Estates & Trusts.** Telephone seminar. ABA/ABA Tax Section.

7/30/03. **Last Wednesday Taxation Series: Pass-Through Entities.** Telephone seminar. ABA/ABA Tax Section.

8/27/03. **Last Wednesday Taxation Series: Financial Products and Institutions.** Telephone seminar. ABA/ABA Tax Section.

9/24/03. **Last Wednesday Taxation Series: Employer-Employee Relationships.** Telephone seminar. ABA/ABA Tax Section.

10/29/03. **Last Wednesday Taxation Series: Tax Accounting.** Telephone seminar. ABA/ABA Tax Section.

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## Distance Course Providers

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(Providers which also offer on-demand, pre-recorded courses available 24/7 are marked with a double asterisk (\*\*))

**ABA.\*\*** American Bar Association, Center for Continuing Legal Education, 514 N. Fairbanks Court, Suite 1600, Chicago, IL 60611-3314, (800) 285-2221 or (312) 988-5522, Fax (312) 988-5850, fax-on-demand service (800) 995-1253, Web <http://www.abanet.org/cle>.

**AHLA.** American Health Lawyers Association, 1120 Connecticut Avenue, N.W., Suite 950, Washington, DC 20036-3902, (202) 833-0766, Fax (202) 833-1105, Web <http://www.healthlawyers.org>.

**ALI-ABA.\*\*** American Law Institute-American Bar Association Committee on Continuing Professional Education, ALI-ABA, 4025 Chestnut Street, Philadelphia, PA 19104-3099, (800) CLE-NEWS (253-6397) or (215) 243-1630; Fax (215) 243-1664; Web <http://www.ali-aba.org>.

**ATLA.\*\*** Association of Trial Lawyers of America, 1050 31st Street, N.W., Washington, D.C. 20007, (202) 965-3500, ext. 612, or (800) 622-1791; E-mail [nca@atlahq.org](mailto:nca@atlahq.org). Web <http://www.atla.org>.

**CLEO.\*\*** CLE Online, P.O. Box 1897, Round Rock, TX 78680-1897, (512) 310-9618, Fax (512) 310-1720, E-mail [info@cleonline.com](mailto:info@cleonline.com), Web <http://www.cleonline.com>.

**FDLI.** FDLI, Inc., 1000 Vermont Avenue, N.W., Suite 200, Washington, DC 20005, (202) 371-1420, Fax (202) 371-0649, E-mail [comments@fdli.org](mailto:comments@fdli.org), Web <http://www.fdpi.org>.

**LS.\*\*** LegalSpan, 1325 North Fiesta Blvd., Suite 4, Gilbert, AZ 85233, (480) 497-8803 or (888) 892-7676, Fax (480) 497-8596, Web <http://www.legalspan.com>.

**MPI.\*\*** Mealey Publications, Inc., P.O. Box 62090, King of Prussia, PA 19406-0230, (800) 632-5397, (610) 768-7800, E-mail [seminars@mealeys.com](mailto:seminars@mealeys.com), Web [http://www.mealeys.com/sem\\_cal.html](http://www.mealeys.com/sem_cal.html).

**NBI.\*\*** National Business Institute, Inc., P.O. Box 3067, Eau Claire, WI 54702, (715) 835-7909, Fax (715) 835-1405, Web <http://www.nbi-sems.com>.

**NCSEA.** National Child Support Enforcement Association, 444 N. Capitol Street, Suite 414, Washington, DC 20001-1512, (202) 624-8180, Fax (202) 624-8828, E-mail [ncsea@sso.org](mailto:ncsea@sso.org), Web <http://www.ncsea.org>.

**NPI.\*\*** National Practice Institute, Suite 1710, 701 Fourth Avenue South, Minneapolis, MN 55415-1634, (800) 328-4444, Fax (612) 349-6561, Web <http://www.npilaw.com>.

**PBI.\*\*** Pennsylvania Bar Institute, 5080 Ritter Road, Mechanicsburg, PA 17055, (717) 796-0804 or (800) 932-4637, Fax (717) 796-2348, E-mail [info@pbi.org](mailto:info@pbi.org), Web <http://www.pbi.org>.

**PLI.\*\*** Practising Law Institute, 810 Seventh Avenue, New York, New York 10019-5818, (800) 260-4PLI [-4754] or (212) 765-5700, Fax (800) 321-0093 or (212) 581-4670, E-mail [info@pli.edu](mailto:info@pli.edu), Web <http://www.pli.edu>.

**TRT.\*\*** TRT, Inc., 43546 Firestone Place, Leesburg, VA 20176-3920, (800) 672-6253, Fax (800) 853-1946 or (703) 853-1946, E-mail [trt@trt-cle.com](mailto:trt@trt-cle.com), Web <http://www.trtcle.com>.

**VACLE.\*\*** Virginia Continuing Legal Education, P.O. Box 4468, Charlottesville, VA 22905, (800) 979-VCLE (8253) or (804) 979-5644, Fax (434) 979-3147, Info-Fax (800) 676-0210, Web <http://www.vacle.org>.

**WLE.\*\*** West LegalEdcenter, 610 Opperman Drive, Eagan, MN 55123, Web <http://westlegaledcenter.com>.