PROFESSIONAL DEVELOPMENT QUARTERLY

February 2006

National Edition

Journal of Professional Development and Continuing Legal Education

Special Issue on Technology

In This Issue:

Learning Management Systems for Law Firms

Sari Fried-Fiori

Several law firms have recently taken the plunge to explore, select and implement a Learning Management System (LMS) to take the pain out of managing the coordination and delivery of increasing amounts of internal training as well as to provide a platform for e-learning, competency management, creation of learning paths, and management of professional development plans. This article will focus on how to identify your needs for a LMS, how to select a LMS vendor that is right for your firm, and the process for implementing a LMS.

What is a Learning Management System?

A LMS is a software application that automates the administration, delivery, tracking and reporting of training and development activities. Specific capabilities often include:

- **Course management and class coordination** for all forms of training including live classroom, video/audio conference, and virtual classroom. A LMS will maintain and process information related to course catalogs, class schedules, instructors, equipment and resources, registrations and cancellations, automatic notifications (program announcements, reminders, emails with course evaluations and completion certificates), sign-in sheets, wait listing, approvals, attendance tracking, and accreditation.

- **Resource library management** if you tape internal programs and then want to make them available for checkout to lawyers and staff for self-study and CLE credit.

Professional Development Quarterly is published four times a year by Professional Development Services. Send subscriptions, address changes, and correspondence to: PDQ Editor, Professional Development Services, P.O. Box 150306, Alexandria, VA 22315, (703) 719-7030, Fax (703) 814-8590, Web www.profdev.com, E-mail maraeg@profdev.com.

- **E-learning content authoring, delivery and tracking**. While some LMSs have content authoring systems, it is usually best to purchase tools specifically designed to author e-learning content and then plug and play the content with the LMS for launching the training, tracking, and CLE accreditation.

- **Learning website**. The LMS is accessed through a website interface that is launched from your internal intranet. The website provides access to course catalogs, training schedules, e-learning programs, development plans, reports, and other professional development capabilities. Learners interact directly with the LMS through the website when they register for training, create and manage a development plan, or launch an e-learning course. Most LMS websites can be branded for your firm.

- **Development plans, and skills and competency management**. If your firm has developed, is developing, or is planning to develop competencies and skill profiles, a LMS can help you integrate these competencies with development plans, learning paths, curriculums, and performance management. All major LMSs have some level of competency management.

- **Assessments, evaluations, skill proficiency testing.** Most LMSs have capabilities to develop and implement various assessments and evaluations. They are also compliant with and can support skill proficiency testing that you might develop or purchase from a third-party vendor. While it might be hard to imagine "testing" an attorney's proficiency, this capability might be immediately valuable for staff training on various applications used in the firm.

- **Tracking of external training attendance and information**. If you reimburse attorneys for attendance at external CLE training and professional development programs, the LMS can track program and cost information and will also include attendance at external programs in the attorney's learning history.

- **Management reporting**. A LMS is a powerful tool when it comes to management reporting. Having all of your training data in one place enables you to generate reports about training activity. Standard reports include number of programs offered by office, section or department, practice group, level of attorney; attendance statistics; and individual learner training histories. You will also need to create several customized reports to support CLE administration such as sign-in sheets, certificates, and evaluation forms.

- **CLE accreditation and credit tracking.** Most LMSs have the capability to track licensing or certification compliance, but this may not translate to CLE accreditation and compliance. Because of the specialized nature of CLE, you will need to customize the LMS to support your CLE needs. All LMSs can be customized to support accreditation in multiple jurisdictions, and customized reports can be developed to list credit histories by jurisdiction. Given that CLE rules are not consistent across jurisdictions, it is very difficult to create compliance reports for multiple jurisdictions showing the gap number of credits needed in all categories to be in compliance. If you need to generate individual attorney compliance reports, I recommend that you work with a CLE reporting vendor to export data from your LMS to the reporting vendor rather than creating this capability within the LMS.

Does your firm need a LMS?

A LMS purchased from a vendor and customized to meet the needs of the legal workplace and your firm can cost $150,000-400,000 depending on the amount of customization needed. As indicated above, the most costly customizations focus on CLE accreditation, tracking and certificates.

There are several factors to consider when determining if a LMS is right for your firm. To what extent do the following apply to your firm:

- Offer more than 100 training programs per year?
- Manage multi-office training coordination (e.g., registrations and cancellations, sign-in sheets, evaluation forms, program resources)?
- Re-purpose live classroom training to e-learning or a physical library of programs?
- Need to keep program administration costs low – do more programs without adding more administrative staff to coordinate?
- Need to efficiently report training activity (e.g., number of programs, attendance, training costs)?
- Looking for a "one-firm" solution for attorney, staff/IT, and client training?
- Currently have "training data" stored in multiple places (e.g., Excel, Access, home grown databases, paper files) making reporting difficult?

The biggest Return on Investment (ROI) for the LMS investment will occur when you are doing a lot of training across multiple offices, when you need to track and report information on a number of levels (by program, learner, department, office), and when your PD strategy calls for integration of training, performance management, development planning, and career programs.

Is your firm ready for a LMS?

Once you have determined that a LMS is right for your firm, you will need to assess your firm's readiness. Implementing a LMS will significantly change how training and development programs are designed, delivered and managed. A readiness assessment will uncover important information that will impact the success of the implementation and the acceptance of the new system by learners and administrators. The following questions can be used to begin your readiness assessment.

Cultural Readiness

- Are your Professional Development strategy, initiatives and capabilities clearly defined and widely communicated in your Firm? If not, you may need to do this before initiating the idea of a LMS so that key stakeholders will be able to see the value that a LMS will bring to your firm.
- Have you established a clearly defined, understood, and agreed-to "need" for the LMS among key decision makers, administrators, and learners? Do you have the support of the "powers that be"?
- In what areas would you expect resistance to the changes brought about by a LMS (e.g., new policies and business processes; openness to using e-learning approaches instead of audio tapes, video tapes or CDs)?
- To what extent are your firm's intranet and other web-based applications used? What challenges would you anticipate in migrating attorneys to using a system rather than calling a person to access training and development programs?

Technical Readiness

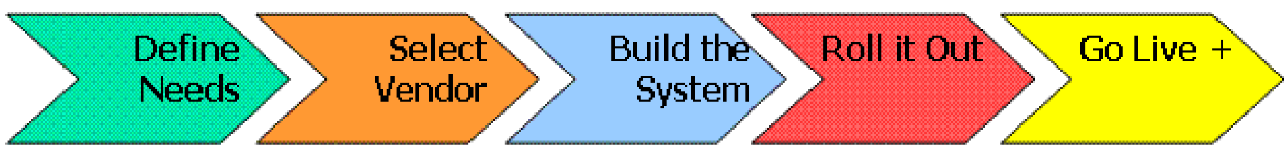
- Does your IT department have knowledge and experience with the technologies used by LMS software (e.g., Microsoft Sequel, Oracle, video streaming, web design)? If not, you may need to rely on the LMS vendor to transfer knowledge to your IT team during the implementation to ensure that your IT team can support the LMS on an ongoing basis.
- Does your IT infrastructure support the LMS (e.g., hardware, software, networks, desktop configurations)?
- What are the key priorities for your IT department over the coming year and how do these priorities impact the availability of IT resources to support the LMS implementation?

Financial Readiness

- To what extent will you be able to obtain a budget to cover the cost of purchasing and customizing the software? Please note that system purchases and implementation costs can be treated as capital expenses and amortized over a three year period.
- Will you be asked to prepare a Return on Investment (ROI) analysis to justify the expenditure? If yes, how challenging will it be to identify and measure the "hidden" costs and benefits for developing, enhancing, and maintaining the LMS?

Procedural Readiness

- Who will have access to "data" in the LMS? For example, who will be able to view an attorney's development plan or learning history?
- Who will have control over system modifications and future enhancements – you, IT, or shared responsibility?
- Where is data currently stored and what will be needed to import data from existing data sources and from other systems such as HR and accounting?



What are the steps in implementing a LMS?

There are five major phases to implementing a LMS, and it usually takes 6-9 months. Each phase, with the steps included in it, is described below.

Phase 1: Define the Needs

The primary focus of this phase is to clearly identify what you want the system to do based on input from your key stakeholders. Your needs will determine the functionality of the system and ultimately which vendor and system you will select. Spending time defining your needs and requirements at a fairly detailed level up front will be well worth the investment.

1. **Determine Key Stakeholders**: Key stakeholders are those individuals and groups who will be impacted by the new LMS. Stakeholders usually include decision makers (attorneys and staff), learners, administrators (PD, IT, and HR training staff), and the implementation team (PD staff, IT, HR staff, Marketing Staff if clients will access training through the LMS). Each of these groups has a vested interest in the LMS and may have different goals and objectives for the system. You will want to identify the goals and objectives of your key stakeholders up front so that you know what you will need to negotiate with each group as you clarify priorities and

capabilities of the system that will be implemented.

2. **Define Purpose and Use of the LMS**: The purpose and use of the LMS should be based on your Professional Development strategy and goals as well as the goals of each of your stakeholder groups. You will want to consider whether you plan to use the LMS to primarily support training administration (e.g., class schedules, registrations, CLE accreditation); if you want to use the LMS to support competency management, e-learning, performance management, etc.; or if you need to support both.

3. **Determine Specific Functional Needs and System Requirements**: Once you have identified how your firm will use the LMS, you will want to determine which specific aspects of the system's functionality will be needed to support your highest priority uses for the system. The key question is to determine what you will "need" initially versus what would be "nice to have". All implementa-tions require tradeoffs so it is important to have your priorities clearly in mind. As you define your detailed needs, you will begin to identify the "deal breakers" or those aspects of the system that you must have when you launch the new system. It is important to accept that you won't get everything you want on day 1. Today's LMSs have fairly deep and sophisticated capabilities and it can feel a bit like Willy Wonka's Chocolate Factory once you step into the LMS world. Think about what must be functional on day 1 and what can be implemented in subsequent releases of the system. Keep a running list of your priorities and LMS functionality to be implemented over time.

One outcome of Phase 1 is a detailed listing of functionality requirements that will be used to assess the capabilities of various systems and that will serve as your roadmap for configuring and customizing the LMS during implementation. Examples of detailed functionality requirements include:

- Ability to schedule classes occurring on a single day or multiple days and delivered to multiple locations by video or audio conference
- Ability to automate management of wait lists
- Assign whether approvals will be required and allow for multiple approvers
- Assign CLE accreditation to a course
- Assign courses and/or materials as pre-requisites
- Enable self-registration through a website and batch registration by administrators
- Create customized CLE certificates
- Create and manage personal development plans
- Assign learning paths to groups of learners by level, department, and job title
- Manage the check in and check out process of physical tapes and books
- Create program evaluations, enable learners to complete evaluations online, generate evaluation summary reports

A second outcome of Phase 1 is to create "Use Case Scenarios" based on your required functionality. Use Case Scenarios are action-based, "day in the life tasks" performed by administrators and learners that demonstrate how the system will meet your specific needs. Use Case Scenarios help to keep vendors focused on your defined needs instead of the "bells and whistles" that they may want to promote. Use Case Scenarios can also serve as scripts for vendor demonstrations and testing the system during implementation.

Here is an example of a Use Case Scenario:

Learners must be able to easily identify what training resources are available to meet their specific needs whether it be CLE-accredited training for attorneys, desktop applications training for staff, or professional development curricula tailored to an attorney's particular area of practice or role. They must be able to quickly and easily view their learning track and personal learning objectives and progress toward achieving those objectives. Demonstrate the following:

- Log in to or access the system as a learner
- Display the learner's learning plan
- Launch an e-learning course and return to the LMS
- Demonstrate how e-learning courses can be bookmarked
- Register for a video conference program
- Show how completion of training is updated in the learner's plan
- Show where a learner would go to print a learning history and certificate of completion
- Show how a learner can use "search" functionality to find various courses in the course catalog including those that may not be assigned to the learner

Phase 2: Select the Vendor

The primary objective of this phase is to identify and select a vendor and system that will best meet your functional needs and requirements. Keep in mind that no system will be a perfect fit with your needs and requirements – there will be tradeoffs. In addition, vendors will naturally want to highlight their unique or distinguishing capabilities, but these may not be the capabilities that will meet your needs. Use the priorities you defined in Phase 1 to guide your selection decision and keep the vendor focused on your priorities.

In addition to functional capabilities, you should also assess characteristics of the vendor, including length of time in business, size of staff, profitability, and client base. The LMS market has undergone a fair amount of consolidation and several recent major mergers have substantially changed the products available to customers impacted by these mergers. While smaller LMS vendors may be more flexible in meeting your needs, they are also more susceptible to acquisition by the major players in the market; and the product you purchased from the small vendor may disappear if the vendor is acquired.

1. **Research LMS Vendors and Systems**. Selecting a LMS vendor can be a daunting task. Fortunately, there are several resources available to simplify the process. The most comprehensive and user-friendly resource is Brandon-Hall and can be accessed from www.brandon-hall.com. This site provides free access to basic information about selecting LMS vendors such as the top 10 characteristics of LMS solutions, high level steps for selecting a LMS vendor, 20 questions to analyze critical needs, steps to write Use Case Scenarios, and a glossary of LMS terms. A 3-month subscription ($995) provides access to unbiased and very detailed profiles of more than 50 major LMS vendors including side-by-side comparisons of 200+ system features. Another third-party consultant, Bersin & Associates, conducts an annual assessment of 20 major LMS vendors and publishes the results at www.bersin.com/lms where the report can be purchased for $1,295.

   As you conduct your research, you will want to identify an initial list of vendors (usually 4-6) to interview and conduct demonstrations of their systems.

2. **Screen Potential Vendors**. Prior to any vendor interview or demo, have representatives of your IT team meet with the vendor by phone to confirm that the technology used by the system can be

supported by your IT department. You don't want to spend a lot of time describing your needs to a vendor only to have your IT team tell you that they cannot support the technology platform of the LMS.

Once you have confirmed that the LMS technology is compatible with your IT infrastructure, send each vendor your detailed functionality requirements document and your Use Case Scenarios. Screen vendors by phone after they have had a chance to review your requirements to confirm their general understanding of your requirements and business needs and to obtain initial "ball-park" pricing. Most vendors will be able to easily tell you the licensing and maintenance fees and many offer deep discounts on the licensing fees once the negotiations begin. Fees for professional services to customize and implement the system can only be determined after you and the vendor have spent a fair amount of time going through all of your functional requirements to determine which can be met with "out of the box" functionality and which will require more in-depth configuration and customization.

Initial demonstrations of the product can often be conducted virtually, where you participate in an audio conference and the product is demonstrated on your desktop computer. I recommend this approach as opposed to onsite demonstrations as it forces the vendor to efficiently demonstrate the system to your functionality requirements with less time allocated to the "sales pitch" and other vendor-initiated schmoozing. The focus of these initial demos is to assess the overall "look and feel" of the system from the perspective of a learner and an administrator, to determine if your highest priority minimum requirements would be met, and to confirm that the vendor understands your more detailed functional requirements should you decide to go to a more detailed onsite demonstration and scoping meeting.

3. **Narrow the List of Vendors**. Once you have conducted the initial demonstrations, it's time to narrow the field and go nose-to-nose with a few vendors. The next step is to schedule full-day onsite product demonstrations with a few vendors (3-4) where a significant portion of the day will be spent scoping the configuration and customization of the system. Be sure to insist that the vendor sends representatives with in-depth working knowledge of the system and not just the marketing and sales staff. These in-depth meetings require that the vendor really understand how you will use the system so that they can demonstrate how system functionality will meet your needs. These meetings are also used to identify the gaps between your needs and the system's functionality that will require customization.

4. **Select Vendor Finalists and Request "Best Price Bids."** Following the in-depth onsite vendor meetings, select your final two vendors and request a best and final price bid. Don't be shy about indicating that you are seeking competitive bids. You should also request the licensing and professional services contracts at this time so that you can begin the process of having your lawyers review the contract language and terms. Be sure to review the professional services scope of work with a fine tooth comb to ensure that the vendor thoroughly and accurately understood your needs and made a fair estimate of how much customization would be required. Lastly, consider how your relationship with the vendor has progressed through the selection process to determine if this is a vendor you want to work with over the next several years.

Phase 3: Build the System

Phase 3 is about installing, configuring, and customizing the system to your specifications. It is a partnership between your implementation team and the vendor.

1. **Create a Project Plan**. Your selected vendor will usually facilitate a series of meetings with your project team to clearly define the activities, resources, deliverables, and time frames for the project plan. Be sure to build in a lot of "brainstorming time" in the project plan. Despite your best efforts in defining specific requirements for the system, you will need time throughout the design, configuration and customization of the system to thoroughly discuss how the system will meet the requirements. Many will have opinions about how best to design the system and you will want to allow time for these very important discussions.

2. **Manage the Project Plan**. Needless to say, system implementation projects regularly get behind if not managed closely by you and the vendor. Insist that your vendor provide weekly status reports describing progress on all deliverables and milestones. The vendor should also maintain an issue-tracking spreadsheet, and the status of open issues should be discussed on a weekly basis. There is a tendency in any system implementation for "scope creep," or going beyond the agreed-to scope, as new issues and capabilities emerge during the implementation. Be sure to keep a list of all new areas of scope that are identified through the implementation and integrate this new scope with your list of lower priority scope areas that you developed during the needs assessment phase.

3. **Configure and Customize the System**. The following key configuration issues will need to be addressed in your implementation:

   - ***Data conversion, entry, cleaning, and imports***. All LMSs are capable of importing data from other systems and spreadsheets. At a minimum, you will need to import "people" data from your HR system. You may also want to import historical training data. Training data maintained in existing electronic and paper files will need to be mapped to the fields in the LMS and you may need to clean or reformat your existing data to conform to the structure of the new fields. Do not underestimate the time it will take for your team to prepare data for import to the LMS, particularly if you currently maintain data in primarily paper files.

   - ***Field configuration***. Your selected LMS may not have all the fields you will need to track important data. You will most likely need to add fields to track CLE information (*e.g.,* bar admission data for individual attorneys, credit types, credit amounts). Other fields may be present but will need to modified or relabeled such as organization, department, and job title. Be sure to identify as many fields as possible that will need to be configured, added, and customized during the scoping meetings in the vendor selection phase. Adding and customizing fields can be costly, and you will want to know the cost before you select the vendor.

   - ***Branding the learner and administrator websites***. Most LMSs allow the customer to brand the web interface to the system. This usually includes colors and logos. You may find that the interface layout will need to be customized to be more consistent with your intranet in terms of where information displays on the pages. Consistent look and feel between the LMS and your intranet may be more or less costly depending on the flexibility of the LMS to move data elements around on the page. Scope this customization up front in the vendor selection phase and be sure to assess the flexibility of the LMS. Not all of the major LMSs are flexible, and changing the look and feel can be costly.

- ***Management reports***. All LMSs come with "standard reports." Most of these reports will need to be modified to meet the needs of the legal industry and your firm. Make sure the vendor includes the cost of developing sign-in sheets, evaluation forms, CLE certificates, and training activity reports in the professional services estimate and state of work. Some LMSs utilize third-party reporting software such as Crystal Reports, and others have developed their own propriety reporting capabilities. Be sure to thoroughly examine the reporting capabilities in the vendor selection phase and assess what will be needed to support your reporting needs on an ongoing basis.

- ***Business processes***. Implementation of any system will result in changed business processes for administrators and learners. There can be a tendency to try to make the system conform to existing business processes, and this can be very costly. Be prepared to change the way you do business so that you can fully leverage the capabilities of the system. Everyone will need to let go of the "way we have always done it."

- ***"Keep It Simple"***. When configuring the LMS try to minimize the number of "clicks" to do a task. Insist that your vendor make it useable to the "average" attorney who may not be adept at using technology. Seek input from learners and administrators regarding ease of use during the design to avoid headaches and complaints when the system goes into production.

4. **Test All Capabilities and Tasks.** Testing is critical and ensures that there are no surprises for the learner or administrator when you roll out the system. Your team will need to create scripts that include the steps a learner or administrator would follow to complete a transaction in the new system. Document all issues identified during testing to ensure that all issues are addressed before rolling out the new LMS.

5. **Develop Training Materials**. Administrators, learners, and help desk staff will need to be trained on the new LMS. Materials will need to be developed including user guides, quick reference guides, and online help. Vendors will often provide the materials they use to train clients on the LMS, and these materials can be customized to reflect the newly configured and customized system you have built. Develop and organize the training to follow the typical steps a learner or administrator would follow to complete a task or transaction in the LMS (*e.g.*, register for a class, launch an e-learning module, create a professional development plan).

Phase 4: Roll It Out

The focus of Phase 4 is to roll out the new LMS to all learners and administrators. Depending on the size of your firm, this phase may last from one to three months.

1. **"Train" Administrators, Learners, and Help Desk Staff**. Administrators, staff learners, and help desk staff will be more willing to attend training sessions than attorneys. Training for attorneys might best be accomplished as "lunch and learn demonstrations" rather than as formal training programs. Keep the training or demonstrations short and hand out quick reference guides to provide the details about using the new LMS. Be prepared to provide 1-1 help to learners and administrators following training or demonstrations.

2. **Market the New LMS**. Market the new LMS to ensure acceptance. Every firm has its own unique culture so use approaches that have worked in the past. Make the launch a big deal through live demonstrations. As you roll out the new LMS, utilize testimonials from high-level

attorneys and staff who have taken the LMS for a successful test drive to generate excitement and buy-in. In all communications, highlight what will be different with the new system and why "different" is better.

Phase 5: Go Live +

Phase 5 is focused on running, maintaining, and enhancing the LMS over time.

1. **Hold strong against resistance**. Many will want to go back to the way it was before the LMS. Patience will be the order of the day as you listen to why the "old" way was better than the "new" way.

2. **Maintain and manage a detailed issues spreadsheet** during the first six months after the roll out. Despite your best testing efforts, learners and administrators will find aspects of the system that do not work as planned. Use a detailed spreadsheet to document issues and manage the issue resolution process with the vendor.

3. **Maintain a detailed prioritized spreadsheet** of modifications, enhancements, and new features that you will want to implement in future releases of your LMS.

4. **Keep your team intact to plan upgrades and enhancements**. Continuity and knowledge about the system will ensure that upgrades and enhancements go efficiently and smoothly.

5. **Attend ongoing vendor training and user conferences**. Vendor conferences provide useful information about future product enhancements and releases. They also provide opportunities to learn how other organizations are using their LMSs to enhance training and development.

Sari Fried-Fiori *has more than twenty-five years of training, management development, organization development, and change management experience servicing over 300 organizations representing a wide variety of industries including legal, financial services, managed care/health insurance, professional services, and high-tech manufacturing and distribution. In her current role as the Chief Professional Development Officer for Holland & Knight, Ms. Fried-Fiori oversees the development and delivery of all attorney training programs, design and implementation of attorney performance evaluations, development of attorney competencies, mentoring programs, work allocation systems, orientation and integration programs, leadership and practice management training, associate relations activities, career development programs, and administration of CLE. She can be reached at sari.friedfiori@hklaw.com.*

What lessons have been learned about implementing a LMS in a law firm?

1. Spend time defining needs and requirements up front.

2. Change your business processes to support the new system.

3. Make the learning website intuitive to reduce the amount of training needed.

4. Don't try to have it all with the first "go live." Go live with the most critical needs and build enhancements into future releases.

5. Be prepared to compromise to accommodate different constituencies and stakeholders.

6. Launch the LMS on time.

7. Be open to change. What you thought might work, might not. Stuff happens. Needs change.

Winter 2006 Survey Report:

Technology for Professional Development

Evelyn Gaye Mara

This survey updates one we first did almost five years ago. Now as in July 2001, we wanted to find out what technology law offices are using to support their professional development (PD) programs, how they are using it, and what they think of it. In addition, we wanted to see how their use of PD technology has evolved in the intervening period.

For purposes of comparison to the earlier survey, it was important to ask the same questions as much as possible. Because the technology itself has evolved, a few of the items we asked about may have struck some survey respondents as obsolete. But, surprisingly (at least to us), the older technology is still in use, though its use is declining.

We did revise our terms for some items to reflect changes in the technology vocabulary. And we also asked about a few new items, such as e-learning courses, that were not on the PD radar screen in 2001. The latter will establish a new baseline for future surveys.

The survey respondents: Vital statistics

As in 2001, all of this year's survey respondents are private law firms. Overall, the firms and their PD programs are looking bigger and better in 2006:

8. **Fewer firms responded in 2006 than in 2001, but those firms are larger, have more offices, and together employ more attorneys in total than the 2001 respondents.** This fits with the growing trend toward law firm consolidation we've seen in recent years. Table 1 provides comparative profiles.

Table 1. **Comparison of PD Technology Survey Respondents, 2006 vs. 2001**

	# Responding Firms	Average # Attorneys	Total # Attorneys	Average # Offices
2006 Respondents (all private law firms)	**16** (14 U.S., 2 Canada)	**632** (Range 120-3000)	**>16,000**	**11** (Range 2-50+)
2001 Respondents (all private law firms)	**23** (21 U.S., 1 Canada, 1 UK)	**479** (Range 120-900)	**>11,000**	**9** (Range 1-15)

2. **Staffing of the Professional Development function is up.** Among the 2001 respondents, the ratio of full-time PD staff to attorneys averaged 1:201. This year it averages 1:150. As in 2001, however, the range is wide: from as low as 1 PD staffer for each 500 attorneys, to as high as 1:50.

3. **Staffing of the IT/MIS function is up even more.** The firms responding in 2001 on average employed 4 IT staff members for every PD staffer. In 2006 that ratio has nearly tripled, to 11:1. The increase may translate to improved technology support for PD: Several 2001 respondents complained lack of IT support for their

programs, but this time around there were no such complaints.

Technology for formal instruction

All of the responding firms offer traditional classroom-type courses in house, and all of those with multiple offices broadcast at least some of their classroom-based courses live via electronic media to other offices. All but one firm also provide technology-based resources for self-study, and on average learners are using them somewhat more than they were in 2001.

In the five years since our last survey, the use of technology for formal instruction, both instructor-led and self-study, has increased. While the favored media in 2001 are still at the top of the rankings, new media are beginning to challenge them and old ones are starting to fall out of use.

The details:

1. Traditional classroom-type courses

All 16 firms offer live, classroom-based programming in house, from a low of 20 courses annually to a high of 220. (In 2001 the reported range was wider, from 10 courses to 1,500. The latter number, however, may include practice-group-based programming, which other respondents said they had excluded from their tallies for lack of data.)

At all but one of the 16 firms, technology is being used to support classroom-based instruction. And with the exception of overhead projectors, whose used has declined somewhat, it is being used more regularly than in 2001. The technology tools rank in the following order (see Table 2):

Table 2. Use of Technology Tools in the Classroom

Rank *(2001)* Technology Tool	Rating *(2001)*	Usage Trend (▲/▼)	Comments
1 *(1)* **Computer slides** (*e.g.,* PowerPoint)	3.00 *(2.70)*	▲	Faculty at all but one firm are using slides in the classroom.
2 *(3)* **Video/audio recordings**	2.00 *(1.43)*	▲	Faculty at half the firms use video and/or audio recordings in the classroom
3 *(6)* **Web/intranet-based resources**	1.69 *(1.04)*	▲	Used at half the firms, but 75% of these are only occasional users.
4 *(2)* **Overhead projectors/ document cameras**	1.53 *(1.74)*	▼	Used at 25% of firms. [*Note:* The 2001 rating combines ratings for over-head projectors (#2) and document cameras (#4).]
5 *(5)* **Electronic whiteboard**	1.20 *(1.09)*	▲	Only 2 firms are using electronic whiteboards.
Overall average	1.88 *(1.60)*	▲	Overall, the trend is toward more technology use in the classroom, and PowerPoint is King of the Hill..

Notes:

Rating Scale: Respondents were asked to rate the number of in-house faculty using each tool on a 4-point scale on which 1=Few or none, 2=Less than half, 3=Half of more, 4=All or most

Classic Quotes

"Computers in the future may weigh no more than 1.5 tons."

– *Popular Mechanics*, 1949

"The administrative tasks that are involved with employee relations can, and should, be systematized."

"The main benefit of decreasing paperwork may be to gain more time for people relations. Executives will have to learn what the effective department head in the university or the successful conductor of the symphony orchestra have long known: The key to greatness is to look for people's potential and spend time developing it."

– Peter F. Drucker, management professor, writer, thinker, and innovator who coined the term "knowledge worker," and who passed away on November 11 at the age of 95, in February 2002 *Harvard Business Review*.

Regarding Web/intranet-based resources, one firm commented that it uses a "Projector [LitePro] to display PC content (Documents & internet sites)."

2. Live distance courses

Ninety-four percent of the firms in this year's survey (all but one[1]), and 100% of the truly multi-office firms, are providing live distance courses. This is an increase from 83% in 2001; included in the 17% who did not have distance programs at that time were two multi-office firms who said they were making plans to implement them.

[1]Whilethis firm reported having two offices in the profile section of the questionnaire, it commented in this section that "With only one main office, live distance programming is no use to us." Presumably its second office is close enough that learners can readily attend courses at the main office.

Based on some of the comments, most if not all of these distance courses begin as classroom-based courses at one office, with personnel in the firms' other offices participating remotely. (The word "participating" is used advisedly here, since numerous comments report a lack of engagement by attendees at the remote locations.)

On average, the 2006 respondents are broadcasting 40 live distance courses a year; the range is 5-200 a year. One large firm with a low number explained that it results from a preference for in-person training: "We do not do many live distance programs as each office has live training programs. We also hold at least 4 firm wide training programs (large scale)."

Preferred Media. The media that the respondents are using to deliver their live distance courses are ranked below in Table 3. These rankings are unchanged from 2001, but note how much ground web conferencing has gained since then.

Table 3. Delivery Media for Live Distance Learning

Rank *(2001)* Delivery Medium	Rating *(2001)*	Usage Trend (▲/▼)	Comments
1 *(1)* **Videoconference**	2.93 *(3.00)*	▼	69% use videoconferencing; for 56% it is the dominant delivery medium.
2 *(2)* **Telephone conference**	2.64 *(2.79)*	▼	69% use teleconferencing, almost half of them in combination with video- and/or web-conferencing; but 25% use teleconferencing exclusively.
3 *(3)* **Web conference**	1.87 *(1.05)*	▲	44% of respondents now deliver live courses over the Web. In 2001 only 4% did – a ten-fold increase.
Overall average	2.48 *(2.28)*	▲	The increase in web conferencing more than makes up for the slight downticks in video- and teleconferencing..

Notes:

Rating Scale: Respondents were asked to rate the number of distance courses using each medium on a 4-point scale on which 1=Few or none, 2=Less than half, 3=Half of more, 4=All or most

One respondent commented that the "Cost of videoconferencing is now very cheap."

Another provided some detail about the products supporting its distance program:

> "We use Global Crossings for conference recording. Audio MP3 files are made available to all via firmwide Portal. We are interested in using Podcast technology in the future. We used web based Microsoft Live Meeting for multi-office presentations. Recordings of the LiveMeetings are made available online via firmwide Portal."

Several respondents identified distance learning applications as their "most valuable technology":

- "Videoconferencing, webconferencing, email, intranet, in 2006 e-learning, evaluations and surveys." (Videoconferencing got two additional "most valuable" nominations.)
- "Access to web connections for PowerPoint during telephone attendance at live programs."
- "Our IT team and third party vendors which bridge audiovisual connections between offices."
- "Video recording and simultaneous streaming video of programs to desk tops."

Another respondent is looking for "A web based or video educational tool for live distance programming."

On the negative side, one respondent finds Web conferences "too difficult; most people log on and don't pay attention."

Pros and Cons of Distance Courses. We asked the respondents for their views of the advantages and disadvantages of distance vs. in-person programming. Their responses are charted in Table 4, and are consistent with opinions expressed in the 2001 survey. Note that technology glitches continue to be the biggest problem with these tools.

Table 4. Distance Learning Advantages and Disadvantages

Major Advantages (# mentions)	**Major Disadvantages** (# mentions)
Increased participation, greater firm-wide inclusion/ integration/cohesion (9)	Technical difficulties: Communication/interaction problems, absent or poor-quality video, poor sound quality, background noise and distractions, delays and disconnects (10)
Greater convenience, less time and travel for presenters and/or participants (4)	Lack of full attention and/or participation at remote sites (6)
Lower cost (2)	Unsuitability of distance learning for some types of skills training, such as "negotiation, teambuilding, etc." (1)
Consistent course quality (1)	Prohibition by some training consultants of videoconferencing their courses (1)
Consistent message (1)	Different time zones making live participation difficult for some remote sites (1)
Wider availability of firm experts (1)	
Ease of recording the program for future use (1)	
Variety of courses available (1)	
Diverse audience for courses (1)	

3. On-Demand/Self-Study Resources

An inventory of technology-based learning resources (tapes, CDs, DVDs, etc.) is maintained by 94% of this year's responding firms, up from 87% in 2001. Note that CDs and DVDs are gaining favor as a storage medium, and internal and external e-learning courses are making their first appearance. The media preferences are ranked in Table 5 below.

Classic Quote

"Most of our training is compensatory for bad system design, and help desks are the balloon payment on poor system design. If we have to teach people how to use a system, it wasn't designed right in the first place. Why do we have training that teaches useless jargon? Why should we have to live with error messages like 'File sharing illegal error'? Look at the evolution of a program like TurboTax. Simplify, simplify."

– Gloria Gery, *Electronic Performance Support Systems*

Table 5. Media for On-Demand/Self-Study Use by Learners

Rank *(2001)* Format	Rating *(2001)*	Usage Trend (▲/– /▼)	Comments
1 *(1)* **Videotape**	2.47 *(3.35)*	▼	75% of respondents have videotapes in their collection (down from 83% in 2001); at 31%, videotapes constitute most of the collection.
2 *(4)* **CDs/DVDs**	2.25 *(1.30)*	▲	CD/DVD availability has risen from 26% in 2001 to 56% in 2006.
3t *(2)* **Text documents on Firm's LAN or Intranet**	1.50 *(2.15)*	▼	Used by under 20% of the respondents in 2006, down from over half the 2001 respondents.
3t *(3)* **Audiotapes**	1.50 *(1.95)*	▼	31% have audiotape resources, down from 48% in 2001.
5 *(-)* **Internal e-Learning courses**	1.46 *(n/a)*	new	25% now offer internal e-learning courses, but only one firm provides the majority of its self-study resources in that format.
6 *(-)* **External e-Learning courses**	1.42 *(n/a)*	new	19% also make external e-learning courses available, but again only one firm uses e-learning as the dominant format.
7 *(5)* **Floppy disks**	1.23 *(1.15)*	–	Only 2 firms still use floppies, and at neither are they the dominant format. (The slight uptick in the average rating is insignificant; usage is essentially flat.)

Notes:

Rating Scale: Respondents were asked to rate the number of resources stored in each medium on a 4-point scale on which 1=Few or none, 2=Less than half, 3=Half of more, 4=All or most

Two respondents commented on their preferred applications and providers:

> "We use Microsoft Producer to publish recorded video programs online.... Annually, we purchase a few specialty subject (Ethics, Substance Abuse, Bias) MCLE video and audio tapes from PLI and other vendors."

> "We use PLI and Harvard Manage Mentor heavily for online learning. It is a new system to our firm ... and is building in user awareness and popularity... PLI offers a convenient way for our attorneys to obtain and maintain their CLE requirements."

Two others commented about the poor quality and low utilization by the lawyers of their videotaped training sessions, with one noting that "Taped training sessions (recorder on tripod) produces a grainy, shadowed tape that is not suitable for future use."

Numerous 2001 respondents reported low utilization of their self-study collections. But most of this year's group is getting a more positive response, with 69% reporting at least some learner usage, and 31% reporting that half or more of their learners are using these resources. The growth in usage may have something to do with three other developments since 2001:

- increased availability of CLE credit for technology-based self-study,[2]
- the availability of higher-quality offerings, and
- a growing comfort level with technology use in general.

CLE credit in particular seems to have a strong influence on resource utilization, as our 2001 survey analysis showed. As one respondent commented, "Now that Illinois is a MCLE state, quality e-learning opportunities have become more important."

Two respondents want to improve their capabilities for creating on-demand learning opportunities:

- "Conversion of live in-house training sessions to online courses and professional videographers who can make content available within a brief time frame."

- "More staff with expertise in recording programs and creative knowledge."

Technology support for other developmental activities

In 2001, PD directors were just beginning to move many training support functions on line, as well as other activities in support of individual development (*e.g.,* performance appraisals, tracking of assignments, achievement of developmental milestones). Our 2001 survey respondents projected even more technology use in the future.

In 2006, we were surprised to see that, with the one prominent exception of performance appraisal, firms' overall technology use for those developmental functions has remained flat or even gone down. Then we split out the data by firm size and found that in the largest firms (those with 500 or more lawyers), technology use has indeed gone up in most areas – perhaps because the larger the organization, the greater the need to manage information and the greater the resources to purchase and implement new systems. It is unfortunate if smaller firms are not availing themselves of these powerful management tools.

We can postulate two possible explanations for smaller firms' lower technology utilization:

1. Their programs are more informal, less structured, and/or rely on "the personal touch."
2. They are not engaged in some of these programs at all (for example, not all firms have upward evaluation programs)[3]

We should also note that lower overall ratings for technology use do not necessarily mean that technology support is lacking or even declining. It may represent an intentional choice, for example, to include paper as a communication and storage medium side-by-side with online content. A case in point is in-house training calendars, which dropped from first place in 2001 to third in this year's rankings. They are being published on line by 75% of the respondents, but only one has its in-house calendar "Exclusively" on line. In 2001, by contrast, 7 respondents checked "Exclusively." PD offices may have found that the glossy brochure is still a valuable marketing tool for their programs and gone back to publishing in hard copy as well as on line.

The use of technology to support developmental functions other than formal instruction is charted below in Table 6.

[2]All but one of the MCLE jurisdictions have now declared technology-based learning resources to be eligible for credit (see "MCLE Watch," August 2005 issue, p. 32). The sole respondent to our 2006 survey that does not maintain a self-study collection (it had one, but abandoned it for lack of use) is based in a non-MCLE jurisdiction.

[3]See our upward evaluation survey report in the February 2002 issue.

Table 6. Technology Support for Other Developmental Functions

Rank *(2001)* **Function**	**Ratings:** Overall/ Larger Firms *(2001)*	**Usage Trend** (▲/– /▼) Overall/Larger Firms	**Comments**
1 *(2)* **Collect and compile performance appraisals**	3.40/ 2.83 *(2.65)*	▲ / ▲	The one function for which technology usage is up for all sizes of firms, and even more at the smaller firms (a phenomenal 3.78 average rating) than the larger ones. All but 3 firms in the survey pool are collecting performance appraisals either "Exclusively" or "Primarily" on line, even firms that are using technology very little for anything else.
2 *(3)* **Store and index work product / model document files**	2.63/ 2.86 *(2.61)*	– / ▲	Here the size comparison is close: 71% of the larger firms keep these "Exclusively" or "Primarily" on line, compared with 67% of the smaller ones.
3 *(1)* **Publish in-house training calendar**	2.20/ 2.50 *(2.74)*	▼ / ▼	Only 1 respondent publishes its calendar "Exclusively" on line, and only 3 "Not at all." Everyone else checked "Partially" or "Primarily," so it appears that most publish their calendars both on line and on paper.
4 *(4)* **Publish directory of in-house self-study resources**	2.07/ 2.33 *(2.26)*	▼ / -	37% of the respondents do not publish such a directory on line at all.
5 *(-)* **Support communities of practice**	2.00/ 2.50 *(-)*	new	All but one of the large firms provide at least partial online support, whereas nearly half of the smaller firms provide no online support at all.
6 *(6)* **Publish calendar of external CLE courses**[4]	1.93/ 2.33 *(2.17)*	▼ / ▲	About half of both the large and small firms publish such a calendar on line, but the larger firms more often do so "Exclusively" or "Primarily"
7 *(5)* **Track work assignments**	1.73/ 2.00 *(2.22)*	▼ / ▼	No firms track these "Exclusively," and 25% track them "Not at all,"on line. In between are two large firms that "Primarily" track on line, and everyone else does it "Partially."
8t *(7)* **Collect and compile upward evaluations**	1.67/ 2.50 *(1.83)*	▼ / ▲	This function shows the greatest split between larger and smaller firms. Only one smaller firm does this on line at all, and only "Partially," whereas all but two of the larger firms do so "Exclusively" or "Primarily." The large-firm responses closely track their responses above on performance appraisals, whereas the small firm responses are almost the reverse.

[4]Full disclosure: We publish an online CLE course schedule, *The Capital CLE Calendar.* (The concurrent issue is partially reproduced in this publication.)

Rank *(2001)* **Function**	**Ratings:** Overall/ Larger Firms *(2001)*	**Usage Trend** (▲/– /▼) Overall/Larger Firms	**Comments**
8t *(9)* **Track progress toward developmental goals**	1.67/ 2.33 *(1.57)*	- / ▲	Another area of marked divergence by firm size, with 71% of the larger firms doing at least partial on-line tracking, but only 22% of the smaller ones.
10 *(8)* **Publish directory of in-house experts**	1.50/ 1.57 *(1.70)*	▼ / ▼	As on on-line activity, this has never made a strong showing. No 2006 respondent is publishing such a directory "Exclusively" on line, and only one larger firm is doing so "Primarily."
Overall averages	2.08/ 2.38 *(2.19)*	– / ▲	Overall, technology usage has remained relatively flat. But it has increased at the largest firms.

Notes:

1. Rating Scale: Respondents were asked to rate the extent to which each function is performed online on a 4-point scale on which 1=Not at all, 2=Partially, 3=Primarily, 4=Exclusively
2. The "Larger Firms" are firms with 500 or more lawyers (44% of the survey respondents)

Most comments relating to the items in this section of the questionnaire were in praise of the viDesktop/viEval suite of products out of Toronto, which seems to have captured the law firm performance appraisal market and may well be responsible for the first-place showing of performance appraisals on our list. Our request for "most valuable application" nominations elicited the following comments about these products:

- "Attorney evaluation software (viDesktop)"
- "We utilize viDesktop for evaluations."
- "We use viEval for evaluations and have been happy with it for the most part although it at times loses data."
- "ViDesktop – it has greatly increased the efficiency of our evaluation process."

Other respondents have or are developing internal resources to support these functions:

- "I am working on a directory of in-house experts, which I will make available on-line within our firm when I have finished."
- "[We] have developed an internal … data base to manage and track evaluations and other information for our nonpartner attorneys. This has been enormously helpful in managing our group and making reports."

Regarding communities of practice, one respondent commented, "We have an internal 'PDG Community' in which we communicate about the members of the professional development group."

Technology support for managing the PD program

Table 7 below charts the extent to which PD directors are using technology to support the management and administration of the PD program.

On average, overall technology use for these supporting functions is up slightly (from an overall average of 1.92 in 2001 to 2.15 in 2006), and appears to be slightly higher than it is for the direct developmental activities (overall average 2.08) charted in the previous section.

In this area larger (500+ lawyers) vs. smaller (<500 lawyers) firm usage is very similar except on the three items ranked 3-5 in the table.

Table 7. Technology Support for the PD Program

Rank *(2001)* **Function**	**Rating** *(2001)*	**Usage Trend** (▲/– /▼)	**Comments**
1 *(8)* **Generate CLE credit applications**	2.53 *(1.48)*	▲	This is a huge jump in technology usage that is not explained in the comments. It is presumably due to enhancements in CLE tracking software and the rising number of CLE Boards that accept on-line filing.
2 *(1)* **Collect and compile course registrations**	2.33 *(2.48)*	▼	The slight drop here may not be significant. The smaller firms (<500 lawyers) virtually match the 2001 average.
3 *(-)* **Track course attendance**	2.27 (-)	new	For this one function, the smaller firms at 2.67 are significantly more likely to track course attendance via technology than the larger ones (1.67).
4 *(5t)* **Deliver current course materials**	2.19 *(1.78)*	▲	Larger firms at 2.43 are more inclined than smaller ones (2.00) to deliver course materials on line. But both are doing it more than the 2001 respondents.
5t *(3)* **Track CLE compliance**	2.13 *(2.09)*	–	Although overall usage appears flat, larger, multi-office firms (2.83) are significantly more likely to track CLE compliance on line than smaller ones (1.67). Some of the latter are entirely resident in non-MCLE jurisdictions.
5t *(5t)* **Generate CLE reports**	2.13 *(1.78)*	▲	Another good-sized jump, and one made by both the larger and the smaller firms.
7 *(2)* **Store and index past course materials**	2.06 *(2.22)*	▼	A slight drop that may not be significant.
8 *(4)* **Collect and compile course evaluations**	2.00 *(1.83)*	▲	A slight increase across the board. Larger and smaller firm ratings are identical on this one.
9 *(7)* **Conduct training needs assessments**	1.73 *(1.70)*	–	Only 2 firms, one larger and one smaller, conduct needs assessments "Exclusively" or "Primarily" on line.
Overall averages	2.15 *(1.92)*	▲	Larger and smaller firms' overall ratings are very close: 2.17 and 2.14, respectively.

Notes:

Rating Scale: Respondents were asked to rate the extent to which each function is performed online on a 4-point scale on which 1=Not at all, 2=Partially, 3=Primarily, 4=Exclusively

In general, the back-office applications ranked in Table 7 above do not generate the same level of attention and enthusiasm as those that are more highly visible, and there were few comments about them. Two respondents, however, commented favorably about their CLE-tracking packages:

- "Reqwired is a fast and reliable system to track all CLE information."[5]

- "The CLE credit and course tracker ... enables us to determine the CLE status of our attorneys, and generate certificates for our CLE programs."

Two others noted that they are looking into new or improved CLE-tracking and LMS applications:

- "We are looking for CLE tracking and learning management systems."

- "We have not been happy with our learning management system (Aspen) for enrolling attorneys in classes. The system works best for class room training but doesn't work for multi office conferences. We also have a home engineered CLE data base and haven't found a better product."

General technology issues

In the final section of the questionnaire, we asked respondents to tell us

1. What technology applications are most valuable to their PD programs.
2. What applications they have found not to be useful.

- What technology improvements would help them the most.
- What other comments they have about technology in general and in relation to the PD program.

Most of their comments have been reported above under the relevant headings. What follows are the tallies and the general comments.

1. Most valuable PD-related technology

Videoconferencing topped the list of most valuable applications in 2001. This year it has slipped to second place, and evaluation software is the new top pick:

1 Evaluation and survey software (includes 4 product mentions, all of viDesktop/viEval) (5)

2 Videoconferencing (4)

3t CLE tracking software (includes 1 product mention, Reqwired) (2)
E-mail (2)
Firmwide Intranet/Portal (2)

6t Webconferencing (1)
DocsOpen (document management system by Hummingbird) (1)
E-learning (1)
Web connections for PowerPoint (1)
CLE resources from PLI (Practising Law Institute) (1)
Internal PD community (1)
Video recording and streaming video (1)

2. Technology that was "not useful"

The responses (or rather, lack of responses) to this question suggest that there have been significant improvements in the available tools over the past 5 years. In 2001 this question produced a long litany of complaints. This year it elicited a grand total of only four complaints, and two of those were about internally developed resources:

- Internal videotaping of live courses (1)
- Aspen learning management system (1)
- Internal CLE data base (1)
- Webconferencing (1)

---

[5]Reqwired was the leading CLE-tracking application in our 2003 survey on CLE Support and Tracking; see the February 2003 issue. (Full disclosure: Since 2005 our publisher has exchanged information and services with Reqwired.)

3. Most wanted technology improvement

As they did in 2001, intranets top the respondents' wish lists for technology improvements:

1 New or improved intranet (3)

2t Better human capabilities (2)
Better videoconference equipment/capabilities (2)

4t Better CLE tracking system (1)
E-learning conversion capability (1)
Better learning management system (1)
Better live distance programming tools (1)

4. General comments about technology

In the 2001 survey, this item generated numerous and lengthy comments about the respondents' hopes for and frustrations with technology. This year only a few general issues were raised:

Cautions about resistance, and positive reinforcement for pushing past it:

- "Technology is great, but firm culture has to be receptive. Learning to use new tools is a gradual process, even for lawyers!"
- "Generally, it is a good thing, but if it becomes too complicated, people will not use it."
- "There is often initial resistance to using new technology. However, once one group implements a new type of technology, we can't roll it out fast enough to everyone else."

Different mile markers along the road to adoption:

- "Hopefully we will continue to introduce more technology into our overall program."
- "We are just now ramping up our e-learning and just-in-time learning initiatives."
- "We rely upon the accuracy of online process for daily functions. It is definitely an improvement for everyone, overall."

And finally, a prediction we sincerely hope is correct:

- "This survey will assist PD departments in building their case for additional resources."

After the flood

For the last 5 years and more, the technology scene has been a raging torrent. Everyone caught up in it – users, buyers, and makers – was struggling to keep his/her head above water and maintain a safe course at dizzying speed. There was a lot of confusion and some decidedly poor options.

Now the torrent seems to have slowed and settled. One indication of that is how much fewer, shorter, and more matter of fact were the comments volunteered by this year's survey respondents. It seems that technology has assumed an everyday role in the work lives of many of us and, for the most part, is performing satisfactorily.

One respondent to our 2001 survey said, "Many 'technology' vendors have started to offer services targeted at the legal profession…, but their experience seems very limited." That was a common experience at the time. Thankfully, some excellent products targeted to law offices seem to have emerged from the receding floodwaters, including the evaluation and CLE-tracking software recommended by several respondents to this year's survey.

There are still some problems – for example, with the delivery of live distance learning and with über-systems for learning management.

Regarding the former, we have reprinted below in this issue two past articles suggesting how to eliminate many avoidable problems with video-conferencing, the leading distance delivery medium.

As to the latter, it may be some comfort to know that the legal profession is not alone in searching for a full-featured, well-integrated LMS solution. And the profession may even find itself better off than other industries if some new offerings by well-regarded legal vendors fulfill their promise. In this issue's lead article, Sari Fried-Fiori explains what to look for in an LMS and how to evaluate, choose, and implement an LMS that will meet your firm's needs.

As for those law offices that do not yet have technology resources in place, they, too, may be better off for having delayed. The choices today are clearer, better, and cheaper than they have ever been. And the water is now much safer for swimming.

Evelyn Gaye Mara *is editor and publisher of Professional Development Quarterly, and principal in Professional Development Services, Alexandria, VA. She can be reached at (703) 719-7030 or maraeg@profdev.com.*

Quotes of the Quarter

"Futurists claim that law firms of tomorrow will consist of a computer, a lawyer and a dog. The dog will run the computer and the lawyer will feed the dog."

– Susan L. Ward, "Release Your Inner Blog," *New Jersey Law Journal*, December 14, 2005.

"The reality is that the overwhelming number of [technology] innovations ... have evolved from the efforts of mavericks within law firms — energetic, often eccentric, frequently marginalised, invariably demanding, single-minded individuals who pursue ideas that are regarded in the early days as peripheral, irrelevant and even wasteful. But the mavericks persevere and in their dining-rooms or studies at home they beaver away, creating new forms of service for clients. Gradually, their innovations came to be recognised as significant and even client-winning. And soon, everyone claims that the mavericks had the firm's full support from the outset. A new discipline thus emerges — maverick management. This is the art of nurturing and encouraging mavericks, giving them space to innovate and wrapping some strategy and structure around their innovations only once their ideas have fully gestated. Mavericks are the research and development departments of many law firms."

– Richard Susskind, "Backroom boys lead 'positive disruption,'" *TimesOnline* (www.timesonline.co.uk), November 15, 2005.

PDQ Classics: Guide to Videoconferencing

The following two articles on videoconferencing address some of the special challenges of producing and delivering videoconferences and other distance learning programs. Christine White advises on how to plan and manage the look and logistics of videoconferencing, while Sue Trigg focuses on presentation skills and strategies for engaging remote participants.

Videoconferencing: How to Set Up for Effective Presentations

Christine White (first published August 2001)

Videoconferencing can be a wonderful tool when presenting "live" professional development programs for more than one office. It has an advantage over videotaping in that it is an interactive medium, in real time. However, if not properly handled, your program runs the risk of looking like amateur hour or, worse yet, a SNL parody, because the television screen is unforgiving.

Thinking Like a Director

Like it or not, you will have to think like a television director or stage manager: lights, scenery, sound, props, audience, actors' movements, and even costumes. Your lawyers and your outside guests will not be thinking about the production aspect. Your job is to make everything seem seamless and not intrusive.

Videoconferencing works well when you think visually: camera angles, lighting, where the speaker sits or stands in relation to the camera; how the speaker looks at the near audience and at the remote (far) audience at the same time. Other important production aspects are noise in the room, coordination of audiovisual aids, and early delivery of the course materials to the remote offices.

In particular, you have to make sure that, before you purchase and install the equipment, you have thought through the presentation and positioning issues. My experience has been that equipment purchasing agents generally have very little sense of those issues. As a result, law firms can end up with some common mistakes: cabling that is too short, wrong size monitors, etc.

Visualizing the Presentation

You will need to visualize how the room will be set up for various size audiences and various types of programs and meetings.

Think about the presentation from four perspectives:

- the speaker's position before the live audience;
- the speaker's ability to look at the remote audience throughout the presentation;
- the speaker's ability to interact and field questions from both the live and remote audiences simultaneously; and
- the remote audience's view of the speaker.

First, consider carefully:

- where the speaker(s) will stand or sit or move;
- can the speaker look at both the remote audience and the live audience at the same time?

Second, where will the camera be positioned?

Third, where will the monitor be positioned?

If, for example, camera and monitor are permanent fixtures in a wall, you should avoid positioning the podium in front of the camera. This is counter-intuitive: the podium should be at the opposite end of the room from the camera and monitor. One of the worst mistakes I have seen when installing permanent (in the wall) cameras and monitors in the front of the room is that they are in the same space where the podium is. This setup forces the speaker to look straight ahead at the live audience, with his/her side or back to the camera and remote audiences.

Look carefully at the lighting in the room – both available light and outside light. You may need to brighten up one light that is directly over the speaker. You may need to install opaque shades on the one window that is directly behind the speaker.

Look at the wall directly behind the speaker. If you have art work there, make sure that light is not reflecting from the glass installed in the frame. If possible, reframe the art work with non-glare glass.

What else is on the wall behind the speaker? Unsightly electrical outlets? Cover them with black paper. Trans-parent glass out to the hallway? Temporarily cover it.

Look at the natural pathways in the room. You need to anticipate where latecomers will walk. They will not necessarily be aware that the camera is picking up their late entrance. Position a large object (maybe a plant or table at an odd angle) to prevent people from inadvertently walking in front of the camera and the speaker.

Editor's Note 2006: *When this article was first published, Christine White was Chief Officer for Professional Development at Kirkpatrick & Lockhart. She is now firmwide Director of Professional Personnel at Nixon Peabody LLP.*

Choosing Equipment

If you select portable equipment, purchase a larger monitor than you think you will need. Your goal is to satisfy the viewer in the rear of the room.

Do not purchase a rollaway stand that is only desk high (30"). At this height the monitor is eye level or lower. This will cause the audience in the front of the room to block the view of the audience in the rear of the room.

If you have raw space, install additional (quads) electrical outlets (go beyond code requirements). This will give you maximum flexibility in where to locate the portable camera/monitor.

Purchase extra long cabling – again for maximum flexibility of where to locate the rollaway cart and a podium.

Working with Speakers

Work with the speakers prior to the program. They need to become familiar with the equipment and what it can and cannot do: the remote, the mute, how they look on the screen, how to project transparencies, PowerPoint, etc.

We have been conditioned, when looking at TV, to see high quality, very professional productions. Those high standards will subconsciously be expected by your audience at your firm. Your speaker's presentations need to look smooth – transitions, equipment – and your speaker himself or herself also needs to look professional. Business casual can look downright sloppy on a TV monitor. Checkered prints, loud mixed colors, large stripes will detract from the presentation.

Videoconferencing opens up new possibilities for development programs. Most professional development directors spend time developing an effective curriculum and good programming materials to support solid content. But when presenting a program in videoconferencing and other electronic formats, you need to take the extra step of ensuring that the program is an effective production, too.

Make It Come Alive! Training Via Videoconferencing

Sue Trigg (first published February 2003)

My old battle cry was large and loud. "No, not videoconferencing - it's my least favorite way to teach!" My head would start to spin with images of failed technology, and participants, either silent or desperately wiggling worm-like so as to be out of the cameras and their fellow "classmates" sight. Worse are those oblivious attorneys so uninvolved in the session that they bring work with them. This type of behavior would be regarded as "strange" in a traditional classroom setting – but the norm in the wacky, wild world of ---- **THE VIDEOCONFERENCE.** Yes indeed, my least favorite training medium, but, in this economy, the one my firm has relied upon when training attorneys and staff in multiple locations. There are many theories and philosophies loaded with rhetoric about the differences between live and remote learning. What I'd like to share are some practical tips to help make learning via VTC (videoteleconferencing) effective and fun.

The Comfort Zone

Presenters have to feel comfortable both in the training setting and with the equipment for the session to be a hit. Here, your IT Department can come to your aid. I ask our IT folk to demonstrate to presenters how to operate the remote control, zoom in and out on participants in the room, and share what all those darn arrows and buttons mean. Be sure that presenters have at least 15 minutes lead time to "play" with the equipment and get comfy with the camera. Be aware that everyone has different levels of technology comfort. A "how to" sheet in each conference room is an invaluable tool – just a simple list (large type please) of what each button does, how to move the camera, and who to call if they are having any technical issues. Limit use of PowerPoint presentations during a VTC session. Less is more when it comes to technology, and learners get more from **seeing** the presenter than by viewing even the snazziest PowerPoint presentation.

Team Up

A very effective way to engage participants in every location is to have the main presenter "team up" with a Subject Matter Expert (SME) from each office. This has worked particularly well for us when delivering required firm wide training – for example, New Associate Orienta-tions, Sexual Harassment Prevention sessions and annual Risk Management programs. The SME's task is simply to stimulate discussion in their location and take the lead in asking questions. It connects the offices and often encourages participants to ask questions more freely. Of course, there is preparation involved. You must recruit a team of SME's and coach the presenter, who in effect becomes the Master or Mistress of Ceremonies, asking SME's for their opinions at strategic learning points during the program. All the SME's need to be facile with the materials. This teaching method also builds relationships between attorneys from every office and across Practice Groups.

Point People

If videoconferencing has become a way of life in your law firm, it's important to develop a strong relationship with the person who sets up the videoconference at each site. They know their equipment and the room. They can help set the stage in each office, for example, changing the lighting level or making sure the connection is clear of static. They may also help with distributing materials and setting up the classroom. Valuing these relationships will get you far. Say thank-you, loud and often! Make sure their bosses know that they are doing a great job and they are a valuable part of your team. After all, they help make your programs a success.

Coach, Coach, Coach

Even a presenter who is as calm as a cucumber when presenting "live" training can get a case of the jitters when it comes to teaching via video. These fears can be allayed if you thoroughly *coach* the presenter first.

Six Simple Tips for Coaching Presenters

1. **Smile!** Make sure the presenter feels valued. Enthusiasm is contagious. If you are excited about the session, it will bolster a nervous (or tentative) speaker.

> ***Editor's Note 2006:*** *When this article was written, the author was Brobeck's Firmwide Training Manager. In February 2006,* ***Sue Trigg*** *is the Manager of Diversity & Inclusion at Gap Inc., which is headquartered in San Francisco. She is still very busy directing and performing in theatre around the Bay Area. Contact Info: 415.427.6275 or Sue_Trigg@gap.com.*

2. **Volume please.** Nothing dilutes VTC training more than learners straining to hear a "low talker". Coach the presenter on the volume, pitch and speed of their delivery. Even experienced trial lawyers may have to be reminded to speak up in VTC situations. Have them deliver a 2-minute snippet of their program and check that all sites can understand everything the speaker is saying. Also, make sure the presenter is aware of microphone placement.

3. **To sit or stand?** Most presenters feel most comfortable sitting when presenting at a VTC. This is fine – as long as the speaker's body language embraces the "whole classroom." Ask the presenter to include the other offices by looking into the camera and not limiting their gestures to only those folk in the room.

4. **The 20 second rule.** Asking questions, or asking participants to briefly introduce themselves, is a great icebreaker. However, the presenter shouldn't jump the gun when eliciting responses from remote locations. Coach the presenter to ask the question, then have them count to 20 (to themselves!). People hate silence and often it will bring out a question or a comment and may grease the wheel for others to ask questions and -- relax.

5. **Distance learning isolates.** Counter that by developing a tangible common bond. Be innovative! Even having the same inexpensive training "toy" or candy treats at each person's seat can give participants a sense that they are in one classroom – not six or seven.

6. **What's in a name?** Tent name cards with the participants' first names in **LARGE** letters are a boon. It is said that nothing is sweeter than the sound of your own name. Using participants' names really adds value to the session, especially if a partner is teaching new associates. For participants involved in regular weekly sessions (First Year

Associate Training, for example) have them take custody of their own name tent.

These simple tips may not be news to many of you as you plan and deliver VTC training. However, I know that I've come a long way. No longer do I fear our weekly first year training sessions via videoconference. Indeed, I look forward to them, knowing that I do have control over the outcome - and that there's real value in delivering uniform, corporate education through the good old telly!

Professional Developments

News

***Fortune*'s "100 Best Companies to Work For 2006"** include six law firms. Candy and flowers to:

19. Alston & Bird
48. Perkins Coie
49. Nixon Peabody
54. Arnold & Porter
82. Bingham McCutchen
88. Morrison & Foerster

Nixon Peabody is a new arrival to the list. The other five firms are repeating from 2005.

Selection to the list is based on *Fortune* staff's evaluation of firm policies and culture, and on answers by a random sample of 400 or more firm employees to a 57-question survey. The employee ratings count for 2/3rds of the total score.

The deadline to apply for the 2007 list is March 31, 2006; get an application form online at www.greatplacetowork.com. (*Fortune*, 1/23/06)

ASTD's *2005 State of the Industry* Report, released in December, finds that both training expenditures and hours of formal learning per employee went up in 2004. ASTD "BEST" Award-winning organizations had an average ratio of 206 total employees for each WLP[6] staff member. American Society for Training and Development, www.astd.org.

Attention, Shoppers: Compared to the M.D. and D.V.M. degrees, "the J.D. and M.B.A. are the best values because those degrees cost less than or about as much as the average starting salary in their fields." ("Grad Pro Quo," *Consumer Reports Money Adviser*, September 2005)

Resources

Competency Models are explained and illustrated in a new book by Heather Bock, Howrey's Director of Training and Professional Development, and Robert Ruyak, the firm's managing partner. *Constructing Core Competencies: Using Competency Models to Manage Firm Talent* is scheduled for March release by the ABA's Career Resource Center.

Winning with Analytics. An article in *Harvard Business Review* explains how top companies are using analytics – the technology-supported collection and analysis of critical operating data – to out-compete

[6]WLP, or Workplace Learning and Performance, is ASTD's new term for training and development.

others in their industries, including competitors abroad with significantly lower costs. It gives some fascinating examples of the strategic use of analytics to improve results in areas of considerable interest to law offices:

- *Human capital development.* The Oakland A's is "a team that wins on a shoestring" by using analytics for player selection. Even more impressive, the Boston Red Sox won a long-denied World Series championship only after hiring super-statistician Bill James as "baseball-performance evaluator and predictor."
- *Customer retention.* The UPS Customer Intelli-gence Group "is able to accurately predict customer defections.... When the data point to a potential defector, a salesperson contacts that customer to review and resolve the problem, dramatically reducing the loss of accounts."

The article also acknowledges the importance of experience and good "gut instincts" in interpreting the data and in making key judgment calls where the data conflicts or is insufficient. (Thomas H. Davenport, "Competing on Analytics." *Harvard Business Review,* January 2006, 98-107)

Web Cites

New Year's resolution: "Take baby steps to technological proficiency." A good article to help you get there: "Countdown to Tech Confidence: A 12-Month Plan," by Andrew Adkins III (Law Tech-nology News, December 27, 2005). Free download with your free Legal Technology registration at http://www.law.com/jsp/ltn/pubArticleLTN.jsp?id=1135332308975.

Events

Upcoming winter/spring conferences, seminars, and workshops:

February

- 2/1-3/06, Fort Worth, TX. ***HPI Certificate Program Series:*** *Analyzing Human Performance.* $1395/1595 each course; $6095/6995 full program. American Society for Training and Development, (800) 628-2783, (703) 683-8100, or www.astd.org/hpi2006. (Prerequisite. Repeated 2/15-17 Chicago, 3/20-22 Las egas, 4/5-7 Alexandria, 4/10-12 Chicago, 5/4-6 Dallas, 6/5-7 Atlanta, 6/28-30 San Francisco, 10/18-20 Alexandria.)
- 2/2-3/06, New York, NY. *The 2006 Executive Coaching Conference: Transforming Today's and Tomorrow's Leaders.* Pre-conference workshop 2/1, $495/595; Conference 2/2, $1995/2295. The Conference Board, (212) 339-0345 or www.conference-board.org/coaching.htm.
- 2/7-10/06, Phoenix, AZ. ***ISPI Professional Series Workshops:*** *Geary Rummler's Introduction to Serious Performance Consulting,* 2/7-8; *Robert Brinkerhoff's Evaluation of Training: Making Sense of the Morass and Building Sensible, Practical, and Useful Approaches*, 2/9-10. $995/1095 each workshop, $1595/1695 both. International Society for Performance Improvement, (301) 587-8570 or www.ispi.org/peerworkshops/. (Enrollment limited to 25.)
- 2/8-10/06, Las Vegas, NV. ***HPI Certificate Program Series:*** *Human Performance Improvement in the Workplace.* $1395/1595 each course; $6095/6995 full program. American Society for Training and Development, (800) 628-2783, (703) 683-8100, or www.astd.org/hpi2006. (Repeated 2/15-17 Chicago, 3/1-3 San Francisco, 3/6-8 Atlanta, 4/17-19 Irvine, 5/4-6 Dallas,

7/19-21 Chicago, 10/4-6 Alexandria, 12/6-8 Chicago.)

- 2/13-3/3/06, online. *Principles and Practices of Performance Improvement Institute.* International Society for Performance Improvement, (301) 587-8570 or www.ispi.org.

- 2/14-15/06, St. Paul, MN. *The 18th Annual Multicultural Forum: The Diversity Advantage.* ITS, (651) 962-4018 or www.stthomas.edu/cob/multiculaturalforum.

- 2/15/06, online. *E-Seminar: Measuring and Demonstrating Learning Value for Non-Training Business Managers.* Information and registration: www.iian.ibeam.com/events/vnub001/14726.

- 2/15-16/06, Boston, MA. *Designing and Implementing Leadership Development Programs.* $1395. Linkage, Inc., (781) 402-5555 or www.linkageinc.com. (Repeated 4/6-7 Washington, DC, 5/23-24 Chicago, 6/22-23 San Francisco, 8/15-16 Atlanta.)

- 2/21-23/06,Scottsdale, AZ. *Needs Assessment for Performance Technologists: Tools and Techniques.* $1395. Clark Training & Consulting, (602) 230-9190, www.clarktraining.com. (Repeated 9/6-8 Washington, DC.)

March

- 3/1-2/06, Las Vegas, NV. *2006 Sharing@Learn Share Conference.* $545/895. LearnShare LLC, conferences@learnshare.com or www.learnshare.com.

- 3/3/06, Chicago, IL. *2006 Diversity Summit.* $225-395. National Association for Law Placement, (202) 835-1001 or www.nalp.org.

- 3/3-8/06, Orlando, FL. *Training 2006 Conference & Expo.* Workshops 3/3-5, $1895; Conference 3/5-8, $1195; Learning Executive Summit 3/6-7, $1395. Training Magazine, (877) 445-2524 or www.trainingconference.com.

- 3/8-9/06, Scottsdale, AZ. *Efficiency in Learning: Evidence-Based Guidelines to Manage Cognitive Load.* $599. Clark Training & Consulting, (602) 230-9190, www.clarktraining.com.

- 3/8-10/06, Orlando FL. *2006 Learning Analytics Symposium: The Fusion of Learning and Results.* $795. Knowledge Advisors, (312) 423-8753 or www.knowledgeadvisors.com.

- 3/13-14/06, Boston, MA. *Developing a Sustainable Mentoring System.* $1395. Linkage, Inc., (781) 402-5555 or www.linkageinc.com. (Repeated 6/6-7 Chicago.)

- 3/15-17/06, Ft. Lauderdale, FL. *Building Competency Models.* $1490. Workitect, Inc., (800) 870-9490, (954) 938-5370, or www.workitect.com.

- 3/16-18/06, Chicago, IL. *19th Annual IMA Conference: Mentoring for Individual & Organization Development.* International Mentoring Association, www.mentoring-association.org.

- 3/20-22/06, New York, NY. *The 2006 Talent Management Strategies Conference: Integrating Talent and Business Strategies.* Pre-conference seminar 3/20, $1350/1550; Conference 3/21-22, $1995/2295. The Conference Board, (212) 339-0345 or www.conference-board.org/talent.htm.

- 3/29-31/06, Chicago, IL. *Leadership-Level Facilitation I: Delivering Dynamic Leadership Training.* $2195. Linkage, Inc., (781) 402-5555 or www.linkageinc.com. (Repeated 6/21-23 New York, 9/13-15 Chicago.)

April

- 4/3-5/06, Chicago, IL. ***ASTD Business Academy Series:*** *Understanding Business Drivers.* American Society for Training and Development, (800) 628-2783, (703) 683-8100, or www.astd.org. (Repeated 10/18-20.)

- 4/4-6/6/06 or 4/6-6/8/06, online. *Assessment 101 Online Certificate Program.* Tuesdays or Thursdays at 12-1 pm ET. $1195/1395. American Society for Training and Development, (800) 628-2783. (703) 683-8100, or www.astd.org. (Repeated 6/27-8/29 and 6/29-8/31.)

- 4/6-11/06, Dallas, TX. *44th Annual ISPI International Performance Improvement Conference.* Institutes 4/6-8, $1299/1499; Workshops 4/7-8, $200-650; Conference 4/8-11, $450-1099. International Society for Performance Improvement, (301) 587-8570 or www.ispi.org/ac2006.

- 4/10-12/06, Chicago, IL. ***HPI Certificate Program Series:*** *Evaluating Performance Improvement Interventions.* $1395/1595 each course; $6095/6995 full program. American Society for Training and Development, (800) 628-2783, (703) 683-8100, or www.astd.org/hpi2006. (Prerequisite. Repeated 8/7-9 Las Vegas, 9/11-13 Atlanta, 9/27-29 Alexandria.)

- 4/10-13/06, Atlanta, GA. *The Summit on Leading Diversity: Practical Solutions for Building Inclusive and Productive Organizations.* Pre-summit workshop 4/10, $495/595; Summit 4/11-13, $1345/1495. Linkage, Inc., (781) 402-5555 or www.linkageinc.com.

- 4/20-21/06, Chicago, IL. ***ASTD Business Academy Series:*** *Making an Impact.* American Society for Training and Development, (800) 628-2783, (703) 683-8100, or www.astd.org. (Repeated 11/1-2.)

- 4/25-26/06, Falls Church, VA. *Process Mapping & Analysis: How to Streamline and Reengineer Business Processes.* 8:30 am-4 pm. $995. University of Virginia, (434) 982-2779, bkessler@virginia.edu.

- 4/25-28/06, Washington, DC. *How to Plan, Develop, and Evaluate Training.* $1795. Clark Training & Consulting, (602) 230-9190, www.clarktraining.com. (Repeated Scottsdale 10/24-27)

- 4/26-29/06, San Diego, CA. *2006 Annual Education Conference.* National Association for Law Placement, (202) 835-1001, www.nalp.org.

May

- 5/2-5/06, Washington, DC. *How to Plan, Design, and Evaluate e-Learning.* $1995. Clark Training & Consulting, (602) 230-9190, www.clarktraining.com. (Repeated San Francisco 10/3-6)

- 5/3-5/06, New York, NY. *The 2005 Leadership Development Conference.* 5/3 pre-conference seminar on Succession Management, $1350/1550; 5/4-5 conference, $1995-2495. The Conference Board, www.conference-board.org, (212) 339-0345. (Repeated 5/23-25 in San Diego.)

- 5/4-6/06, Dallas, TX. ***HPI Certificate Program Series:*** *Transitioning to Human Performance Improvement.* $1395/1595 each course; $6095/6995 full program. American Society for Training and Development, (800) 628-2783, (703) 683-8100, or www.astd.org/hpi2006. (Prerequisite. Repeated 10/23-25 Chicago, 11/6-8 Atlanta, 12/13-15 Alexandria.)

- 5/4-10/06, Dallas, TX. *ASTD 2006 International Conference & Exposition.* 5/4-6 certificate programs $895-1595; 5/6 Pre-conference workshops, $425/625; 5/7-10 conference $750-1375. American Society for Training and Development, (800) 628-2783, (703) 683-8100, or www.astd.org.

- 5/10-12/06, Boston, MA. *Leadership-Level Facilitation II: Facilitating Greater Focus During Meetings*. $2195. Linkage, Inc., (781) 402-5555 or www.linkageinc.com. (Repeated 6/26-28 Chicago, 9/20-22 Washington, DC.)

- 5/22-26/06, online. *Building Expertise: How to Apply Learning Psychology to Instructional Design*. $1195. Clark Training & Consulting, (602) 230-9190, www.clarktraining.com. (Repeated 11/13-17)

MCLE Watch

Emily Litella is alive and well and living in San Francisco: If you heard that **California** is allowing ethics credit only for courses that specifically address the California Rules of Professional Conduct, if you even received a copy of a December 2005 memo from the State Bar's Office of Certification "To All Providers" captioned "Legal Ethics Guidelines" that says so – well, "Never mind!" It was all a misunderstanding. The correct, current rules are posted at http://www.calbar.ca.gov/state/calbar/calbar_generic.jsp?cid=10963.

Both **Louisiana** and **Mississippi** passed emergency legislation after hurricane Katrina to relax their 2005 CLE deadlines:

Louisiana has canceled its 2005 CLE requirement. In addition, attorneys admitted in 2004 have until December 31, 2006 to complete their new admittee requirements. (www.lascmcle.org)

Mississippi has combined its 2004-05 and 2005-06 requirements, all of which are now to be completed by July 31, 2006 and reported by August 15, 2006. (www.mssc.state.ms.us/news/89R99011_CLEReq.pdf)

New York has tightened its rules on CLE credit for publishing:

- A lawyer can no longer get CLE credit for an article appearing in a publication controlled by his/her firm; and
- An English translation must be supplied for any work not written in English.

In addition, all credit and Accredited Provider applications must include complete written materials for each submitted course or program.

For the complete new rules, see www.nycourts.gov/attorneys/cle/newregulations.shtml.

(Thanks to our colleagues at Reqwired, Inc., for providing most of the information on which this column is based.)

The **Capital CLE Calendar**

Volume 12, No. 5 ▪ February 1, 2006

Schedule of Distance CLE Courses

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 indicate the delivery medium, such as telephone conference, online seminar, satellite broadcast, etc. 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. A directory of 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 for a listing of current, local CLE courses announced after this issue went to press.

Distance Course Schedule

ALTERNATIVE DISPUTE RESOLUTION/ ARBITRATION

2/16/06. *Major Issues in Arbitration.* 1-3 pm ET telephone seminar. $135. TRT. [2.0] (Repeated 3/23, 4/19, 5/25, 6/22, 7/19, 8/16, 9/21, 10/26, 11/9, 12/7)

6/8/06. *Mandatory Arbitration.* Teleseminar. ATLA.

ANTITRUST/UNFAIR COMPETITION LAW

2/15/06. *Private Antitrust Litigation in Major Jurisdictions Outside the U.S .* 1-2:30 pm ET teleconference. $85-150. ABA. [1.5]

2/27/06. *Reflections on the RObinson-Patman Act: A Review of International Perspectives on Price Discrimination.* 1-2:30 pm ET teleconference. $75-150. ABA. [1.5]

5/22-23/06. *47th Annual Antitrust Law Institute.* Live webcast. $1295. PLI.

ARTS, ENTERTAINMENT, AND SPORTS LAW

3/29/06. ***Counseling Clients in the Entertainment Industry 2006:*** *Television; The Impact of the Internet & Digital Media on the Entertainment Industry; Ethics and Hot Topics in Entertainment Law.* 9 am-8:15 pm ET live webcast. $750 ($1395 with 3/30 and 3/31 webcasts). PLI.

3/30/06. ***Counseling Clients in the Entertainment Industry 2006:*** *Film, Theater.* 9 am-5 pm ET live webcast. $725 ($1395 with 3/29 and 3/31 webcasts). PLI.

3/31/06. ***Counseling Clients in the Entertainment Industry 2006:*** *Music Publishing; Sound Recordings.* 9 am-5 pm ET live webcast. $725 ($1395 with 3/29 and 3/30 webcasts). PLI.

BANKING/FINANCIAL SERVICES LAW

3/20/06. *11th Annual Consumer Financial Services Litigation Institute.* Live webcast. $1295. PLI.

4/17/06. *Asset Based Financing 2006.* Live webcast. $1395. PLI.

BANKRUPTCY LAW

2/14/06. ***Key Cases CLE: Bankruptcy*** *- February Review.* 1-2 pm ET live audio-only webcast. $55. WLEC/Legalworks KeyCases CLE. [1.0]

3/21/06. ***Key Cases CLE: Bankruptcy*** *- March Review.* 1-2 pm ET live audio-only webcast. $55. WLEC/Legalworks KeyCases CLE. [1.0]

4/11/06. ***Key Cases CLE: Bankruptcy*** *- April Review.* 1-2 pm ET live audio-only webcast. $55. WLEC/Legalworks KeyCases CLE. [1.0]

4/24-25/06. *28th Annual Current Developments in Bankruptcy & Reorganization.* Live webcast. $1295). PLI.

BUSINESS/CORPORATE LAW AND PRACTICE

2/2/06. *Choice of Entity: Selecting Legal Form and Structure for Closely-Held Businesses and Ventures -- 2006.* 12 noon-4 pm ET American Law Network telecast and live webcast. $199. ALI-ABA/WLEC.

2/7/06. *Corporate Compliance Alert Series #3: Compliance Risk Assessments and Overall Program Benchmarking .* 1-2 pm ET live webcast. WLEC/PLI.

2/8/06. ***Corporate Governance 2006: Best Practices for Gatekeepers*** *(Part 1).* 9 am-12 pm ET live webcast. WLEC/PLI.

2/8/06. ***Corporate Governance 2006: Best Practices for Gatekeepers*** *(Part 2).* 1-5 pm ET live webcast. WLEC/PLI.

2/9/06. ***Buying and Selling a Business,*** *Part 1.* 4-7 pm ET live webcast. WLEC/Chicago Bar Assn. [3.0]

2/13-14/06. ***The Pocket MBA for Lawyers 2006:*** *Everything You Need to Know About Finance.* 9 am-5 pm ET live webcast. $1295. PLI. (Repeated 3/9-10 at 9 am-5 pm PST, 7/20-21 at 9 am-5 pm ET.)

2/16/06. ***Buying and Selling a Business,*** *Part 2.* 4-7 pm ET live webcast. WLEC/Chicago Bar Assn. [3.0]

2/22/06. *Taxing Problems in LLC Agreements.* 1-2:30 pm ET teleconference. $75-150. ABA. [1.5]

3/16/06. *Limited Liability Entities -- 2006.* 12 noon-4 pm ET American Law Network telecast and live webcast. $199. ALI-ABA/WLEC.

4/19/06. ***ABA Connection:*** *The Price Is Right: Issue in Valuation.* 1-2 pm ET teleconference. $9.75/$110. ABA. [1.0] (Advance reading)

5/10/06. *What All Business Lawyers and Litigators Must Know About Delaware Law Developments 2006.* $1295. PLI.

5/11/06. *Private Placements 2006.* Live webcast. $1395. PLI.

6/8-9/06. *Acquiring or Selling the Privately Held Company 2006.* Live webcast. $1395. PLI.

6/15-16/06. *Corporate Compliance Institute 2006.* Live webcast. $1395. PLI.

7/31-8/1/06. ***The Pocket MBA for Lawyers 2006:*** *Crunching the Numbers: Exercises in Present Value, Capital Structure & Valuation.* 9 am-5 pm ET live webcast. $1295. PLI.

CIVIL RIGHTS/CONSTITUTIONAL LAW

3/13/06. ***The Rehnquist Court (1986-2006): The Most Significant Constitutional Decisions of the Past Twenty Years*** *(Part 1)* . 10 am-1 pm ET live webcast. WLEC/U. of Minn. Law School.

3/13/06. ***The Rehnquist Court (1986-2006): The Most Significant Constitutional Decisions of the Past Twenty Years*** *(Part 2) .* 2:15-6 pm ET live webcast. WLEC/U. of Minn. Law School.

COMMERCIAL LAW

2/14/06. *Lawyering Across the Supply Chain: Advising OEMs, VARs, Distributors and Franchisees.* 9 am-1 pm ET live webcast. WLEC/Massachusetts CLE.

COMPUTER APPLICATIONS AND SKILLS/ COMPUTER AND INTERNET LAW

2/14/06. *How to Get What You Need from the Internet.* Teleseminar. ATLA.

2/14/06. *Surviving the E-Mail Avalanche.* 1-2 pm ET teleconference. $30-140. ABA. [1.5]

2/20/06. *Internet Sources and Resources.* 1-3 pm ET telephone seminar. $135. TRT. [2.0] (Repeated 3/8, 4/3, 5/5, 6/9, 7/10, 8/14, 9/11, 9/27, 10/5, 10/27, 11/6, 11/28, 12/15)

2/22/06. ***Tanenbaum on Technology Law:*** *Privacy and Corporate Data Security.* 12-1 pm ET live audio-only webcast. WLEC/Celesq (R) Attorneys Ed Center.

3/9-10/06. *26th Annual Institute on Computer & Internet Law: Strategies for Information Security, Corporate Governance & In-House Counsel.* Live webcast. $1295. PLI.

4/27/06. *Electronic Discovery.* Teleseminar. ATLA.

CRIMINAL LAW

3/15/06. ***ABA Connection:*** *The Identity Theft Crime Wave.* 1-2 pm ET teleconference. $9.75/$110. ABA. [1.0] (Advance reading)

3/16/06. *Successful Strategies for Representing Child Sex Offenders.* Teleconference. ABA. [1.5]

DIVERSITY/ELIMINATION OF BIAS

2/17/06. *Blacks in the Legal System Personal Perspectives.* 12:30-2:30 pm ET live webcast. WLEC/Clarion Legal.

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

2/1/06. *ERISA Litigation: Disputes Over State Regulatory Power of Health Plans.* 12-1:30 pm ET teleconference. $85-150. ABA. [1.5]

2/3/06. *Ethical Forms of Compensation.* 1-3 pm ET telephone seminar. $135. TRT. [2.0] (Repeated 3/13, 4/21, 5/19, 6/7, 7/6, 8/8, 9/1, 10/3, 10/25, 11/1, 12/5)

2/16/06. *Employee Benefits Update for 2006.* 12-4 pm ET videoconference. $50-225. ABA. [3.7]

2/16/06. *Medicare Part D: 2006 and Beyond.* 3-4:30 pm ET teleweb seminar. $215/235. IFEBP.

4/6/06. *Annual Spring Employee Benefits Law and Practice Update.* 12 noon-4 pm ET American Law Network telecast and live webcast. $199. ALI-ABA.

5/23/06. *Pension Plan Investments 2006: Confronting Today's Issues.* Live webcast. $1295. PLI.

EMPLOYMENT AND LABOR LAW

2/1/06. *Employer and Service Provider Payments to Unions: The DOL LM-10 Reporting Deadline Draws Near .* 1-2:30 pm ET teleconference. $85-150. ABA. [1.5]

2/2/06. *Labor and Employment Law Update 2005: A Year in Review.* 4-7 pm ET live webcast. WLEC/Chicago Bar Assn. [3.0]

2/2/06. *Measuring Psychological and Psychiatric Fitness for Duty and Threat Assessments.* 1-2:30 pm teleconference. $179/199. LES. [1.5 CPE]

2/8/06. *Energing Enterprises and Employees Through Incentive Compensation.* 1-2:30 pm teleconference. $179/199. LES.

2/8/06. *Psychological Employment Testing: Addressing Obstacles and Risks.* 1-2 pm ET teleconference. $55-125. ABA. [1.0]

2/15/06. *Effective Employee Orientation: Establishing the Culture and Protecting the Organization* 1-2:30 pm teleconference. $179/199. LES.

2/16/06. *Lawful Hiring.* 1-2:30 pm teleconference. $179/199. LES.

2/22/06. *Employee Discharge and Documentation .* 1-2:30 pm ET teleconference. $199. LES.

2/28/06. *Handwriting Analysis in the Employee Screening Process .* 1-2:30 pm teleconference. $179/199. LES.

3/1/06. *Please Renovate My Staff: Fostering Community in the Work Environment.* 1-2:30 pm teleconference. $179/199. LES.

3/7/06. *Sexual Harassment Under AB1825 Teleconference.* 1-2:30 pm teleconference. $49/199. LES.

3/9/06. *Employment Standards Act.* 1-2:30 pm teleconference. $329/349. LES.

3/14/06. *Internal Investigations of Employment Issues.* 1-2:30 pm teleconference. $179/199. LES.

3/21/06. *Effective Interviewing Techniques: Dos and Don'ts.* 1-2:30 pm teleconference. $179/199. LES.

3/30/06. *Properly Handling Employee Complaints of Discrimination.* 1-2:30 pm teleconference. $179/199. LES.

4/6/06. *Americans with Disabilities Act - Medical Inquiries and the Reasonable Accommodation Process.* 1-2:30 pm teleconference. $179/199. LES.

4/12/06. *Covenants Not to Compete .* 1-2:30 pm teleconference. $179/199. LES.

6/26-27/06. *Litigating Employment Discrimination and Sexual Harassment Claims 2006.* Live webcast. $995. PLI.

ENVIRONMENTAL LAW

2/1/06. *Environmental Due Diligence in the Age of All Appropriate Inquiries.* 1-2:30 pm ET teleconference and live audio webcast. $60-150. ABA. [1.5]

ESTATES/TRUSTS/PROBATE LAW

2/2/06. *Fixing Broken Life Insurance Trusts .* 4-7 pm ET live webcast. WLEC/Boston Bar Assn.

2/3/06. *Long-Term Care: Financial Issues.* 1-2:30 pm ET teleconference. $199. LES. [1.5 Bankers/CFP/CPE]

2/8/06. *Selecting the Situs of a Trust: State Fiduciary Income Tax Implications .* 1-2:30 pm ET teleconference. $75-150. ABA. [1.5]

2/9/06. *Advanced Estate Planning Practice Update -- Winter 2006.* 12 noon-3:15 pm ET American Law Network telecast and live webcast. $199. ALI-ABA/WLEC.

6/1/06. *Advanced Estate Planning Practice Update -- Spring 2006.* 12 noon-3:15 pm ET American Law Network telecast and live webcast. $199. ALI-ABA.

ETHICS AND PROFESSIONALISM/SUBSTANCE ABUSE

2/3/06. *Ethical Forms of Compensation.* 1-3 pm ET telephone seminar. $135. TRT. [2.0] (Repeated 3/13, 4/21, 5/19, 6/7, 7/6, 8/8, 9/1, 10/3, 10/25, 11/1, 12/5)

2/3/06. *Legal Ethics for Trade and Customs Lawyers.* 3-5 pm ET live webcast. WLEC/Georgetown U. Law Center.

2/6/06. *Sarbanes-Oxley -- Does Privilege Still Exist?* 1-3 pm ET telephone seminar. $135. TRT. [2.0] (Repeated 3/15, 4/24, 5/18, 6/13, 7/7, 8/9, 9/5, 10/4, 11/2, 12/6)

2/7/06. *Moral Character Test -- Its Effect on Admissions/Retention.* 1-3 pm ET telephone seminar. $135. TRT. [2.0] (Repeated 3/17, 4/25, 5/16, 6/14, 7/24, 8/21, 9/6, 10/10, 11/3, 12/18)

2/10/06. *Turning the Tables -- Bias Directed at Attorneys.* 1-3 pm ET telephone seminar. $135. TRT. [2.0] (Repeated 3/20, 4/26, 5/17, 6/19, 7/25, 8/22, 9/7, 10/11, 11/20, 12/26)

2/27/06. *Professionalism and Ethics Issues Regarding Addictive Behaviors.* 1-3 pm ET telephone seminar. $135. TRT. [2.0] (Repeated 3/27, 4/27, 5/31, 6/30, 7/27, 8/28, 9/25, 10/16, 11/22, 12/28)

2/28/06. *Ethical Dilemmas -- How to Solve Them.* 1-3 pm ET telephone seminar. $135. TRT. [2.0] (Repeated 3/31, 4/10, 5/16, 6/19, 7/31, 8/31, 9/13, 9/29, 10/19, 10/31, 11/7, 11/30, 12/22)

3/1/06. ***Legal Malpractice:*** *Bankruptcy Law, Statute of Limitations and Evolving Duties .* 10 am-1 pm ET live audio-only webcast. WLEC/Lawyers for the Profession (SM).

3/1/06. ***Legal Malpractice:*** *Avoiding Damages, Proving or Disproving Causation, Insurance Law, and Stump the Panel.* 2:15-6:30 pm ET live audio-only webcast. WLEC/Lawyers for the Profession (SM).

3/2/06. ***Legal Malpractice:*** *The Insurance Marketplace, Arbitration and Avoiding Law Firm Vicarious Liability.* 10 am-1:15 pm ET live audio-only webcast. WLEC/Lawyers for the Profession (SM).

3/2/06. ***Risk Management :*** *Practice Group Management, Corporate Attorney-Client Privilege, and Law Firm Mergers .* 2:30-5:45 pm ET live audio-only webcast. WLEC/Lawyers for the Profession (SM).

3/3/06. ***Risk Management :*** *Law Firm Compensation Structures, Technology and Measuring the*

Effectiveness. 10 am-1 pm ET live audio-only webcast. WLEC/Lawyers for the Profession (SM).

5/17/06. ***ABA Connection:*** *Strategies for Avoiding Conflicts of Interest.* 1-2 pm ET teleconference. $9.75/$110. ABA. [1.0] (Advance reading)

6/20/06. *Bad Faith.* Teleseminar. ATLA.

FAMILY LAW

2/1/06. *Adoption Reform: Recent Changes in Law and Practice.* 4-7 pm ET live webcast. WLEC/Chicago Bar Assn. [3.0]

2/28/06. *Hot Topics in Matrimonial Law .* 4-7 pm ET live webcast. WLEC/Chicago Bar Assn. [3.0]

FOOD AND DRUG/MEDICAL DEVICE/BIOLOGICS LAW

2/28/06. *FDA Preemption of Medical Devices.* Teleseminar. ATLA.

GENERAL LAW/MULTIPLE TOPICS

Monthly. See dozens of online seminars on various topics announced at the beginning of each month by CLEO.

GOVERNMENT LAWYER PROGRAMMING

2/21/06. *Special Districts.* 1-2:30 pm ET teleconference. $199. LES.

HEALTH CARE/MEDICAL LAW/PROVIDER REPRESENTATION

2/8/06. *State and Local Real Estate Tax Exemptions for Healthcare Facilities: Current Developments .* 12-1:30 pm ET teleconference. $85-150. ABA. [1.5]

2/9/06. ***Health Law Fundamentals Series:*** *Stark Law Basics*. 12-1:30 pm ET teleconference and live audio webcast. $60-150 each session; $480-960 series. ABA. [1.5]

2/17/06. *Electronic Healthcare Initiatives: ePrescribing and eDrug Labels Come to a Computer Near You!* 1-3 pm ET audioconference. $349-624. FDLI.

3/9/06. ***Health Law Fundamentals Series:*** *Anti-Kickback Law Basics*. 12-1:30 pm ET teleconference and live audio webcast. $60-150 each session; $480-960 series. ABA. [1.5]

3/28/06. *Nursing Home Cases: Assisted Living Facilities.* Teleseminar. ATLA.

4/13/06. ***Health Law Fundamentals Series:*** *Primer on Issues Faced by Tax-Exempt Healthcare Organizations*. 12-1:30 pm ET teleconference and live audio webcast. $60-150 each session; $480-960 series. ABA. [1.5]

4/27/06. *Health Plans, HIPAA, and COBRA Update.* 12 noon-4 pm ET American Law Network telecast and live webcast. $199. ALI-ABA.

5/18/06. ***Health Law Fundamentals Series:*** *Ethics for Healthcare Attorneys*. 12-1:30 pm ET teleconference and live audio webcast. $60-150 each session; $480-960 series. ABA. [1.5]

6/15/06. ***Health Law Fundamentals Series:*** *Understanding the Role of Public Health Law in Your Practice*. 12-1:30 pm ET teleconference and live audio webcast. $60-150 each session; $480-960 series. ABA. [1.5]

IMMIGRATION LAW

2/7/06. *Current Challenges in Nonimmigrant Visa Processing.* 2-3:30 pm web conference. $95/125. AILA.

2/14/06. *Navigating Through the National Benefits Center (NBC) for Newer Practitioners.* 2-3:30 pm teleconference. $75/100. AILA.

2/28/06. *PERM--Nuts and Bolts of Form 9089.* 2-3:30 pm web conference. $95/125. AILA.

3/14/06. *Waivers for Immigrant Visas.* 2-3:30 pm web conference. $95/125. AILA.

3/16/06. *Ethics and the Litigator .* 2-3:30 pm web conference. $95/125. AILA.

3/21/06. *Navigating Through the Vermont Service Center (VSC) for Newer Practitioners.* 2-3:30 pm web conference. $45/100. AILA.

3/23/06. *Basic Immigration Law 2006.* Live webcast. $299. PLI.

3/28/06. *Navigating Through the California Service Center (CSC) for Newer Practitioners.* 2-3:30 pm web conference. $75/100. AILA.

INJURY AND TORT LAW/CLASS ACTIONS

2/15/06. ***ABA Connection:*** *The Post-Katrina Legal Cleanup.* 1-2 pm ET teleconference. $9.75/$110. ABA. [1.0] (Advance reading)

3/14/06. *Premises Liability.* Teleseminar. ATLA.

4/11/06. *Connective Tissue Injuries.* Teleseminar. ATLA.

INSURANCE LAW

2/22/06. *Construction Insurance: Selecting the Most Appropriate Methods.* 12-1:30 pm ET teleconference. $85-150. ABA. [1.5]

6/6/06. *Reinsurance Law and Practice 2006: New Legal & Business Developments in a Changing Global Environment .* Live webcast. $995. PLI.

INTELLECTUAL PROPERTY/PATENT/COPYRIGHT/ TRADEMARK LAW

2/7/06. *Low Cost Strategies for Intellectual Property Enforcement.* 4-7 pm ET live webcast. WLEC/Chicago Bar Assn. [3.0]

2/9/06. *Claim Construction Since Phillips.* 12-1 pm ET live audio-only webcast. WLEC/Celesq (R) Attorneys Ed Center.

3/14/06. ***Intellectual Property Basics: What You Need to Know to Bring Your Clients into the 21st Century*** *(Part 1).* 10 am-1 pm ET live webcast. WLEC/U. of Minn. Law School.

3/16-17/06. *Advanced Licensing Agreements 2006.* Live webcast. $1395. PLI.

3/17/06. *Conflicts in Trademark Law Among Circuit Courts and the TTAB: Substantive Considerations in Forum Selection.* 12:30-2 pm ET online seminar. AIPLA.

5/1-2/06. *Handling Intellectual Property Issues in Business Transactions 2006.* 9 am-5 pm ET live webcast. $1295. PLI.

5/24/06. *Advanced Seminar on Copyright Law 2006.* Live webcast. $1195. PLI.

6/14/06. *Advanced Patent Licensing 2006.* Live webcast. $1295. PLI.

6/28/06. *Advanced Seminar on Trademark Law 2006.* Live webcast. $1195. PLI.

INTERNATIONAL LAW AND TRADE

2/1/06. *Abuse of Dominance in the EU: Is the Wind from Chicago Turning the Tide?* Teleconference. ABA.

2/3/06. *Legal Ethics for Trade and Customs Lawyers.* 3-5 pm ET live webcast. WLEC/Georgetown U. Law Center.

2/9/06. *International Treaties -- A Threat to All Practice Areas?* 1-3 pm ET telephone seminar. $135. TRT. [2.0] (Repeated 3/24, 5/24, 6/21, 7/26, 8/24, 9/8, 10/13, 11/21, 12/27)

2/15/06. *Private Antitrust Litigation in Major Jurisdictions Outside the U.S .* 1-2:30 pm ET teleconference. $85-150. ABA. [1.5]

2/15/06. *Impacts of the European Court's Recent Ruling on Marks & Spencer.* 1-2:30 pm ET teleconference. $85-150. ABA. [1.5]

2/21/06. *Arbitration Against States Under Investment Treaties: The New U.S. Model.* 11:30 am-1 pm ET teleconference. $85-150. ABA. [1.5]

LAW OFFICE/LAW PRACTICE MANAGEMENT

2/2/06. ***"Lawyering 101" BHBA Barristers New Lawyer Workshop:*** *Starting Your Own Firm Out of Law School; Life at a Firm and Depositions.* 9:30-11:30 pm ET live webcast. WLEC/Beverly Hills Bar Assn.

2/16/06. *Women and Minority-Owned Law Firms: Overcoming Obstacles in Your Practice.* 1-2:30 pm ET teleconference. $85-150. ABA. [1.5]

2/23/06. *How to Raise Your Law Firm's Billing Rates -- and Get Paid.* 2-3:30 pm ET audio conference. $245/275. IOMA.

3/1/06. *The Law Library 2006.* Live webcast. $99. PLI.

5/23/06. *Law Practice Management: The Business of Practicing Law.* Teleseminar. ATLA.

6/21/06. ***ABA Connection:*** *Practicing Law the Collaborative Way.* 1-2 pm ET teleconference. $9.75/$110. ABA. [1.0] (Advance reading)

LITIGATION/TRIAL AND APPELLATE ADVOCACY

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

2/1/06. ***"Lawyering 101" BHBA Barristers New Lawyer Workshop:*** *State Civil Litigation; State Criminal Defense and Federal Civil Litigation.* 9:30-11:30 pm ET live webcast. WLEC/Beverly Hills Bar Assn.

2/2/06. ***"Lawyering 101" BHBA Barristers New Lawyer Workshop:*** *Starting Your Own Firm Out of Law School; Life at a Firm and Depositions.* 9:30-11:30 pm ET live webcast. WLEC/Beverly Hills Bar Assn.

2/13/06. *Scientific Evidence -- Constitutional Issues.* 1-3 pm ET telephone seminar. $135. TRT. [2.0]

(Repeated 3/10, 4/5, 5/15, 6/16, 7/21, 8/15, 9/22, 10/20, 11/15, 12/8)

2/15/06. *Effective Jury Persuasion.* 1-3 pm ET telephone seminar. $135. TRT. [2.0] (Repeated 3/28, 4/12, 5/30, 6/23, 7/17, 8/17, 9/26, 10/12, 11/17, 12/13)

2/17/06. *ED -- Prescriptions for Electronic Discovery.* 1-3 pm ET telephone seminar. $135. TRT. [2.0] (Repeated 3/30, 4/10, 5/12, 6/12, 7/14, 8/18, 9/18, 10/9, 11/10, 12/11)

2/21/06. *Experts -- Work Product and Discovery.* 1-3 pm ET telephone seminar. $135. TRT. [2.0] (Repeated 3/29, 4/11, 5/8, 6/28, 7/13, 8/10, 9/15, 10/30, 11/8, 12/19)

2/22/06. *Do You Really Want This Case?* 1-3 pm ET telephone seminar. $135. TRT. [2.0] (Repeated 3/22, 4/18, 5/9, 6/27, 7/11, 8/25, 9/20, 10/6, 11/13, 12/20)

3/24/06. *Current Developments in Federal Civil Practice 2006.* Live webcast. $995. PLI.

4/27/06. *Electronic Discovery.* Teleseminar. ATLA.

5/16/06. *Litigating Trucking Cases.* Teleseminar. ATLA.

MEDIATION SKILLS AND PRACTICE

2/14/06. *Current Issues in Mediation.* 1-3 pm ET telephone seminar. $135. TRT. [2.0] (Repeated 3/9, 4/6, 5/11, 6/15, 7/12, 8/30, 9/14, 10/18, 11/16, 12/14)

NEW LAWYER PROGRAMMING

2/1/06. ***"Lawyering 101" BHBA Barristers New Lawyer Workshop:*** *State Civil Litigation; State Criminal Defense and Federal Civil Litigation.* 9:30-11:30 pm ET live webcast. WLEC/Beverly Hills Bar Assn.

NOT-FOR-PROFIT ORGANIZATIONS

2/27/06. *Changes in the Not-for-Profit Industry .* 1-2:30 pm ET teleconference. $149/169. LES . [1.5 CPE]

3/3/06. *Public Charities.* 1-2:30 pm ET teleconference. $199. LES. [1.5 CPE]

REAL ESTATE/LAND USE/HOUSING/REAL PROPERTY LAW

2/1/06. *Affordable Housing Deals: What Makes Them Unique.* 4-7 pm ET live webcast. WLEC/Boston Bar Assn.

2/15/06. *Real Estate Taxation: What You Don't Know Could Hurt You and Your Client .* 4-7 pm ET live webcast. WLEC/Chicago Bar Assn. [3.0]

2/22/06. *Beginner's Guide to Surviving Residential Real Estate Closings .* 4-7 pm ET live webcast. WLEC/Chicago Bar Assn. [3.0]

2/27/06. *8th Annual Real Estate Tax Forum.* Live webcast. $1395. PLI.

2/27/06. **Eighth Annual Real Estate Tax Forum** *(Part 1).* 9 am-12:30 pm ET live webcast. WLEC/PLI.

2/27/06. **Eighth Annual Real Estate Tax Forum** *(Part 2).* 2-5 pm ET live webcast. WLEC/PLI.

2/28/06. **Eighth Annual Real Estate Tax Forum** *(Part 3).* 9 am-1 pm ET live webcast. WLEC/PLI.

2/27/06. *Leasing Basics .* 12-1 pm ET live webcast. WLEC/Boston Bar Assn.

5/4-5/06. *Negotiating the Sophisticated Real Estate Deal 2006: High-Stakes Strategies in Uncertain Times.* Live webcast. $1395. PLI.

SECURITIES LAW

2/8/06. *Corporate Governance 2006: Best Practices for Gatekeepers.* Live webcast. $1395. PLI.

3/3-4/06. *The SEC Speaks in 2006.* Live webcast. $895. PLI.

3/22/06. *Doing Deals 2006.* Live webcast. $1395. PLI.

4/6/06. *Securities Offerings 2006: Operating Under the New Rules.* Live webcast. $1395. PLI.

5/11/06. *Foreign Issuers and the U.S. Securities Laws 2006: Strategies for the Changing Regulatory Environment.* Live webcast. $1495. PLI.

SECURITY AND TERRORISM ISSUES

3/9/06. *Privacy and Data Protection in an Age of Heightened Security .* 11:30 am-1 pm ET teleconference. $85-150. ABA. [1.5]

6/5-6/06. *Seventh Annual Institute on Privacy Law: New Developments & Compliance Issues in a Security-Conscious World.* Live webcast. $1295. PLI.

TAX LAW

2/8/06. *State and Local Real Estate Tax Exemptions for Healthcare Facilities: Current Developments .* 12-1:30 pm ET teleconference. $85-150. ABA. [1.5]

2/22/06. *Cuno Update* . 1-2:30 pm ET teleconference. $85-150. ABA. [1.5]

2/22/06. *Taxing Problems in LLC Agreements.* 1-2:30 pm ET teleconference. $75-150. ABA. [1.5]

2/27/06. *8th Annual Real Estate Tax Forum.* Live webcast. $1395. PLI.

3/22/06. *Tax Link Live -- Ethical Consideration for a US Practitioner in Planning for a US Multinational Client.* 1-2:30 pm ET teleconference. ABA. [1.5]

TRANSPORTATION LAW

2/7/06. *Trucking Litigation and D.O.T. Regulations.* 1-2:30 pm ET teleconference. $199. LES. [1.5]

Distance Course Providers

(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, 321 N. Clark Street, Chicago, IL 60610, (312) 988-6210, Web http://www.abanet.org/cle.

ACC.** Association of Corporate Counsel, 1025 Connecticut Avenue, N.W., Suite 200, Washington, DC 20036-5425, (202) 293-4103,Web http://www.acca.com.

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.

AILA. American Immigration Lawyers Association, 918 F Street, N.W., Washington, DC 20004-1400, (202) 216-2400, Fax (202) 371-9449, Web http://www.aila.org.

AIPLA.** American Intellectual Property Law Association, 2001 Jefferson Davis Highway, Suite 203, Arlington, VA 22202-3694, (703) 415-0780, Web http://www.aipla.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, Web http://www.atla.org.

CITE. Council for International Tax Education, One Barker Avenue, P.O. Box 1012, White Plains, NY 10602, (914) 328-5656, Fax (914) 328-5757, E-mail info@fdta-cite.org, Web http://www.fdta-cite.org.

CLEO.** CLE Online, P.O. Box 80947, Austin, TX 78708, (512) 778-5665, Fax (512) 223-0562, E-mail 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, Web http://www.fdli.org.

IFEBP. International Foundation of Employee Benefit Plans, Corporate Benefits Institute, P.O. Box 69, Brookfield, WI 53008-0069, (888) 33-IFEBP or (262) 786-6700, Fax (262) 786-8670, Faxback service (888) 217-5960, E-mail edreg@ifebp.org, Web http://www.ifebp.org.

IOMA. Institute of Management & Administration, Inc., 3 Park Avenue, 30th Floor, New York, NY 10016-5902, (800) 401-5937, Web http://www.ioma.com.

LES. Lorman Education Services, 2510 Alpine Road, Eau Claire, WI 54703, (888) 678-5565 or (715) 833-3940, Fax (715) 833-3953, E-mail ceinfo@lorman.com, Web http://www.lorman.com.

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.** Lexis Nexis® Mealey Publications and Conference Group, P.O. Box 62090, King of Prussia, PA 19406-0230, (800) 632-5397, (610) 768-7800, E-mail seminars@mealeys.com, Web 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.

NCBA.** North Carolina Bar Association, Continuing Legal Education, 8000 Weston Parkway, Cary, NC

27513, (919) 677-8745 or (800) 228-3402, E-mail askCeLE@ncbar.org, Web http://www.ncbar.org.

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, Web http://www.ncsea.org.

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, 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, 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@trtcle.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.

WLEC.** West LegalEdcenter, Eagan, MN, Web http://westlegaledcenter.com.

Index to PDQ Articles and Survey Reports, 2003-2005

Adult Learning

Christison, Randall B., “Adult Learning for Lawyers (Part 1 of a Series).” May 2004, 1-5.

________________, “Defining Learning Objectives (Part 2 of Adult Learning for Lawyers).” August 2004, 1-5.

________________, “Expanding Training Techniques (Part 3 of Adult Learning for Lawyers).” November 2004, 1-4.

________________, “Needs Assessment: Getting from Where You Are to Where You Need to Be (Part 4 of Adult Learning for Lawyers).” May 2005, 11-14.

________________, “Applying Theory to Practice (Part 5 of Adult Learning for Lawyers).” August 2005, 9-16.

________________, “Training for Trainers (Part 6 of Adult Learning for Lawyers).” November 2005, 13-17.

Mara, Evelyn Gaye, “The Learning Lab: Learning by Teaching.” February 2003, 16.

________________, “The Learning Lab: Letting Our Smart People Talk to Each Other.” November 2003, 8-9.

Assignments/On-the-Job Training

Edes, Heather V., “The ‘Whys’ and ‘Hows’ of Work Brokering.” May 2003, 1-5.

_________________, “Associate Development Through Effective Paralegal Utilization.” May 2005, 4-8.

Career Development

Brady, Kathleen, “Attention Associates: Seize Control of Your Career Development.” November 2005, 10-12.

Fogelman, Charles J., “The Personal Strategic Plan.” November 2005, 4-9.

Mara, Evelyn Gaye, “The Learning Lab: Individual Development Plans.” May 2005, 27-28.

___________________, “The Learning Lab: Using Competencies for Professional Development.” November 2005, 18-19.

Nelson, Steve, “Law Firms Expand Horizons in Finding Professional Development Executives.” May 2004, 1-3.

Sloan, Peter, “Summer 2003 Survey Report: Law Partner Career Development: The Final Frontier.” August 2003, 1-5.

Diversity

Kraeutler, Eric, “Recruiting Relationships at Morgan Lewis: How an international law firm recruits diverse talent.” February 2005, 29-30.

Mara, Evelyn Gaye, “PDQ Classics: Diversity Elevator Needs to Travel to Top Floor.” February 2005, 30-32.

___________________, “Winter 2005 Survey Report: Law Office Diversity Programs, Part 1: Goals and Methods.” February 2005, 1-25.

___________________, “Winter 2005 Survey Report: Law Office Diversity Programs, Part 2: Success Factors and Program Results.” May 2005, 15-27.

Education, Training, and CLE

Christison, Randall B., "Adult Learning for Lawyers (Part 1 of a Series)." May 2004, 1-5.

_______________, "Defining Learning Objectives (Part 2 of Adult Learning for Lawyers)." August 2004, 1-5.

_______________, "Expanding Training Techniques (Part 3 of Adult Learning for Lawyers)." November 2004, 1-4.

_______________, "Needs Assessment: Getting from Where You Are to Where You Need to Be (Part 4 of Adult Learning for Lawyers)." May 2005, 11-14.

_______________, "Applying Theory to Practice (Part 5 of Adult Learning for Lawyers)." August 2005, 9-16.

_______________, "Training for Trainers (Part 6 of Adult Learning for Lawyers)." November 2005, 13-17.

Daitch, Steven P., "Professional Development and Training: The World's a Different Place." November 2004, 5–6.

Daunt, Jacqueline, "Teaching People Leadership Through Natural Horsemanship." May 2004, 5-7

Gluckman, Steve, "Rapid E-Learning Development: Create quality online courses quickly and for (much) less." May 2005, 9-11.

Hageman-Apol, Magda, and Mary McGurrin-Novack, "K&LNG Legal Practice Institute and Course Catalog: A Blueprint for Lawyer Education." August 2005, 5-8 and Appendix.

Mara, Evelyn Gaye, "Delivery Strategies for Professional Development." August 2005, 19-26.

__________________, "The Learning Lab: Case Studies as a Training Tool." May 2005, 17-18.

__________________, "The Learning Lab: Coordinating Training Logistics." November 2004, 7-8.

_______________, "The Learning Lab: Individual Development Plans." May 2005, 27-28.

_______________, "The Learning Lab: Letting Our Smart People Talk to Each Other." November 2003, 8-9.

__________________, "The Learning Lab: Using Competencies for Professional Development." November 2005, 18-19.

__________________, "MCLE Watch: Update on Credit for Distance CLE." August 2005, 32.

_______________, "PDQ Classics: Making Training Count." May 2003, 8-9.

_______________, "PDQ Classics: How to Moderate a Panel." November 2004, 9-10.

_______________, "2003 Survey Report: CLE Support and Tracking." February 2003, 1-13.

Palazzo, Dottie, "Excellence in Continuing Professional Education." August 2003, 5-6.

Steinholtz, Ruth, and Dottie Palazzo, "Annual London MCLE Fair: Consumer-Driven International CLE." May 2003, 6-7.

Trigg, Sue, "Make It Come Alive! Training Via Videoconferencing." February 2003, 13-14.

White, Katherine M., "Dickstein Shapiro University: A Force for Learning and Satisfaction." August 2005, 1-4.

Ethics and Professionalism

Mara, Evelyn Gaye, "Focus on Ethics." August 2004, 6-7.

_______________, "New Associates and Unauthorized Practice in D.C." November 2003, 7.

Knowledge Management

Christison, Randall B., "Succession Planning and Knowledge Transfer." November 2003, 1-6.

_______________, "Book Review: Knowledge Management for Lawyers." February 2004, 23-25.

Mara, Evelyn Gaye, "Followup to Our Winter 2004 Knowledge Management Survey." May 2004, 9.

_______________, "Winter 2004 Survey Report: Law Office Knowledge Management Programs." February 2004, 1-23.

Platt, Nina, “Change Strategies Are the Key to KM.” February 2004, 25–28

Managing Associates/Management Skills

Edes, Heather V., “The ‘Whys’ and ‘Hows’ of Work Brokering.” May 2003, 1-5.

Mara, Evelyn Gaye, “New Associates and Unauthorized Practice in D.C.” November 2003, 7.

Mentor Programs

“Idea Exchange on Group Mentoring.” August 2003, 6-8.

Cooper, Carl G., “K&LNG Mentoring Program.” February 2005, 26-28.

New Lawyers/Orientation

Mara, Evelyn Gaye, “The Learning Lab: A New Model for Administrative Orientation.” May 2003, 7.

_______________, “The Learning Lab: An Orientation Icebreaker.” August 2004, 8.

_______________, “The Learning Lab: Using Technology for New Lawyer Orientation.” May 2004, 8-9.

_______________, “New Associates and Unauthorized Practice in D.C.” November 2003, 7.

PD Administration and Staffing

Mara, Evelyn Gaye, “The Learning Lab: Coordinating Training Logistics.” November 2004, 7-8.

_________________, “The Learning Lab: Using Competencies for Professional Development.” November 2005, 18-19.

Nelson, Steve, “Law Firms Expand Horizons in Finding Professional Development Executives.” May 2004, 1-3.

Partners/Senior Lawyers

Christison, Randall B., “Succession Planning and Knowledge Transfer.” November 2003, 1-6.

Daunt, Jacqueline, “Teaching People Leadership Through Natural Horsemanship.” May 2004, 5-7

Sloan, Peter, “Summer 2003 Survey Report: Law Partner Career Development: The Final Frontier.” August 2003, 1-5.

Performance Appraisal

Mara, Evelyn Gaye, “The Learning Lab: Associate Self-Appraisal.” August 2003, 8-10.

Ohlson, Elaine M., “Nurturing Feedback Cultures.” November 2005, 1-4.

Presentation Skills

Trigg, Sue, “Make It Come Alive! Training Via Videoconferencing.” February 2003, 13-14.

Survey Reports

Christison, Randall B., “Needs Assessment: Getting from Where You Are to Where You Need to Be (Part 4 of Adult Learning for Lawyers).” May 2005, 11-14.

Mara, Evelyn Gaye, “2003 Survey Report: CLE Support and Tracking.” February 2003, 1-13.

_______________, “Followup to Our Winter 2004 Knowledge Management Survey.” May 2004, 9.

_______________, “Results of Subscriber Survey.” August 2003, 10-12.

_______________, “Winter 2004 Survey Report: Law Office Knowledge Management Programs.” February 2004, 1-23.

_________________, “Winter 2005 Survey Report: Law Office Diversity Programs, Part 1: Goals and Methods.” February 2005, 1-25.

__________________, "Winter 2005 Survey Report: Law Office Diversity Programs, Part 2: Success Factors and Program Results." May 2005, 15-27.

Sloan, Peter, "Summer 2003 Survey Report: Law Partner Career Development: The Final Frontier." August 2003, 1-5.

Technology

Gluckman, Steve, "Rapid E-Learning Development: Create quality online courses quickly and for (much) less." May 2005, 9-11.

Mara, Evelyn Gaye, "The Learning Lab: Using Technology for New Lawyer Orientation." May 2004, 8-9.

Trigg, Sue, "Make It Come Alive! Training Via Videoconferencing." February 2003, 13-14.

Subscribe to PROFESSIONAL DEVELOPMENT QUARTERLY

TO: Professional Development Services, P.O. Box 150306, Alexandria, VA 22315
Phone: 703-719-7030 Fax: 703-814-8590 E-mail: maraeg@profdev.com

☐ **Please send me one year (4 issues) of PDQ, National Edition, for $150.**

Name ______________________ Title ______________________

Organization ____

Mailing Address ____

City ____________________ State/Province __________ Zip/Postal Code __________

Country ____________________ Email Address ______________________

☐ **My check for $150 payable to Professional Development Services is enclosed.**

☐ **Charge my** ☐ Visa ☐ MasterCard ☐ American Express:

Card # ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐ Expiration Date ☐☐-☐☐
Month Year

Name of Card Holder (please print): ______________________________

Signature ______________________________

* ***Note:*** We do not and will not sell our subscription list nor any other information about our subscribers. On occasion we have provided subscriber contact information at no charge to lawyer educational associations such as the Association for Continuing Legal Education and the Professional Development Consortium. If you do **not** want your contact information included in such a list, please check here ☐.