

# PROFESSIONAL DEVELOPMENT QUARTERLY

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## Succession Planning and Knowledge Transfer

**Randall B. Christison**

The Attorney General's Office of California faced a problem: Of its 1,100 lawyers, 200 were on the verge of retirement. Large numbers of our career lawyers hired in the 1960s and 1970s were all reaching retirement age at the same time. We in the Office recognized that the wisdom, knowledge, and institutional memory these lawyers possess is irreplaceable, and their departures could have serious consequences.

Recognizing this problem, I developed the following knowledge transfer plan. Underlying the plan is our assumption that although this talent, knowledge and experience is irreplaceable, some of the talent is teachable, and some of the knowledge and experience is transferable to the next generation. The developing field of knowledge management

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provides us guidance in making these transfers, and forms the base for the plan. I offer it for the consideration of other law offices, public and private, which may be facing a similar wave of departures as the "Baby Boom" generation moves into retirement, or which may simply be exploring better knowledge management strategies.

### Overview of the Plan

1. *Project Leader.* Appoint a senior lawyer, one whose reputation within the office is of the highest caliber and who is willing and able to run the project. It will likely be a full-time job.
2. *Identification.* Identify those who: (1) are within five years of retirement, and (2) have knowledge and experience worthy of transfer. (What is "worthy" is discussed later, under "Gap Analysis.")
3. *Analysis.* Of those who have significant knowledge and experience, analyze what specific areas of knowledge and what relevant experiences each identified lawyer has.

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4. *Transfer Plan.* Develop for each area of knowledge and for each class of experience a plan for transferring the experience and knowledge. Necessarily included in the transfer plan is identifying those lawyers who should be the transferees. (The major transfer strategies are described below.) The retiring lawyers are necessarily members of the planning effort.
5. *Report.* The responsible practice group head or other managing lawyer should report to the project leader the following:
  - Names of identified lawyers.
  - Knowledge areas.
  - Names of transferee lawyers.
  - A brief description of the method of transfer for each area.
  - Experiences which should be had by the transferee lawyers.
  - A brief description of how the experiences will be gained by the remaining lawyers.
  - Execution timetable.
6. *Execution.* From here on it is a matter of carrying out the plan, ensuring it stays on track and that it is modified and improved as needed. Periodic meetings among the affected managers and project leader on lessons learned would be very useful.

## Knowledge and Its Transfer

The essence of knowledge transfer rests upon the nature of knowledge. “Knowledge,” a term not easily defined, is best understood as part of a hierarchy: data, information (data that makes a difference), and knowledge (“a fluid mix of trained experience, values, contextual information, and expert insight that provides a framework for

evaluating and incorporating new experiences and information. It originates and is applied in the minds of knowers.”<sup>1</sup>)

Lawyers are the archetype of knowledge workers, and it is our knowledge, developed over time—through experience, mentoring, training—that makes us valuable. “Because knowledge is intuitive, it is difficult to structure, can be hard to capture on machines and is a challenge to transfer.”<sup>2</sup>

<b>Data</b>	=	Unorganized Facts
<b>Information</b>	=	Data + Context
<b>Knowledge</b>	=	Information + Judgment

### 1. Explicit Knowledge

Knowledge comes in two broad forms, explicit and tacit. Explicit knowledge is what one can put on paper and store in databases. It is the kind found in procedures, steps, checklists.

Explicit knowledge:

- Can be articulated formally as pictures, models and documents.
- Can become obsolete quickly; it has a lag.
- Can be duplicated and transmitted easily.
- Can be processed and stored by automated means.
- Can be shared, copied and imitated easily.
- Is easy to steal or copy<sup>3</sup>

<sup>1</sup>Davenport, Thomas H., and Laurence Prusak, *Working Knowledge: How Organizations Manage What They Know*. Boston: Harvard Business School Press, 1998, p. 5.

<sup>2</sup>Plunkett, Patrick T., *Managing Knowledge @ Work: An Overview of Knowledge Management*. Knowledge Management Working Group of the Federal Chief Information Officers Council, August 2001, p. 9. <http://www.km.gov/documents/gsa/KM@Work.doc>. A useful and pragmatic overview of knowledge management and transfer is contained in the State of New York’s Report of the Knowledge Management-Transfer Work Group (November 2002), <http://www.cs.state.ny.us/successionplanning/#workgroups>.

<sup>3</sup>*A Definition of Knowledge: A Business Perspective*, Process Renewal Group, <http://www.processrenewal.com/files/def-k.doc>.

## 2. Tacit Knowledge

Tacit knowledge, however, is a wholly different matter. It is the kind that is carried in lawyers' gut or in their subconscious minds. It is the kind of knowledge that gives rise to judgment and deep analysis. It is often observed that the people who have this knowledge are unaware they possess it and are unaware of how valuable it could be to others. Transfer of tacit knowledge is at best difficult and slow. It necessarily requires extensive personal contact and a high degree of trust.

As Davenport and Prusak repeatedly note, tacit knowledge is *not* an aspect of information technology; the transfer problem is not solved through retention and organization of written or digital work product. One lawyer development professional observed that considering knowledge management an information technology issue is akin to considering Shakespeare a word processing issue.

Tacit knowledge:

- Is drawn from experience and is the most powerful form of knowledge.
- Is difficult to articulate formally.
- Is difficult to communicate and share.
- Includes insights, feelings, culture and values.
- Is hard to steal or copy.
- Is a source of creative advantage.

### The Transfer Strategies

“How can an organization transfer knowledge effectively? ... [H]ire smart people and let them talk to one another.”<sup>4</sup> Because people taking the time to talk is unlikely with the demands on everyone's time, however, we needed to come up with other methods. The following fifteen strategies represent currently accepted methods:<sup>5</sup>

- Apprenticeships and internships
- Best practices
- Communities of practice
- Documenting processes
- Document repositories

<sup>4</sup>Davenport and Prusak, p. 88.

<sup>5</sup>Derived from New York's *Report of the Knowledge Management-Transfer Workgroup*, pages 21-47. See, Buchner & Slevinsky, *Succession Planning*, American Society for Training and Development, 2000.

### Explicit vs. Tacit Knowledge

As many writers have noted, the distinction between tacit and explicit knowledge is slippery. The following comparisons may provide some insight.

Explicit Knowledge	Tacit Knowledge
Physical description of a person.	Ability to pick a face out of the crowd. (The classic definition.)
What are the steps to set up and prepare for a deposition.	How to conduct an effective deposition.
How to efficiently prepare a brief.	How to draft a persuasive brief in a specific situation.
What are the steps in various methods of cross-examination.	Which cross-examination style to use for each of the witnesses in a specific trial, together with the ability to change styles instantaneously.
What are the facts to consider in deciding whether to file a lawsuit	Determining whether it is wise (for policy, legal, institutional or other reasons) to file a lawsuit and weighing all of the factors to reach a considered judgment.
Factors going into the exercise of judgment.	Sound judgment.

– Randy Christison

- Expert interviews
- Job aids
- Knowledge audits and maps
- Knowledge fairs
- Learning games
- Lessons learned debriefings
- Mentoring
- On the job training (OJT)
- Storytelling
- Training

Not all of these methods are appropriate here. Which methods and strategies we should use, we discuss next.

## Choice of Strategies

In reviewing the available strategies, we have chosen those that will mesh with the Office's culture, and that can be brought to bear in the short time ahead. The nine methods described in the table on the next page seem to have the highest probability of success here.

Typically in succession planning, the focus is on those remaining to be able to "do the job." Here, however, we are looking at those who are leaving. It is that group whose high-level, tacit knowledge is what enables us to do the job, and to do it as well as we are. Fortunately the primary feature of the Office culture, a feature which should aid in the success of this project, is the lawyers' commitment to public service. That commitment should translate into a commitment to leave behind a legacy, something to aid the Office even long after they leave.

The transfer of knowledge, particularly high-level knowledge, has traditionally occurred through mentoring or apprenticeship relationships. But not all law offices use them. Indeed, the pressures of practice, of meeting deadlines, of the myriad burdens of the modern practice of law engenders anything but mentoring and the free exchange of ideas among peers. And it is well known those who are good at "it" (whatever "it" is) are typically not good at teaching it. How to transfer knowledge in a law office seems to be uncharted territory. I have proposed to chart it as follows.

## Gap Analysis

What are the departing lawyers taking with them, in terms of talent, knowledge, experience, and personal contacts, that is *not* duplicated in the remaining lawyers? This will require finding out what the departing lawyers know, who they know, what they've done, and what talents they have. We certainly have no repository of such information, and it is unlikely anyone, even the lawyers in question, has that information. This is likely the most important single factor in determining whether the knowledge represented in the mind of a given lawyer is "worthy" of being transferred.

To find this out, I suggested a five-pronged approach:

1. Identify the likely subjects--those lawyers whose value is readily evident. I'll call them "expert lawyers."
2. Develop a questionnaire to those identified subjects, and analyze the results. Because a 30% return would

be optimistic, much effort in follow up will be needed.

3. Talk, at length, with each of them about their experiences and read as much of their work-product as is appropriate. Some would term this merely soliciting war stories, but I submit war stories are where knowledge resides and, further, that the transfer of knowledge through narrative is the time-tested method of choice. Whether we are talking Homer and Plato or Tom Clancy, stories are most effective.
4. Use as many of the nine selected knowledge transfer strategies as we can. To the extent possible, we must arrange *expert interviews* of each of the departing lawyers deemed expert enough to warrant such an interview. For those whose departure is not imminent, we need to derive from them as much knowledge as possible but over a longer period. Setting up *mentor-protégé arrangements* and fostering them is essential. Each expert lawyer has undoubtedly established what he or she deems his or her *best practices* and needs to be encouraged to write them down and to be interviewed by others who are knowledgeable in the specific field to fully develop a best practices document. He or she undoubtedly engages in more than one practice area and should serve as a seed member of the appropriate *communities of practice*. His or her particular areas of expertise need to be set out in the *knowledge map*. We should also identify the transferee lawyer. Finally, all of these expert lawyers should be evaluated for their suitability for *training*, *OJT*, and *storytelling*, and then be used as much as is appropriate.
5. Use any additional strategies we learn as we go along. There are undoubtedly additional ways and means to transfer knowledge, and I propose we have some brainstorming sessions with respected senior lawyers to see what else we can identify and what we might be able to use, consistent with our culture.

## Challenge

Developing a program such as the one outlined above will be difficult. The primary challenges involve the human dimension and the ever-present press of business.

Chief among the human dimension challenges are the fact that holders of knowledge almost never know what they know and will not easily transfer it or see the value in attempting transfers. Of almost equal importance is

## STRATEGIES SELECTED FOR KNOWLEDGE TRANSFER

Transfer Strategy	Advantages	Disadvantages	Indicated Use
<b>Best Practices</b> - Identification of what works and what does not for given problems and cases.	Can be written. Spurs thinking for further development. Reduces reinventing the wheel.	Application limited to where practices are or could be developed. Requires redirection of resources. If not regularly updated, becomes useless.	Checklists and steps for repeated activity. Best practice becomes standard practices.
<b>Communities of Practice</b> - Informal association of people with knowledge of common practice areas. Cuts across traditional organizational boundaries. Limited only by common experience and problems.	Once started, usually low maintenance. Increases firm consistency. Aids in breakdown of silo practices. Faster transfer of knowledge.	Counter to current organizational boundaries. Counter to firm culture.	Where 3 or more people engage in area of practice, especially if not currently working together.
<b>Expert Interviews</b> - Where one or more experts meet with others to share expertise, knowledge and experience. May include “prouds and sorries.”	Capturing of tacit knowledge, lessons learned, identifying points and problems not otherwise evident. Can be videotaped.	Knowledge transfer limited by time and by topics broached. Less likely to promote candor. Full exploration of any topic unlikely.	For those departing. For those newly assigned to a field. For those wanting to reach higher levels.
<b>Knowledge Maps</b> - Identify those persons with particular knowledge and expertise, and publish it.	Fairly easy to set up. Determining who the “go-to” person is, is half the battle. Can be written.	Noses easily bent out of shape. Listing does not translate into use.	(Same as description.)
<b>Lessons Learned Debriefing</b> - Description of what worked and what did not in a particular case, trial or other project.	Timeliness and speed. “One only learns from losses, not wins.” Lessons learned by one are spread to the remaining firm members.	Resistance to discussing one’s failures. Counter to current culture.	Upon completion of case or project; or upon retirement or departure.
<b>Mentoring</b> - Experienced, skilled person matched with one or two less experienced and skilled persons to develop the latter’s skills and knowledge.	Effective transfer of tacit knowledge.	Difficulty in matching personalities; slow. Depends on trust. Very difficult to make work (many books written on the topic).	The single best method of transferring deep and tacit knowledge. Best for transferring contacts.
<b>O.J.T. and O.J. Coaching</b> - Structured teaching of on-the-job skill building.	Consistent with firm culture. Some tacit knowledge transfer occurs with OJT. Structured system increases firm’s consistency.	Risk of uneven application. Better for explicit knowledge transfer.	The day-to-day skills and knowledge appropriate to the practice group.
<b>Storytelling</b> - Fictional or real examples illustrating points and transferring tacit knowledge.	Storytelling power is unquestioned. One story can repeatedly and consistently convey tacit knowledge or institutional memory.	Requires skill and training. Informality may belie its importance.	To explain complex, historical or transformational issues
<b>Training</b> - Instructor led, E-learning, self-study.	Consistency; large numbers; can be “just in time” delivery; accuracy.	Best for explicit knowledge, skills and behavior, not for tacit knowledge.	Any identified specific topic or behavior.

that transfer is a highly personal effort. It requires people to give over something they have worked hard to achieve, to someone who is not necessarily close and may not even have been known to the retiring lawyer before this project. The necessary personal connection and trust cannot be developed overnight. Getting people to cooperate is a challenge in the best of times. Cooperation at this level, in an Office which has prized individuality and individual responsibility, requires a change of attitude, in many cases at a stage of life where professionals are not at all sure they need or want to change.

And simply dealing with the press of business, especially in a State budget crisis when we are having to lay off our part-time and limited term lawyers and are fighting to

avoid laying off our permanent employees, is no easy task. Managing lawyers need to recognize that cases will necessarily be reassigned when retiring lawyers leave; and to do so now in a controlled manner, where the original lawyers are still available to consult on the cases, is greatly preferable to a forced transfer, where transition is hurried and future consultation is likely impracticable. To the extent possible, the lawyers involved in this project must have their caseload reduced, and particularly demanding and time-intensive cases must be reassigned.

No matter how great the challenges, I believe the program to be worth it. We hope at least for a good start and occasional successes. Any knowledge we retain as a result of the effort is knowledge we would otherwise have lost.

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## KM Report Coming Up in February

We are planning a knowledge management survey for the February 2004 issue. Our last survey on this topic was in 1999, and a lot has happened since then.

One thing we know has happened is an ever-increasing emphasis on technology infrastructure. Indeed, judging by how we hear people using the term “knowledge management,” many seem to consider it virtually synonymous with the supporting computer systems. Our 1999 survey showed a strong emphasis on technology as well, but it also revealed that the biggest challenges firms were encountering in implementing and maintaining their KM programs involved human and cultural issues.<sup>1</sup>

So we want to inquire into both kinds of issues – the technology tools and the human and firm culture aspects.

The survey questionnaire will go out in early January. Between now and then, we are seeking volunteers to help us design and pilot-test the questionnaire. If you would like to be involved in that pre-work, or simply have suggestions to offer about the survey, we would be delighted to hear from you at [marag@profdev.com](mailto:marag@profdev.com) (please put “KM Survey” in the subject line of your e-mail) or 703-719-7030.

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<sup>1</sup>We like Randy Christison’s quote in the preceding article that “considering knowledge management a technology issue is akin to considering Shakespeare a word processing issue.” (“Succession Planning and Knowledge Transfer,” p. 2).

## New Associates and “Unauthorized Practice” in D.C.

A major headache for D.C. firms and the multitude of D.C.-based branch offices is the proclivity of their first-year associates to “waive in” to the D.C. Bar based on a prior state bar admission. The headache approaches migraine proportions when the new associates, and often the firms’ lateral hires as well, drag their feet on completing and filing their waiver applications.

For the new associates, admission by waiver is a safety play: For just one Bar exam and prep course, plus a little extra expense and effort, they get two bar admissions – D.C. and a fallback. Many will get the first admission in a state where they hope ultimately to practice (their home state, perhaps, or the state where the firm’s main office is located), and which may not permit out-of-state attorneys to waive in without examination. Some also seek to raise their odds of success on the Bar exam by taking it in a state with a higher pass rate – an “easier” exam -- than D.C.’s.

Unfortunately that safety play greatly delays the associates’ ability to practice law, given that the initial bar admission can take 6 months from the date of the exam, and the D.C. admission based on it can take 6-9 months longer. And, of course, any delay in filing the waiver application only makes matters worse. D.C. firms, however, have been reluctant to take the obvious step of requiring new associates to take the D.C. Bar exam in the first place, for fear of hurting their ability to compete for top law school candidates.

Until recently, what this meant was that a significant proportion of the first year class at many D.C. firms could not legally do lawyers’ work for the entire first year and often well into the second year. That seriously impeded their progress, their job satisfaction, and their value to the firm. It also posed a malpractice risk if anything they did crossed the fine line into unauthorized practice of law.

The D.C. Court of Appeals recently amended its rules to ease the problem and incentivize more prompt submission of waiver applications. New Rule 49(c)(8) provides for a grace period of up to 360 days during which someone with a pending waiver application may practice, with certain restrictions, under the supervision of a D.C. Bar member, provided that the waiver application was submitted within 90 days of “commencing practice in the District of Columbia.” Unfortunately, the new provision is less than crystal clear

about when that 90 day clock starts ticking for new graduates – whether on the date they start work at the firm, or on the date several months later when they are admitted to their first bar – and the Court’s Committee on Unauthorized Practice declined to address the question.

PDQ polled our contacts at D.C. firms and branch offices on how they are interpreting the new rule. Those whose firms had reached an interpretation were unanimous: For new graduates, the 90 days is counted from the day they are sworn into their first bar and thus become eligible to waive in to the D.C. Bar. Not all of the firms came to that conclusion easily, however. One firm had a partner who is an eminent expert in ethics study the question. Another whose internal experts disagreed hired an outside ethics counsel to provide an opinion. But ultimately they all reached the same conclusion.

The firms also say they monitor compliance very carefully and issue regular reminders. To minimize unauthorized practice risks and nip procrastination in the bud, many of them have implemented internal policies that are tougher than the Rule, including:

- requiring new lawyers to submit their waiver applications within 30 days rather than the required 90 (for laterals and inter-office transfers, that’s 30 days from the day they arrive at the D.C. office; for new graduates, 30 days from the day they are sworn into their first bar);
- mentioning the application deadline in offer letters or other pre-arrival letters;
- providing new lawyers with their first business cards and personal stationery only after they have filed their waiver applications. (These include the disclaimer “Not Admitted in the District of Columbia” or “Admitted in [State] Only.”)
- at the toughest firms, providing new lawyers with their first cards and letterhead only after they have been sworn into the D.C. Bar.

We hear associates are not fond of these policies. They are under pressure to bill hours, and the waiver application process is tedious and time-consuming. At the same time, it’s clearly to the associates’ benefit to become full-fledged practitioners, and to start doing what they spent three years of law school preparing to do, as soon as they possibly can.



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

## Letting Our Smart People Talk to Each Other

In our lead article, Randy Christison quotes knowledge management gurus’ advice that to grow its intellectual capital, an organization should simply “hire smart people and let them talk to one another.” (See p. 3 above.)

Certainly we hire plenty of smart people in law firms. And creating opportunities for those smart people to talk to each other is, it seems to me, a key task of the professional development function. Indeed, sometimes we don’t have to do much more than that to foster valuable learning – just put them together and get out of the way!

One memorable time that happened for me was at a firm-wide training session on Big Case Management I put together for a mid-sized firm. The firm had four major practice areas, and we recruited a partner from each area who was renowned for his effectiveness at organizing and running a large litigation team. Shortly beforehand I did a quick-and-dirty needs assessment of senior associates and junior partners, who were the target audience for the seminar (although all lawyers were welcome, and indeed lawyers at all levels showed up). I provided each of the four presenters with a short list of

questions that their audience wanted them to cover. That was the extent of the formal preparation.

The seminar was to be held in one of those classic law firm conference rooms with the long, narrow conference table that stretches on forever – not ideal, but there it was. (The ever-expanding conference table helps firms preserve the pleasant fiction that, even as the number of partners multiplies, they are still truly “partners” who can all meet together as equals around a single table. Those seated at the far end, however, may be somewhat less equal since they are not provided with megaphones.)

The firm’s usual practice was to seat seminar speakers at one end of this table. But I decided to seat the four presenters in pairs facing each other across the middle of the table, in the hope of creating more of a conversation among these four top litigation pros. The audience then spread out beside them, along the sides and around the ends of the table. We had an overflow crowd, so we set up an extra row of chairs behind each pair of presenters. The arrangement looked roughly like this, with “P” representing a presenter and “A” a seminar attendee:



I introduced the session and the presenters. Each partner was to discuss in turn a particular big case and his strategies for managing it. Each began, as requested, with a synopsis of the case – who was the client, what the case was about, where it was tried and how long it went on, the special legal and management challenges it posed, and so on. Next he explained who was on the case team and started discussing his approach to organizing the team, managing the work effort, and keeping everyone, including himself and the client, well informed and productively occupied.

Just a few minutes into the first partner’s explanation, he was interrupted by a second one seated across the table, demanding incredulously, “How did you do THAT?” Then the second partner started grilling the first one. Pretty soon the other two joined in the questioning.

The rest of the seminar was something of a controlled free-for-all, with whoever was presenting being put through his paces by the other three while everyone else listened intently. A few questions were asked by other lawyers, but mostly they seemed satisfied with the wealth of followup information the presenters so vigorously

extracted from one another. After the seminar was over, I saw the first two presenters in a corner with their calendars setting up a lunch date to continue the conversation. The evaluation ratings for the seminar were stellar.

My experimental modification to the seating arrangement exceeded my wildest expectations. More important, the experience brought home just how few opportunities some of our very smartest people have to talk to one another. In whatever way a law office chooses to structure its practice – whether by legal specialty, by

client or industry, by office location or legal jurisdiction – that structure will necessarily create silos. Inside their silos, people work and talk with each other every day. But the silo walls discourage the exchange of ideas, experiences, and best practices between them.

Professional development can promote valuable learning simply by creating occasions for that cross-fertilization to happen. Even better, if we can arrange for others to listen in on the conversation, the learning increases exponentially.

– Gaye Mara

## 12<sup>th</sup> Annual London MCLE Fair in January

CLE Europe Limited will hold its Twelfth Annual London MCLE Fair at Broadgate Centre on January 16-17, 2004. This year's agenda includes the following topics:

- Major Reforms in EU Competition Law
- Recent Developments in International Environmental Law
- Mediation For Lawyers
- Prospectus Liability in Europe and the U.S.
- Elimination of Bias in the Legal Profession
- Substance Abuse
- Changing Ethics for the Corporate Attorney

Registration fees:

- On or before 11/30: £260 plus VAT (£305.50 total)
- After 11/30: £295 plus VAT (£346.63 total)
- No refunds for cancellations after 12/29

The registration fee includes a hot lunch each day.

CLE Credits:

- 12 credits in 60-minute states including 3 ethics/professionalism, 1 substance abuse and 2 elimination of bias, and other categories of credit as applicable in individual states.
- 14 credits in 50 minute states including 3.5 ethics/professionalism. New York credit is available under section 6 of the New York CLE Board's Regulations and Guidelines.
- 12 CPD accredited by The Law Society of England and Wales.

Register online at <http://www.CLEEurope.com>. For more information, call 011-44-207-556-6740 in the UK or 216-586-7329 (Dottie Palazzo, Jones Day) in the U.S., or e-mail [CLEEurope@reedsmith.co.uk](mailto:CLEEurope@reedsmith.co.uk).

*(Editor's Note: For background information on the London MCLE Fair, see Dottie Palazzo's article in our May 2003 issue.)*

## Professional Developments

### Events

Upcoming fall/winter conferences, seminars, and workshops:

- \* 11/2-5, Orlando. *TechLearn 2003: Exploring Learning and Technology*. \$1395. The Masie Center/multiple sponsors, [www.techlearn.com](http://www.techlearn.com), 1-800-829-3400.

- \* 11/4-5, New York City. *The 2003 Change Management Conference: Building Resilience and Results*. \$1595-1895. The Conference Board/Accenture, (212) 339-0345, [www.conference-board.org/change.htm](http://www.conference-board.org/change.htm).

- \* 11/4-5, Chicago. *The Annual Diversity Workshops*. \$1150-2250. The Conference Board, [www.conference-board.org/diversityworkshops.htm](http://www.conference-board.org/diversityworkshops.htm), (212) 339-0345.

- \* 11/4-6, Phoenix. *Performance Analysis for Results*. \$1300/1500. Performance Design Lab, (480) 905-5560, pdl@performancedesignlab.com, www.performancedesignlab.com.
- \* 11/5, live via satellite to 62 cities. *Living Leadership: The Power of Executive Greatness*. \$159-199. Georgetown U. Center for Professional Development/Fortune Magazine, www.LivingLeadership.com, (800) 498-5598.
- \* 11/12-14, San Francisco. *eLearning Producer Conference & Expo 2003*. \$995/1245; \$395 for 11/11 pre-conference workshop. Elearning Guild, www.eLearningGuild.com, (707) 566-8990.
- \* 11/13-14, Chicago. *The Law Firm Partner Compensation Summit*. \$1295/1395. NorthStar Conferences LLC, www.northstarconferences.com, (866) 265-1975.
- \* 11/17-19, Orlando. *Accelerated Learning Training Methods Workshop*. \$995. Center for Accelerated Learning, www.alcenter.com, (262) 248-7070. (Repeated 12/8-10 in Phoenix.)
- \* 11/17-20, Orlando. *5<sup>th</sup> Annual Corporate University Week 2003*. HREvents, www.cuweek.com, (800) 882-8684.
- \* 12/4-5, San Francisco. *E-Learning and the Science of Instruction*. \$1295. Clark Training & Consulting, www.clarktraining.com, (602) 230-9190.
- \* 12/4-5, Washington. *The 2003 Professional Development Institute*. \$325-625. NALP/ALI-ABA, www.nalp.org.
- \* 12/9-12, San Francisco. *How to Plan, Develop, and Evaluate Training*. \$1695. Clark Training & Consulting, www.clarktraining.com, (602) 230-9190.
- \* 12/11, Washington. *Real Teamwork: The Indisputable Laws of Teamwork*. \$259-299. Georgetown U. Center for Professional Development/Maximum Impact, www.maximumimpact.com/realteamwork, (877) 225-3311.
- \* 2/11-12, New York. *The 2004 Conference on Executive Coaching*. \$1895/1995; \$495 2/10 pre-conference workshop. The Conference Board, www.conference-board.org/coaching.htm, (212) 339-0345.
- \* 2/11-13, Scottsdale. *Needs Assessment for Performance Technologists: Tools and Techniques*. \$1395. Clark Training & Consulting, www.clarktraining.com, (602) 230-9190.

- \* 2/18-20, Scottsdale. *How to Apply Cognitive Principles and Research to Training Design*. \$1495. Clark Training & Consulting, www.clarktraining.com, (602) 230-9190.

## Resources

Tina L. Stark, *Negotiating and Drafting Contract Boilerplate*. New York: American Lawyer Media, 2003. 700 pages, \$149 (10% discount available to PDQ readers; please use promotional code 70912 when ordering). Available at www.lawcatalog.com or 1-800-603-6571.

We have heard enthusiastic reviews from law firms of Tina Stark's corporate drafting workshops. Now Ms. Stark has co-authored and edited an in-depth new book on contract boilerplate, with a chapter devoted to each of more than 20 boilerplate provisions that typically appear at the end of a contract, such as the choice of law provision, the notice provision, the *force majeure* provision, and the assignment and delegation provision.

Each chapter begins with a brief, practical discussion of the relevant law and then analyzes the basic form of the provision. The text parses each word or phrase to show why each is included. The book's authors then build on this information and offer more complex variations, again with explanations for each new word or phrase. The detailed explanations provide a roadmap for the new practitioner and added insights for the sophisticated practitioner.

Tina Stark is an Adjunct Professor at Fordham Law School and president of In-house Legal Education, Inc., a New York consulting firm that develops and conducts continuing legal education programs. Ms. Stark is a member of the Professional Development Consortium, a former partner at Chadbourne & Parke LLP, and a former banker at Irving Trust Company.

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*Keeping the Keepers II: Mobility and Management of Associates*. Washington, DC: The NALP Foundation, 2003. \$295. Available online at www.nalpfoundation.org or by calling (202) 533-2002.

This is the NALP Foundation's third benchmark study -- and its most ambitious yet -- of associate attrition, the reasons for it, and best practices for combatting it. It tracked the movement of over 7,000 entry-level hires and over 5,000 lateral hires in law offices of all sizes between 1998 and 2003.

The study reports some surprising findings, in some cases a reversal of past trends. For entry-level associates, the largest firms (500+ lawyers) averaged the *lowest* rates of attrition, while firms in the next-largest size category (251-500 lawyers) had the *highest* entry-level attrition. The same was true for lateral associates, who were most likely to stay at the largest firms and least likely to stay at the next-largest. Overall, attrition was higher for lateral than entry-level associates during the study period.

Other interesting findings, though perhaps less surprising, was that the single most common reason reported for departures was “unmet performance standards,” and that performance-related departures were higher in 2001-2002 than in 1999-2000. It has been our observation that, as salaries have risen, so have performance pressures. In a recession, those pressures are the highest of all.

### Live Webcasts Increasingly Popular

Live webcasts are gaining a growing share of the distance CLE market, and making inroads into the live CLE market as well. Instead of traveling to a meeting site or a satellite downlink location, attendees can view a program on the computer monitor at their desks, or projected computer output on a screen in an in-house conference room.

## MCLE Watch

So far no news has surfaced about **Illinois's** MCLE proposal, put forward in January. (See our February 2003 issue for details.) We trust the Rules Committee is busily at work behind the scenes.

Our favorite MCLE gurus at Required.com tell us that **South Carolina** has approved telephone and on-line seminars for credit as of September 1, up to a limit of 1

This fall, ALI-ABA has dual-tracked its popular “Video Law Review” satellite broadcast series, offering it over the Internet as well as via satellite downlink.. PLI is webcasting dozens of its upcoming live seminars, some of them up to 3 days long. (We think the latter pushes the limits of anyone’s ability to focus productively on a computer screen.)

Successful access requires a high-speed Internet connection (DSL, Cable, or better) and relatively up-to-date computer hardware and software. ALI-ABA has a handy list of FAQs on its web site ([www.ali-aba.org](http://www.ali-aba.org)) for those interested in participating, along with a webcast test page you can use to check your system’s capacity to handle the load.

### “Random Acts of Professionalism” Program

In October the Washington State Bar announced an awards program for lawyers and judges “who have conducted themselves in a highly professional manner consistent with the spirit of the Creed of Professionalism” and “who ... make us proud to be lawyers.” The first 16 recipients of the Bar’s “Random Acts of Professionalism” award are listed on its web site ([www.wsba.org](http://www.wsba.org)), and future nominations are invited.

hour per seminar and 4 hours per year. We were not able to verify that before our publication deadline, but they have sources we do not and we’ve learned not to doubt their information.

**Wyoming** has implemented a mandatory 4-hour professionalism course for new admittees. It applies to all those admitted since July 1.

# The *Capital CLE Calendar*

Volume 10, No. 3 ■ November 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 <[www.profdev.com/courses.htm](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, <[www.profdev.com/links.htm](http://www.profdev.com/links.htm)>.

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## Distance Course Schedule

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### ALTERNATIVE DISPUTE RESOLUTION/ARBITRATION

11/6/03. *Should My Client Litigate or Mediate? (ADR)*. Telephone seminar. TRT. (Repeated 11/21, 12/5, 12/19)

3/9/04. *Mandatory Arbitration*. 2-4 pm ET teleseminar. \$139/159. ATLA.

### ANTITRUST/UNFAIR COMPETITION LAW

11/5/03. *Section of Antitrust Law Teleseminar Series: Statutory and Contractual Barriers to the Sale of Products on the Internet*. 1-2:30 pm ET teleconference and live audio webcast. \$60-150. ABA/ABA Antitrust Law Section.

11/6/04. *In the Antitrust Crosshairs: Provider Contracting Networks and Messenger Arrangements*. 1-2:30 pm ET teleconference. \$125-245. AHLA.

11/28/03. *An Anti-trust Primer*. Telephone seminar. TRT. (Repeated 12/19). [2.0]

1/15/04. *Antitrust Law and Healthcare Enforcement Issues*. Teleconference. ABA/ABA Health Law Section, YLD.

5/13-14/04. *45th Annual Antitrust Law Institute*. Live webcast. \$1295. PLI.

## ARTS, ENTERTAINMENT, AND SPORTS LAW

11/19/03. *Music Licensing: New Targets, New Revenue, New Growth*. 3:45-5:15 pm ET live webcast. \$90. WLEC/Bev. Hills Bar Assn. [1.5]

3/17/04. *Counseling Clients in the Entertainment Industry 2004: Television; Interactive Games*. Live webcast. \$750. PLI.

3/18/04. *Counseling Clients in the Entertainment Industry 2004: Film; Sports Law*. Live webcast. \$725. PLI.

3/19/04. *Counseling Clients in the Entertainment Industry 2004: Music Publishing; Sound Recordings; Ethics*. Live webcast. \$725. PLI.

## BANKING/FINANCIAL SERVICES LAW

3/11-12/04. *Consumer Financial Services Litigation 2004*. Live webcast. \$1295. PLI.

4/19-20/04. *Asset Based Financing 2004*. Live webcast. \$1395. PLI.

## BANKRUPTCY LAW

12/15-16/03. *Understanding the Basics of Bankruptcy & Reorganization 2003*. 9 am-5 pm live webcast. \$1195. PLI.

**BUSINESS/CORPORATE LAW AND PRACTICE** [See also Corporate Counsel Programming below]

11/5/03. *Recent Developments in Wisconsin Product Liability Law*. 1:30-2:30 pm ET live webcast. \$60. WLEC/Milwaukee Bar Assn. [1.0]

11/12/03. *Data Security: Are Your Clients at Risk?* Telephone briefing. \$149. PLI.

11/12/03. *Planning Opportunities with Buy-Sell Agreements*. 4-7 pm ET live webcast. \$135. WLEC/Chicago Bar Assn. [3.0]

11/18/03. *Business Terminology by the Letters: Words and Phrases Lawyers Need to Know*. 1-2 pm ET teleconference. \$395 one office, \$195 each additional office. ABA/ABA YLD. [1.0]

11/18/03. *Revised Article 9: Questions from the Perplexed: Common Drafting Issues*. 1-2:30 pm ET videoconference, teleconference and live audio webcast. \$75-145. ABA/ABA Bus. Law and Lit. Sections. [1.5]

11/24/03. *Corporate Responsibility Post-Enron*. 1-3 pm ET telephone seminar. \$118. TRT. [2.0 ethics] (Repeated 12/22)

12/10/03. *High Tech or Bye Tech: Things to Watch for in IT Outsourcing*. 1-2 pm ET "BLT Live" teleconference and live audio webcast. Free-\$125. ABA/ABA Bus. Law Section. [1.0]

1/12-13/04. *Guide to Mergers and Acquisitions 2004*. Live webcast. \$1395. PLI.

1/14-15/04. *Contests for Corporate Control 2004: Current Offensive and Defensive Strategies in M&A Transactions*. Live webcast. \$1295. PLI.

1/15-16/04. *Basics of Accounting and Finance 2004: What Every Practicing Lawyer Needs to Know*. Live webcast. \$1195. PLI.

1/28-29/04. *What Lawyers Needs to Know About UCC Article 9: Secured Transactions 2004*. Live webcast. \$1195. PLI.

2/4-5/04. *Corporate Governance 2004: Preparing for the Next Wave of Disclosure and Board Changes*. Live webcast. \$1395. PLI.

2/9-10/04. *Doing Deals 2004: Keeping Pace with a Rapidly Changing Market*. Live webcast. \$1395. PLI.

2/12-13/04. *The Pocket MBA for Lawyers 2004: Everything You Need to Know About Finance*. Live webcast. \$1295. PLI.

3/18/04. *Limited Liability Entities*. 12-4 pm ET American Law Network satellite seminar. \$179. ALI-ABA. [4.0] (80+ viewing sites nationwide)

4/26-27/04. *Corporate Counsel Forum 2004: What You Need to Know About Corporate Criminal Liability After Sarbanes-Oxley*. Live webcast. \$1295. PLI.

5/20-21/04. *The Pocket MBA for Lawyers 2004: Understanding the Investment Banker's Role*. Live webcast. \$1295. PLI.

6/17-18/04. *Corporate Compliance Institute 2004*. Live webcast. \$1395. PLI.

7/19-20/04. *The Pocket MBA for Lawyers 2004: Everything You Need to Know About Finance*. Live webcast. \$1295. PLI.

8/2-3/04. *The Pocket MBA for Lawyers 2004: Crunching the Numbers Exercises in Present Value, Capital Structure and Valuation*. Live webcast. \$1295. PLI.

## COMPUTER LAW/COMPUTER APPLICATIONS AND SKILLS

11/12/03. *Electronic Document Retention Policies and Electronic Discovery: New Requirements in the Digital Age*. Telephone seminar. TRT. (Repeated 12/11) [2.0]

1/29/04. *Electronic Discovery: How to Prepare Electronic Data for Use in Trial*. 2-4 pm ET teleseminar. \$139/159. ATLA.

3/25-26/04. *24th Annual Institute on Computer Law*. Live webcast. \$1295. PLI.

## COUNSELING SKILLS

11/17/03. *Psychology of Counsel as Counselor*. 1-3 pm ET telephone seminar. \$118. TRT. [2.0] (Repeated 12/15)

## CRIMINAL LAW

11/12/04. *Changes to the Federal Sentencing Guidelines and DOJ Policy on Federal Prosecutions: What Every Healthcare Lawyer Needs to Know*. 1-2:30 pm ET teleconference. \$125-245. AHLA.

11/14/03. *Ethical Dilemmas in Complex Criminal Cases in Minnesota*. 1-2 pm ET live webcast. \$60. WLEC/Hennepin Co. Bar Assn. [1.0 ethics]

## DIVERSITY/ELIMINATION OF BIAS

12/17/03. *Dealing with Bias in the Courts*. 1-2 pm ET ABA Connection teleconference. \$0-110. ABA/various ABA Sections. [1.0] (Advance reading)

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

11/6/03. *Annual Fall Employee Benefits Law and Practice Update*. 12-4 pm ET American Law Network satellite seminar. \$179. ALI-ABA. [4.0] (80+ viewing sites nationwide)

4/1/04. *Annual Spring Employee Benefits Law and Practice Update*. 12-4 pm ET American Law Network satellite seminar. \$179. ALI-ABA. [4.0] (80+ viewing sites nationwide)

## EMPLOYMENT AND LABOR LAW

11/5/03. *Neutrality and Card-Check Agreements: It's Not Your Father's Representation Election*. 12-1:30 pm ET teleconference and live audio webcast. \$45-300. ABA/ABA L&EL Section.

11/19/03. *Desert Palace v. Costa and Hoffman Plastic Compounds v. NLRB*. 4-7 pm ET live webcast. \$135. WLEC/Chicago Bar Assn. [3.0]

11/19/03. *Workplace Harassment -- Provide Your Clients with the Essentials for Eliminating Claims*. Telephone seminar. TRT. (Repeated 12/15) [2.0]

11/21/03. *Labor and Employment Lawyers' Current Ethical Practices and Misconduct*. 1:30-2:30 pm ET live webcast. \$60. WLEC/Milwaukee Bar Assn. [1.0]

12/2/03. *Employment Law Arbitration: The Basics -- Effective Advocacy in Employment Arbitration*. 12-4 pm ET American Law Network satellite seminar. \$179. ABA. [4.0] (80+ viewing sites nationwide)

12/9/03. *Employment Law Arbitration: The Ultimate Arbitration Update*. 12-4 pm ET American Law Network satellite seminar. \$179. ABA. [4.0] (80+ viewing sites nationwide)

## ENVIRONMENTAL LAW

11/13/03. *Minnesota Blue Sky Law: Perspectives from Both Sides of the Table*. 1-2 pm ET live webcast. \$60. WLEC/Hennepin Co. Bar Assn. [1.0]

11/17/03. *New Solutions to Environmental Problems in Business and Real Estate Deals 2003: Due Diligence, Emerging Indoor Environmental Issues, and Emerging Accounting and SEC Disclosure Issues*. 9 am-12:15 pm ET live webcast. \$447 (\$1295 full series). WLEC/PLI. [3.0]

11/17/03. *New Solutions to Environmental Problems in Business and Real Estate Deals 2003: Environmental Issues in Leasing Commercial Real Estate and New Databases: What Do They Know About You?* 1:45-5 pm ET live webcast. \$447 (\$1295 full series). WLEC/PLI. [3.0]

11/18/03. *New Solutions to Environmental Problems in Business and Real Estate Deals 2003: Drafting Environmental Clauses for Business Acquisition and Real Estate Deals*. 9-10:45 am ET live webcast. \$223 (\$1295 full series). WLEC/PLI. [1.5]

11/18/03. *New Solutions to Environmental Problems in Business and Real Estate Deals 2003: The Emerging Insurance Market, New Forms of Legal Protection, and Ethical Issues Confronting the Attorney*. 11 am-1:30 pm ET live webcast. \$372 (\$1295 full series). WLEC/PLI. [2.5, 1.0 ethics]

11/19/03. *Stormwater Regulations in Wisconsin: Update 2003*. 1:30-2:30 pm ET live webcast. \$60. WLEC/Milwaukee Bar Assn. [1.0]

## ESTATES/TRUSTS/PROBATE LAW

11/6/03. *Probate and Estate Planning Hot Topics -- Updates and Useful Information, Part 1*. 4-7 pm ET live webcast. \$135. WLEC/Chicago Bar Assn. [3.0]

11/12/03. *Probate and Estate Planning Hot Topics -- Updates and Useful Information, Part 2*. 4-7 pm ET live webcast. \$135. WLEC/Chicago Bar Assn. [3.0]

2/12/04. *Annual Winter Estate Planning Practice Update*. 12-3:15 pm ET American Law Network satellite seminar. \$179. ALI-ABA. [3.0] (80+ viewing sites nationwide)

6/3/04. *Annual Spring Estate Planning Practice Update*. 12-3:15 pm ET American Law Network satellite seminar. \$179. ALI-ABA. [3.0] (80+ viewing sites nationwide)

## ETHICS AND PROFESSIONALISM/SUBSTANCE ABUSE

11/3/03. *Ethical Minefields -- Stock in Lieu of Fees and Other Issues*. 1-3 pm ET telephone seminar. \$118. TRT. [2.0 ethics] (Repeated 11/25, 12/23)

11/6/03. *Really Interesting Lawyer Stuff 2003*. 3-4:30 pm ET live webcast. \$90. WLEC/Bev. Hills Bar Assn. [1.5 ethics]

11/10/03. *Misconduct -- Should Bar Counsel Get Involved or Take a Hike?* 1-3 pm ET telephone seminar. \$118. TRT. [2.0 ethics] (Repeated 12/1, 12/30)

11/11/03. *Lawyer Substance Abuse -- Forever a Challenge*. 1-3 pm ET telephone seminar. \$118. TRT. [2.0 ethics] (Repeated 12/2)

11/18/03. *Government Lawyers: Playing by the Rules*. 1-3 pm ET telephone seminar. \$118. TRT. [2.0] (Repeated 12/17, 12/31)

11/20/03. *When Does My Professional Life End and My Private Life Begin?* 1-3 pm ET telephone seminar. \$118. TRT. [2.0 ethics] (Repeated 12/18)

11/24/03. *Corporate Responsibility Post-Enron*. 1-3 pm ET telephone seminar. \$118. TRT. [2.0 ethics] (Repeated 12/22)

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

12/18/03. *Ethics: Lawyer Advertising*. 2-3 pm ET teleseminar. \$99/119. ATLA.

## **FAMILY LAW**

11/12/03. *Ethical Pratfalls of the Minnesota Family Law Attorney*. 1:15-2:15 pm ET live webcast. \$60. WLEC/Hennepin Co. Bar Assn. [1.0 ethics]

## **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.

11/15/03. *MCLE Extravaganza*. 12-4:30 pm ET live webcast. \$240. WLEC/Bev. Hills Bar Assn. [4.0, 2.0 ethics]

## **GOVERNMENT LAWYER PROGRAMMING**

11/18/03. *Government Lawyers: Playing by the Rules*. 1-3 pm ET telephone seminar. \$118. TRT. [2.0] (Repeated 12/17, 12/31)

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

11/4/04. *Immigration Teleconference Series: Part IV, Hot Topics in Immigration Law for Health Lawyers*. 1-2:30 pm ET teleconference. \$125-245. AHLA/AILA.

11/6/04. *In the Antitrust Crosshairs: Provider Contracting Networks and Messenger Arrangements*. 1-2:30 pm ET teleconference. \$125-245. AHLA.

11/12/04. *Changes to the Federal Sentencing Guidelines and DOJ Policy on Federal Prosecutions: What Every Healthcare Lawyer Needs to Know*. 1-2:30 pm ET teleconference. \$125-245. AHLA.

11/13/04. *SARS: Legal and Risk Management Lessons Learned from Atlanta to Toronto*. 1-2:30 pm ET teleconference. \$125-245. AHLA.

12/11/04. *Ethics for the Healthcare Attorney*. Teleconference. ABA/ABA Health Law Section, YLD.

1/15/04. *Antitrust Law and Healthcare Enforcement Issues*. Teleconference. ABA/ABA Health Law Section, YLD.

2/10/04. *Jury Selection in Medical Negligence*. 2-4 pm ET teleseminar. \$139/159. ATLA.

2/26/04. *Handling the Failure to Diagnose and Treat Heart Disease Cases*. 2-4 pm ET teleseminar. \$139/159. ATLA.

3/25/04. *Legal Issues Affecting Hospital Operations*. Teleconference. ABA/ABA Health Law Section, YLD.

5/6/04. *Fraud and Abuse Statutes That Affect Healthcare Providers*. Teleconference. ABA/ABA Health Law Section, YLD.

6/8/04. *Nursing Homes*. 2-4 pm ET teleseminar. \$139/159. ATLA.

6/24/04. *Medical Negligence*. 2-4 pm ET teleseminar. \$139/159. ATLA.

7/22/04. *Managed Care Issues Between Providers and Payors*. Teleconference. ABA/ABA Health Law Section, YLD.

## **IMMIGRATION LAW**

11/4/04. *Immigration Teleconference Series: Part IV, Hot Topics in Immigration Law for Health Lawyers*. 1-2:30 pm ET teleconference. \$125-245. AHLA/AILA.

11/19/03. *Correa v. Weymouth Farms: Undocumented Workers' Entitlement to Minnesota Workers' Compensation Benefits*. 1-2 pm ET live webcast. \$60. WLEC/Hennepin Co. Bar Assn. [1.0]

11/20/03. *Immigration Law: Recent Developments*. 10 am-1:20 pm ET live webcast. \$175. WLEC/Clarion Legal. [3.0]

4/27/04. *Basic Immigration Law 2004*. Live webcast. \$299. PLI.

## **INJURY AND TORT LAW**

12/2/03. *A Primer on Federal Employer's Liability Act and Railroad Injury Cases*. 12 noon-2 pm ET telephone seminar. \$129. VACLE. [2.0] (Replay 12/9)

## **INSURANCE LAW**

11/7/03. *A Nuts and Bolts Overview of Insurance Coverage*. 3-6 pm ET live webcast. \$135. WLEC/Chicago Bar Assn. [3.0]

## **INTELLECTUAL PROPERTY/PATENT/**

## **COPYRIGHT/TRADEMARK LAW**

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

3/8-9/04. *Advanced Licensing Agreements 2004*. Live webcast. \$1395. PLI.

3/25/04. *Copyright and Trademark Law for the Nonspecialist*. 11 am-6 pm ET American Law Network satellite seminar. \$299. PLI. [4.0] (80+ viewing sites nationwide)

## INTERNATIONAL LAW AND TRADE

11/18/03. *Doing Business in the New Iraq: Opportunities & Legal Pitfalls*. Telephone briefing. \$149. PLI.

3/15-16/04. *International Business Litigation and Arbitration 2004*. Live webcast. \$1695. PLI.

5/6-7/04. *International Securities Markets 2004: Emerging Best Practices for a Rapidly Evolving Regulatory Scheme*. Live webcast. \$1495. PLI.

## LITIGATION/TRIAL AND APPELLATE ADVOCACY

[See also various substantive law topics for specialized litigation courses.]

11/3/03. *Federal Court Trials 2003*. 4-7 pm ET live webcast. \$135. WLEC/Chicago Bar Assn. [3.0]

11/5/03. *Expert Opinions -- The 3 R's: Reliability, Relevance and Review*. 1-3 pm ET telephone seminar. \$118. TRT. [2.0] (Repeated 11/21, 12/3, 12/16)

11/6/03. *Products Liability*. 2-4 pm ET teleseminar. \$139/159. ATLA.

11/13/03. *Perjury, the Right to Counsel, and the Right to Testify: State of Wisconsin v. McDowell*. 1:30-2:30 pm ET live webcast. \$60. WLEC/Milwaukee Bar Assn. [1.0]

11/18/03. *A View of Pre-Trial Practice from the Bench and What You Can Do About It*. 9:30-11 am ET live webcast. \$90. WLEC/Bev. Hills Bar Assn. [1.5]

11/20/03. *Persuasion*. 2-4 pm ET teleseminar. \$139/159. ATLA.

11/25/03. *New Amendments to the Federal Rules of Civil Procedure Effective Dec. 1, 2003: Major Changes in Class Actions, Special Masters, and Instructions to Juries*. 12-4 pm ET American Law Network satellite seminar. \$179. ALI-ABA. [4.0] (80+ viewing sites nationwide)

12/4/03. *Auto Cases*. 2-4 pm ET teleseminar. \$139/159. ATLA.

1/13/04. *Settlement Negotiations*. 2-4 pm ET teleseminar. \$139/159. ATLA.

1/29//04. *Electronic Discovery: How to Prepare Electronic Data for Use in Trial*. 2-4 pm ET teleseminar. \$139/159. ATLA.

3/10/04. *Current Developments in Federal Civil Practice 2004*. Live webcast. \$995. PLI.

3/25//04. *Motions in Limine*. 2-4 pm ET teleseminar. \$139/159. ATLA.

4/6//04. *Jury Selection in Auto Cases*. 2-4 pm ET teleseminar. \$139/159. ATLA.

4/27//04. *Lost Earnings and Impairment of Earning Capacity*. 2-4 pm ET teleseminar. \$139/159. ATLA.

5/11//04. *Premises Liability*. 2-4 pm ET teleseminar. \$139/159. ATLA.

5/25//04. *Theming Your Case*. 2-4 pm ET teleseminar. \$139/159. ATLA.

## MILITARY LAW/VETERANS ADVOCACY

11/11/03. *Military Personnel Rights*. 1-4:20 pm ET live webcast. \$175. WLEC/Clarion Legal. [3.0]

## MULTI-DISCIPLINARY/MULTI-JURISDICTIONAL PRACTICE

11/4/03. *MDP (Multidisciplinary Practice) -- Back Again?* 1-3 pm ET telephone seminar. \$118. TRT. [2.0] (Repeated 11/26, 12/29)

## NOT-FOR-PROFIT ORGANIZATIONS

11/5/03. *The Basics of Forming a Tax-Exempt Charitable Organization*. 1-3 pm ET live webcast. \$90. WLEC/Chicago Bar Assn. [2.0]

11/20/03. *Nonprofit Organizations Law 2003*. 11 am-6 pm ET American Law Network satellite seminar. \$299. PLI. (80+ viewing sites nationwide)

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

12/1-2/03. *Understanding the Sophisticated Real Estate Practice 2003*. 9 am-5 pm (-1 pm Day 2) ET live webcast. \$1395. 11/5/03. PLI.

2/5-6/04. *Sixth Annual Real Estate Tax Forum*. Live webcast. \$1395. PLI.

2/23-24/04. *Commercial Real Estate Financing 2004: What Borrowers & Lenders Need to Know Now*. Live webcast. \$1395. PLI.

## SECURITIES LAW

11/5/03. *Pre-Conference Briefing to the 35th Annual Institute on Securities Regulation: Counselor or Enforcer? The Role of the Corporate Lawyer Post Sarbanes-Oxley*. 12-5 pm live webcast. \$795 (\$2390 with 11/6 Institute). PLI.

11/6-8/03. *35th Annual Institute on Securities Regulation*. 9-5 pm (-1:15 pm Day 3) live webcast. \$1795 (\$2390 with 11/5 Briefing). PLI.

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

11/19-20/03. *Understanding Hedge Funds and the Pending Regulation: What You Need to Know Now*. 9 am-4:30 pm live webcast. \$1495. PLI.

12/11/03. *Securities Arbitration*. 11 am-6 pm ET American Law Network satellite seminar. \$299. PLI. (80+ viewing sites nationwide)

## Distance CLE, Cont'd

12/11-12/03. *Understanding the Securities Laws 2003*. 9 am-4 pm live webcast. \$1295. PLI.

1/8-9/04. *Preparation of Annual Disclosure Documents 2004*. Live webcast. \$1395. PLI.

3/5/04. *The SEC Speaks in 2004*. Live webcast. \$895. PLI.

5/10-11/04. *Securities Offerings 2004*. Live webcast. \$1395. PLI.

### SECURITY AND TERRORISM ISSUES

11/20/03. *Being a PATRIOT: Anti-Money Laundering in a Post-9/11 World*. 12-1:30 pm ET teleconference and live audio webcast. \$60-150. ABA/various ABA sections.

### TAX LAW

11/17/03. *Taxation: A View from the Bench*. 1:30-2:30 pm ET live webcast. \$60. WLEC/Milwaukee Bar Assn. [1.0]

11/19/03. *Current Developments in Tax Law*. 1-2 pm ET ABA Connection teleconference. \$0-110. ABA/various ABA Sections. [1.0] (Advance reading)

12/3/03. *Last Wednesday Taxation Series: State and Local Taxes*. 1-2:30 pm ET teleconference and live audio webcast. \$60-150. ABA/ABA Tax Section. [1.5]

### WRITING/DRAFTING SKILLS

12/10-11/03. *Drafting Corporate Agreements 2003-04*. 9 am-5 pm live webcast. \$1395. PLI.

1/8-9/04. *Preparation of Annual Disclosure Documents 2004*. Live webcast. \$1395. PLI.

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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, 1025 Connecticut Avenue, N.W., Suite 600, Washington, DC 20036-5405, (202) 833-1100, 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 [clehelp@atlahq.org](mailto:clehelp@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>.

