

PROFESSIONAL DEVELOPMENT QUARTERLY

*Special Issue
on Competencies*

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In This Issue:

10

Steve Gluckman on [Online
Competency Resources](#)

15

PDQ Classics: [Blackwell
Sanders Competency Model](#)

18

Gaye Mara: [Competency
Models in Context](#)

21

[Book Review: E-Learning for
Law Firms](#)

22

Learning Lab: [An Associate
Competency Model](#)

23

PDQ [Changes and
Subscriber Survey Results](#)

26

[Professional Developments](#)

28

[MCLE Watch: IL, NE, OR, PA](#)

Building and Using an Associate Competency Model

Heather Bock and Lori Berman

I. What is a competency model?

A competency model is a customized list of behaviors and skills used to distinguish or predict employee performance within a business. In a law firm, the model defines various behaviors and skills—and the developmental levels of those behaviors and skills—that are necessary as each attorney progresses on the path to partner. Competency models can be tailored to reflect a business's individual strategy and vision. Effective integration of a competency model can enable the business to better achieve its long-term strategic objectives, and create or enhance a high-performance learning culture.

For a law firm, where the “product” is the knowledge and skills of its attorneys, a productive culture is one in which attorneys:

- Are fully engaged in their work;
- Are operating at maximum professional skill level; and
- Have the resources available to regularly and consistently improve those skills.

True, the core competencies and related components that work for one firm may not be successful at your firm—after all, what makes firms competitively distinguishable must be preserved. However, the foundation and process of building a competency model are similar for any firm that wants to incorporate it into a professional development program. For example, most firms will find that focusing on junior attorney skill development needs to be a priority

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because it will improve the firm's overall professional talent pool, and help leverage that pool to serve clients.

Competencies may focus on levels of expertise to reflect a novice level to a more expert level. Levels are helpful to show attorneys how they can continue building skills in a particular area. An example of a leveled competency is below:

Leadership Competency

Leadership is taking an active role in motivating, inspiring, and coaching people to enable team, individual and organizational effectiveness.

Competency Levels

Level 1: Looks after the Team

- Makes sure the practical needs of the team are met—obtains needed resources, information, personnel, etc.
- Understands the experience and capabilities of team members and works to ensure gaps are filled (e.g., getting the right people).
- Treats all team members with fairness and respect.
- Helps new team members get up to speed.

Level 2: Promotes Team Effectiveness

- Implements well thought-out efforts to enhance team morale and productivity.
- Sets high standards for the team.
- Organizes people and resources toward the effective and efficient pursuit of predetermined objectives.
- Creates an environment that promotes sharing of diverse perspectives and differing viewpoints.
- Communicates team achievements and supports individuals' career objectives.

Level 3: Promotes Individual Effectiveness by Developing Team Members

- Acts as a performance coach by providing tools and giving practical support to others when learning how to approach a task or problem, and communicates the underlying rationale so others can think through future issues on their own.
- Based on an objective assessment of an individual's strengths and areas for development, gives specific feedback to develop and motivate the individual.
- Gives negative feedback in behavioral rather than personal terms.

Level 4: Acts as Steward of the Firm

- Thinks beyond present responsibilities and invests in the firm by actively participating as a leader in firm initiatives or management activities (e.g., firm governance, committees, etc.). In doing so, efficiently uses time for the good of the firm.
- Channels ambition into the firm, not self.
- Displays ingenuity in meeting challenges combined with a care for people.

Level 5: Communicates a Compelling Vision

- Stimulates the group to higher performance standards.
- Generates excitement and commitment to the vigorous pursuit of a clear and compelling vision.

II. Why do you need a competency model, and how do you make the case?

If you are considering implementing a competency model at your work place, keep these key questions in mind:

Are the competencies you articulate the ones that are going to make the firm successful in the future?

- Does the model include both hard (technical) skills (such as factual investigation) and soft skills (such as client development and team work)?
- Does the thinking behind the competency model reflect the thinking and practices of the leadership and attorneys across the law firm?
- Is there buy-in and support for the final program?
- Will the program be embraced and integrated into the firm's administrative committees?
- How will you measure success?

At Howrey, we wanted a competency model in order to have one firm definition of associate success and to serve as the compass for our training curriculum. A side benefit has been using the competency model for associate evaluations and recruiting. Each firm will likely have a different business case to capture the attention of the leaders.

III. Methodology for developing a competency model

Once you've decided that you need a competency model and you have the firm's support to move ahead, how do you go about building one?

Building a competency model is not an exact science. There is more than one way to build a competency model. However, some methods are more rigorous than others. In essence, options span from the luxury Cadillac version to the Chevy

Cavalier version. To have a valid competency model—a competency model that describes the behaviors and skills that truly differentiate levels of performance—you want to get as close as possible to capturing what it is the high performers in the firm are actually doing now (not just what others think they are doing or would like them to do) and need to do in the future. Of course, the goal is to collect rich data that will lead to the best possible competency model being developed without an undue time burden for any single attorney.

Enlisting outside experts for assistance in developing and implementing your competency model will be very helpful. You can do it by yourself with the right internal resources, or you may want to contract with a competency model expert. If you are a global firm, seek out a consulting firm focused on global organizational and/or human resources. Keep in mind, however, that partnering with a group that hasn't worked with a law firm before is somewhat of a mixed blessing.

For example, many of the soft skills (e.g., leadership and project management) you identify as important competencies are ones the consultant has likely helped other professional services firms develop, but there may be a steep learning curve when it comes to helping you identify and define the core technical legal skills—the hard skills—you also need to incorporate into your model. This is where your partners come in.

1. Capture the strategy and the culture

It is always wise to start with your firm's vision, core values, and business strategy for the future; you want to make sure the competency model captures behaviors that will not only make attorneys successful now, but will make them successful into the future, and will, in fact, help the firm achieve its vision. That is, you will need to understand what the firm wants to accomplish over the next several years if you are going to determine what competencies

the firm's associates will need to demonstrate during those years. You may also need to look at differences in specific practice areas or locations that need special competencies that others do not.

The firm's culture and an understanding of how work is accomplished—such as how work is managed, what types of behaviors are valued, what is and is not considered acceptable—is also important. For example, if your firm culture values risk taking and innovation, you may have some competencies that look different compared to a firm that prioritizes consistency and reliability. And the way you go about rolling out this new model to the firm most likely would be done differently. Similarly, behaviors that are effective in a firm culture that values hierarchy and following authority would be different than behaviors that are effective in a culture that values entrepreneurialism and independence.

Some organizations have actually built full competency models based solely on this type of strategic analysis. While this makes developing a competency model less expensive, the caution associated with this option is that the model will be based on theory regarding what kinds of competencies will make employees most effective at work, rather than actual data revealing which competencies are possessed by high performers.

2. Consider what the firm has learned in the past

Take a look at any existing performance measures or evaluation criteria—hopefully there is a reason those criteria are currently valued. Also, looking at existing job descriptions will help determine if having just one competency model makes sense. If the way that work is accomplished varies greatly between practice areas, you may decide to have more than one model. You may even choose to have some core

competencies that are consistent across the firm, and others that vary by practice group.

3. Take advantage of benchmarks if you can

It is helpful to look at competencies embraced by other organizations to get a sense of where to start and what competencies to consider. Benchmarking will help you to identify best practices that may not reside in your firm or even within your industry.

For example, we used a consulting firm that had competency models from other professional service firms, such as consulting and accounting firms. We wanted to include those other organizations in an effort to broaden our thinking to consider what other—dare we say more advanced—industries with similar roles have found to be important for success. These types of firms require many of the same behaviors that are likely to be important in law firms—such as advising clients, leading ad hoc teams and “making rain.” In this regard, hiring a consulting firm to help develop our model saved us a lot of time, as they were able to start with base competencies that have been shown to predict successful performance for individuals in similar types of positions in other organizations.

The downside of not benchmarking is that your competencies may be limited to the thinking of the people within your organization.

4. Get people together and get them talking: Conduct expert panels

Once you've thought about a competency starting point, you can conduct subject matter expert panels to discuss those competencies, brainstorm other competencies, and begin to spell out specific levels of competencies needed for superior performance. These panels will also help you to understand job specific information such as accountabilities, responsibilities, outcome

measures, context in which the associates work, and future challenges, as well as the associates' perception of the competencies necessary to be outstanding in the job.

We had two types of expert panels—associates and partners. The partners looked at the competencies at a higher level and told us not only what outstanding associates do now or have done in the past, but what they need to be able to do in the future if the firm is to continue to be successful. Think of the partners as bosses—what do they want to see in their associates, and what do they see in their best associates now?

The panel should reflect various practice areas or offices within the firm—allowing for as much diversity and representation as possible. After building your foundational competencies, you also can assemble partner experts to articulate specific competencies that will be appropriate to individual practice areas.

Next, get the input from the people impacted by the potential model—associates who are actually in the role. At Howrey, we put together panels of associates from different class years, as they would be the most affected by a competency model and could add good ideas about the skills they feel they need and want to master to become better at what they do. These are the people who understand the details of what it takes to do the job. Including associates in this process was also critical for buy-in.

5. Get into people's heads: Behavioral Event Interviews

To have a truly rigorous competency model, consider conducting Behavioral Event Interviews (BEIs). Expert panels tend to get a combination of the behaviors and skills that people think they should be demonstrating and those that they actually are demonstrating. BEIs home in on only what people actually do. That is why they

are the best method for collecting valid competency information about a role. These interviews are important for revealing the kinds of competencies that superior performers – as opposed to more typical performers – demonstrate as they go about their jobs. As such, BEIs ask interviewees to think about specific situations and basically tell the interviewer what they did, said, thought and felt.

By conducting these kinds of interviews with best-in-class associates, you can determine the competencies you need to train or select for in order to enhance the competence of the whole firm. You may also want to interview more typically performing associates, so you can compare the competencies they demonstrate to those demonstrated by the outstanding associates—thus allowing you to determine which particular competencies really differentiate the best-in-class from the solid but more average associates.

Behaviors you collect from these interviews can then be used as you break down competencies into levels of performance. Articulating these levels will give you a set of competencies with four or so performance levels, which ultimately reflect the differences in skill levels between novices and experts. You may also find whole competencies that you did not anticipate from the benchmark data or expert panels. On the other hand—and even more likely—these interviews may help you pare down the number of competencies in your competency model by focusing on the most critical ones actually displayed more often by your best associates.

6. Put it all together: Analysis and Model Development

Using the information gathered in the organizational analysis, benchmarking, expert panels, and behavioral event interviews, you will identify and define the competencies that will predict associate success. The resulting “competency model”

will consist of the definitions of the competencies and behavioral descriptions of the levels of performance within each competency.

We should note that not all competency models have levels as we have described. In fact, that is something unique about the methodology used by Hay Group, the consulting firm that worked with us. How competencies look and are spelled out can vary. However, we have found these level descriptions critical in understanding the types of behaviors required for success as well as understanding how to develop behaviors at higher levels within each competency.

As in the example we presented earlier, your attorneys may agree that leadership is an important competency across the board. Thus, you may define leadership in general as, “taking an active role in motivating, inspiring, and coaching people to enable team, individual, and organizational effectiveness.” Keep in mind that leadership behaviors look different at the novice and expert levels. At the basic level, leadership means looking after the practical needs of the team, and at a more advanced level, leadership means increasing the team’s effectiveness through morale building, promoting different perspectives, and communicating well. A high-level leader acts as a steward of the firm and communicates a compelling vision.

When “leveling” your competencies, you may want to do it in a way that relates to

associates’ years at the firm. This would help provide clarity on expected competency and skill levels for associates in a given year. The intent is not to create a formula for what level of competence an associate has to reach each year of his or her career, but to help partners give management feedback on areas of associate strength and professional development needs.

IV. Firm culture and buy-in

Your firm’s culture will dictate the best way to ensure buy-in to your new model.

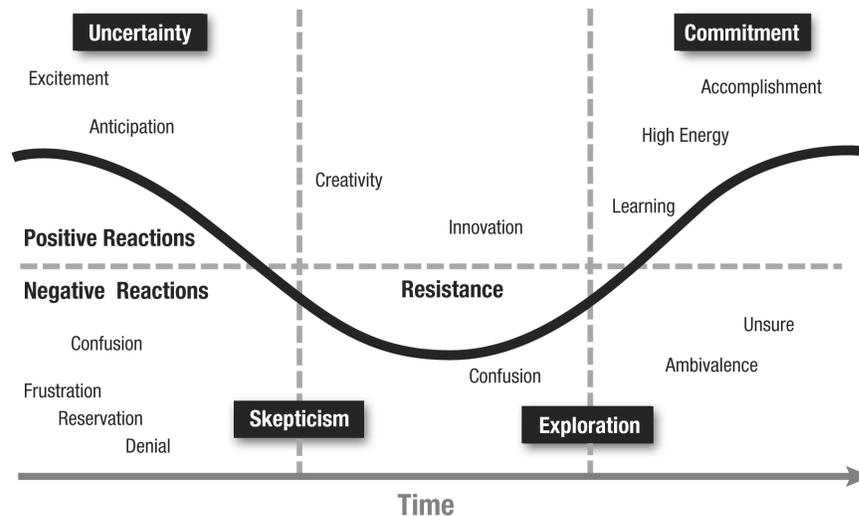
You may find that a particular office or practice area may be critical to firm-wide acceptance. Be sure to involve that group in the design of the initiative.

Pay particular attention to how you position the competency model. Specifically, are you using it as a retention tool, as a catalyst for building a training curriculum, or as an enhancement for client service?

Effectively Managing Change and Getting Buy In

People don’t like change. Change can be frightening, but you can successfully manage people’s reaction to it by understanding the psychological and emotional stages they go through when confronted with what they perceive as upheaval. To get buy-in to our competency model, we had to focus on the impact for both associates and partners.

Individual Transition and Personal Reaction



William Bridges, author of *Managing Transitions*, explains that there are three stages that people go through when dealing with change:

1. Endings;
2. The neutral zone; and
3. Beginnings.

Resistance is a main reason that change efforts fail, but there are other reasons, as well. Be mindful of these change-blocking elements as you develop and roll out your competency model. Systematically addressing each one helped us smooth our transition to the new program.

- *Limitations of existing systems:* Address all the systems and processes that will be affected by your competency model.
- *Lack of executive commitment:* Make sure leadership is fully supportive.
- *Lack of executive champion:* Identify the experts and champions needed for the model to be successful.
- *Unrealistic expectations:* Articulate the firm's expectations in a way that everyone understands.
- *Lack of cross-functional team:* Enlist the support of both internal and external

experts who can help deliver your message and teach the needed skills.

- *Inadequate team and user skills:* Provide training and coaching for everyone who will use the new system.
- *Staff and users not involved:* Inform associates, and staff as well, that a new system is being developed.
- *Project charter too narrow:* Define charter of initiative appropriately.

Your new competency initiative may well be perceived as a radical change in your firm's culture. Reaction to this change can be emotional, and many will take it personally at least to some degree. Communicating to everyone involved with the model can be helpful in managing change and enabling its acceptance.

Questions we found helpful as we reviewed the communication materials included:

- Is our message consistent?
- Is it clear?
- Has it been vetted by everyone who will have to present it and by representatives of those who will ultimately receive it?

Enabling change is an ongoing process and as we made our first presentations, we found

ways to refine the communication methods for easier, quicker acceptance without changing the content of the message. A helpful formula was:

$$\begin{aligned}
 &\text{Need for Change} \\
 &+ \\
 &\text{Clear, Shared Vision} \\
 &+ \\
 &\text{Management Commitment and Behavior} \\
 &+ \\
 &\text{People Involvement} \\
 &+ \\
 &\text{Supporting Structure and Process} \\
 &+ \\
 &\underline{\text{Performance Measures}} \\
 &= \text{Lasting Change}
 \end{aligned}$$

By focusing on each of these, we were able to help both partners and associates adjust to the impact of the competency model.

V. Putting the competency model to use

A competency model can serve your firm well on a number of fronts, especially with regard to training (see the graphic below: “Competencies Linked to Supporting Systems”):

- A well-structured competency model provides a systematic process to manage and develop associate talent.
- It can provide insights on how best to spend training and recruiting dollars.
- A clear competency model can enhance long-term business strategy by providing a means to evaluate the qualifications of recruits and provide consistent training for newly hired associates.
- It can be used in a performance management process to evaluate current associates on the competencies needed for success, and then used as a guide for associates as they plan their career development.

Competencies Linked to Supporting Systems



- It can be used by your assignment committee to assign associates cases that will provide needed on-the-job developmental opportunities.

If a system can be developed and then used consistently over several years, your firm will begin to see better trained, well rounded, seasoned partners.

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Classic Quote:

"It is important to remember that [competency] models describe performance as it should be *in order for the organization's business goals to be achieved*.... In other words, these models define performance that is causally linked to accomplishment of the business goals....

"How do we identify causal linkage? We do this by determining the specific operational results we seek and then interviewing individuals (people we refer to as exemplary performers) who are achieving this level of results."

—Dana Gaines Robinson and James C. Robinson, *Performance Consulting: Moving Beyond Training*. 1996: Berrett-Koehler Publishers, San Francisco.

Using Online Learning Resources to Promote Competency Development

Steve Gluckman

Many firms have embraced the idea that a competency model can greatly enhance the ability to produce a high-performance culture. A competency model describes a set of individual skills and behaviors (tied to organization strategy and vision) that are required for superior individual performance. Core competencies can then be tied to performance evaluations, recruiting, team assignments, succession planning, and more.

Simply put, competencies are skill sets that are evident in successful performance. They are honed and developed through a series of work/life experiences, training, learning, observation, and feedback.

By reviewing the performance expectations associated with each competency, individuals will see exactly what they are expected to achieve in order to excel within a team, department, or organization. By comparing their actual skill levels to these expectations, the individual, with assistance from a supervisor, can create a plan to improve skills and meet these expectations for performance.

Providing the resources

For a competency model to be an effective tool, a firm must allocate the appropriate resources to ensure its success. This means finding ways to support the model and ensure that individuals get the training and support they need to address performance expectations.

For instance, a firm must do more than simply state that “Building rapport with clients” is an expectation of all attorneys. It must also provide a way for individuals to learn how to develop these skills. Since competencies may focus on knowledge-based

skills (skills specific to one’s profession) or behavior-based skills (such as interpersonal, communication, or problem solving abilities), a wide variety of support and training resources may be required.

Sounds simple enough, but consider that a single firm may identify dozens of requisite competencies for its attorneys and staff. While some competencies may apply across positions, others will be quite specific to individual roles. Think of the myriad management, professional, and support roles within your firm – each undoubtedly has its own technical and behavioral competency sets.

Suddenly, offering training and support resources to address each essential competency becomes a daunting task. Luckily, there are many innovative (and, yes, exciting) ways we can use learning technologies to effectively (and quickly) provide competency development resources to your lawyers and staff.

Online competency learning resources

Online learning resources, in conjunction with traditional training assets, can be an efficient and effective way to support competency development learning needs.

Many organizations have found that organizing and presenting learning and support resources by competency can be extremely effective and reduce confusion. Face it, looking through a long list of upcoming internal and external training events that might support a specific competency could be a time-consuming and difficult task. By offering courses and other resources by competency, the learner knows

exactly which requisite skill set will be targeted by that resource.

To provide appropriate support resources, consider addressing competency training with the implementation of a competency model resource website. This site, accessed via your firm's Intranet, can be comprised of a series of pages, each addressing a specific attorney competency area. Such resource pages can offer a host of valuable training resources including:

- Definition of the competency
- Overview of associated behaviors and performance criteria
- Question-and-answer session with a competency expert from within your firm:
 - ✓ Why do you think this is an important competency?
 - ✓ What makes you successful at this competency?
 - ✓ How did you develop your skills in this area?
 - ✓ Do you have any fundamental words of wisdom or philosophies on how to be successful in this area?
- On-the-job development tips
- Lessons learned
- Helpful job assignments
- Links to applicable self-paced and e-learning courses
- Associated reading and audio/visual material
- Information about seminars and live training courses

Individual development plans

As development resources are put in place to support the competency model, it is important to consider how best to align these resources with performance appraisals and other sources of formal feedback.

As members of your firm receive feedback on their individual performance, there may be core competencies that are identified which

require additional development and attention. A process is needed to take general development requirements and marry them (directly) to specific training goals.

Individual Development Plans (IDPs) are used to do just that. They provide members of a firm the ability to translate identified development goals into specific action items and a plan (and commitment) for individual development.

IDPs, again, are nothing new and are being used successfully across industries to address employee development. However, law firms are now aligning IDPs with their competency models and bonding these resources together online.

Firms that have successfully implemented a comprehensive competency model will, most likely, use that model as a basis for the performance appraisal process. Attorneys and staff will be well aware of competency expectations and these will be highlighted throughout the entire performance evaluation process.

One output of the performance appraisal will be the IDP. By placing the IDP online, a mentor, supervisor, or, perhaps, a professional development manager can analyze an associate's performance review(s) and work directly with the attorney to generate a complete development plan. The online IDP will be organized by competency area and will then generate a plan for individual competency development based on information entered by this reviewer.

Once the plan has been reviewed and accepted by the individual, the devised action items will link directly to the appropriate competency resource page(s). As recommended learning events are successfully completed, the IDP will be updated accordingly. The individual, supervisor or leadership can then access the IDP at any time to review and evaluate progress.

E-Learning

E-Learning offers an excellent vehicle for presenting gathered knowledge assets to the individual. Courses can be developed to address this material and then accessed directly from the applicable competency resource page – serving as an effective competency development resource.

Example:

Let's assume that your firm has recently developed and implemented an attorney competency model. One of your core attorney competency categories may be "Case & Project Management". (This competency addresses an attorney's ability to successfully lead a team of legal professionals so that client project activities are completed effectively, efficiently, and within budget).

Let's also assume that, as part of the resource page development process, you perform a series of interviews with supervisors and deliver questionnaires to attorneys throughout the firm (serving as a basic 'needs assessment'). Once you have gathered and analyzed data, you find that your attorneys, in general, have a solid grasp of project coordination skills yet are in desperate need of training to address personnel and time management issues.

Based on this conclusion you determine that an e-learning course (or series of courses) addressing time management concepts would be of great benefit to associates and should be added to the resource page for the "Case & Project Management" competency area.

To accomplish this, you identify a Senior Associate or Partner from within the firm who is known to be an expert in this area. You contact the individual and request that he/she work with your e-learning developer to identify topics and relevant content for this course. When the course is complete, it is added to the appropriate resource page(s) and then can be accessed by

anyone in the firm as dictated by their individual learning plan or as otherwise needed.

E-Learning, of course, is a broad term encompassing many different applications and technologies. There are many ways to gather e-learning resources to build your library and address competency learning requirements.

Nothing new there, but recall that we have the potential for dozens of individual competencies (if not more) across the firm. Creating traditional online learning resources to address each of these would require a considerable investment in both time and funds.

That's why organizations are looking for alternative ways to get learning resources online quickly to address competency development. Rapid E-learning (REL) has become a powerful way to address these requirements. Rapid E-Learning uses new tools and development processes to allow for the quick development of online training resources. Using these tools, training content can be developed in a fraction of the time associated with traditional e-learning development.

With Rapid E-Learning, tools such as PowerPoint are usually used as the basis for course development. REL tools (such as Articulate, Breeze, Lectora and many others) also allow for other media elements to be embedded such as digital video, animation, music, narration, etc. All can be accomplished with little or no programming skills.

In traditional e-learning development, subject matter experts (SMEs) work with instructional designers who must then translate content so that it can be deciphered by programmers and other developers. With Rapid E-Learning development, the process is condensed significantly. SMEs work directly with the REL developer/designer and the need for separate designers and programmers is eliminated.

REL is not right for every development project and has its limitations; however, if you are interested in getting captured intellectual assets online quickly to support your competency initiative, REL is definitely worth considering.

Leveraging what you already have

One way Rapid E-Learning is being used to quickly create competency-based learning resources is by capturing and leveraging live training sessions already taking place within the organization. As classroom-based training events occur, they are captured on video. This video is then converted to a digital format, edited and combined with the associated PowerPoint and other supporting materials to create a single online course. The course can then be placed on the appropriate competency resource page and accessed via a standard link. Organizations are finding that this is an excellent way to quickly build online resource libraries and get applicable learning resources onto each competency resource page. (It also allows them to realize more from their initial classroom training investments).

Since REL-developed courses can be updated/changed with relative ease, these methods are being used to keep competency resource pages fresh and up-to-date as well. Consider a “competency overview” presentation/course appearing on each resource page. Such a presentation can include a video address from the competency owner, links to applicable information, lessons learned, etc. Using REL tools, these overviews can be updated periodically to include a new lesson learned, a change in competency focus, or other related modifications.

Finally, e-learning courses can be built from scratch to address specific competency training requirements. The courses will be designed and developed directly with a competency SME and can be placed online in a matter of days or weeks.

Podcasts, wikis, and such

Podcasts, wikis, and other related applications are now being used by organizations to offer alternative methods for training and competency development.

Podcasts are audio-only files (most commonly in MP3 format) that can be downloaded quickly to a personal listening device.

Law firms have begun using podcasts to address a variety of training requirements. Podcast files are posted on an Intranet page so that learners can download and review on their iPod or other MP3 player while commuting, at the gym, or just about anywhere. This can be another excellent asset for your competency resource pages and is relatively easy to develop. Podcasts can be created from recorded classroom training sessions or can be developed specifically as audio-only presentations to serve as a competency learning resource.

Wikis are also gaining momentum in this area. A wiki (stands for “What I Know Is”) is an application that allows users to edit, respond, and contribute to posted content. (Think of a wiki as a community Blog with many editors).

The most well-known wiki is Wikipedia, an online repository of more than two million articles whose content is collaboratively developed and extended by thousands of users around the world. This concept can be directly applied within your organization to address competency development.

Consider including wikis on resource pages to promote conversation and dialogue about competency-related issues. This could include sharing lessons learned, collaborating on new ideas, etc. (When done correctly, you can see how the line between competency support resources and knowledge management begins to blur).

Whether it’s wikis, podcasts, or e-learning, the goal is to offer multiple ways for your

workforce to access the tools they need to develop core competencies. Only you know which of these resources will be right for your organization.

In summary

By aligning core competencies with a comprehensive set of innovative learning, knowledge sharing, and support resources, law firms can realize a direct improvement in the abilities of their workers.

Granted, just because we may need to realign our training resources with specific competencies does not mean that we can throw caution to the wind and abandon the elements of good training development and instructional design. There is a fine line to be traversed here. As many can attest, upon launch of a new competency model, the need for expanded (or repurposed) training

resources will become evident. The goal is to get the resources out there quickly without compromising quality or detouring around proven methodologies.

Leverage what you have, take advantage of new technologies, and give your attorneys what they need to directly support your model.



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Quotes of the Quarter:

“I’ve been practicing a long time – more than 30 years – but learning to lead is something you never finish.”

– Swedish executive Jacob Wallenberg (*Wharton Alumni Magazine*, Summer 2006)

“Informal and formal learning are the end points of a continuum. On one end, formal learning is like riding a bus: The driver decides where the bus is going, while the passengers are along for the ride. On the opposite end, informal learning is like riding a bike: The rider chooses the destination, the speed, and the route...”

“Formal learning – riding the bus – is great for novices. It’s useful to have help getting the lay of the land and getting to the destination. Training departments are very talented at setting up bus routes.

“Informal learning, what the bicyclists do, is most appropriate for people who already know the territory. They want tips on the new shortcuts and... to plug the holes in their knowledge, and they won’t sit still for bus rides to their destinations. Training departments don’t devote much effort to helping cyclists.

“Here’s the irony: The cyclists are the high performers.... When it comes to learning, most corporations are spending the most money where it will do the least good.”

– Jay Cross, “Not Without Purpose.” *T+D*, June 2006.

From Lockstep to Levels

Peter Sloan

(Editor's Note: This article was first published in our August 2002 issue.)

In January 2001, Blackwell Sanders Peper Martin LLP replaced lockstep associate advancement with a Level System of defined competencies. A committee of associates and partners worked for months in 2000 to design this new approach, which we believe is a significant improvement over the traditional system for associate advancement in law firms today – lockstep.

What is wrong with Lockstep?

In a lockstep system, associates join a law firm in a class of new lawyers and progress by class and by calendar year toward partnership eligibility. The partnership track is the number of years associates must be at the firm before they will be considered eligible for partnership. In a lockstep system, two associates who join a firm in the same year are “locked in” to the same pace of advancement regardless of their competencies or performance.

Lockstep is certainly easy to administer. In fact, in a traditional lockstep system, no promotion decisions need be made at all before the associate is on the threshold of partnership eligibility.

This simplicity brings with it many shortcomings from the associates’ perspective. Compensation and advancement toward partnership do not account for an individual’s competencies. In other words, lockstep is inflexible. It fails to reward those who progress in skills and performance at a faster pace, and it does not accommodate those who “bloom” a little later. Associates also have no meaningful career guideposts along the way, other than the distant objective of partnership eligibility. Last, lockstep offers only one guarantee to associates, that they will *not* be eligible for

partnership until a certain number of years pass, regardless of their skills, performance, or value.

In turn, law firms are disadvantaged by a lockstep associate system. Lockstep’s inflexible pace toward partnership can cause a firm to lose talented associates who are frustrated with a system that, from their perspective, rewards mediocrity. Highly talented associates may be unmotivated or not allowed to practice at a more advanced level. The firm at the same time incurs the full expense of associates who are underperforming and fails to send the clear, direct signals to associates that would help them improve and become more valuable. Supervising partners and group leaders are disconnected from associate career development because lockstep does not require their input or involvement in actual promotion decisions. And the firm’s financial investment in training is less effective than it should be, because training is not directly connected to associates’ advancement toward partnership eligibility.

In sum, lockstep puts associate career advancement on auto-pilot. The destination and itinerary are locked in by a class-by-class basis. With the auto-pilot turned on, there is little motivation for the actual pilot (be it a supervising partner or group leader) to be engaged in what occurs along the way. Of course, many partners at lockstep firms do take the time to provide mentoring and training to associates. Yet in a lockstep system these efforts, no matter how praised and encouraged, are inherently extracurricular. Associate evaluations at a lockstep firm are also less effective than they could be. It is cognitive dissonance for associate Jones to receive a glowing performance review and associate Smith a lukewarm review, when both associates take

the same annual step closer to partnership eligibility.

Lockstep compensation exacerbates these shortcomings. If “money talks,” then uniform annual raises for an associate class out-shout finely tuned messages in associate performance reviews. Also, the firm is pulled in multiple directions in setting associate compensation, placing salaries at a level representing the average value of associates in a given class, while trying to incent and retain the most competent and marketable associates within that class.

Some firms have tried to fix the problems of a lockstep system solely by adopting mechanical hours bonuses. This approach causes additional problems when it is the only remedy to lockstep, for it motivates associates to work longer but not necessarily better. Bonuses can be quite useful in rewarding exceptional productivity by an associate in a given year. But any bonus system, no matter how well planned and implemented, that is merely added on top of the traditional lockstep approach still rests on a shaky foundation.

How does the Blackwell Sanders Level System work?

On January 1, 2001, all of Blackwell Sanders Peper Martin’s associates converted to the Level System, which has four associate levels: A1, A2, A3, and A4. A4 associates are eligible for partnership. We have determined what expectations we have of associates in each of the four levels, and these competencies are defined and provided to every associate. Each competency area (for example, “Oral Communication,” “Creativity and Flexibility,” or “Client Relations”) is defined differently by associate level, so that associates can clearly understand the rising expectations as one progresses in one’s career.

Associates also have their practice group or department’s skills guidelines, which detail the specific skills and abilities associates in

the group or department should acquire in each of the four levels. As a result, each associate has a roadmap of what is expected of him or her each step of the way toward partnership.

Associates’ performance is formally evaluated twice a year by all lawyers for whom they work, not just partners. The evaluation forms vary between levels, because the expectations differ depending upon the associate’s level. Associates take the lead themselves in keeping track of their progress against their group’s skills guidelines.

Both the Spring Review and Fall Review meetings involve the individual associate and his or her department/practice group leader. The Spring Review focuses on career development, and the associate takes the lead in preparing a one-page career development plan, which is then discussed and agreed upon with the group leader. That plan is a roadmap for what the associate and the Firm will do over the next 12 months to develop the associate’s career. In the Fall Review, which focuses on performance, associates do a self-evaluation that helps them objectively assess their strengths and areas needing improvement.

Compensation for associates is in bands tied to the four levels. While associates who remain in a given level for more than a year receive raises, the significant compensation increases occur when an associate is promoted from one level to the next.

Our partnership track under lockstep was six and one-third years. Under the Level System, the average length of time in progressing to partnership has remained the same, but now associates who acquire skills and experience sooner, and who perform at a high level, are eligible for partnership sooner. More fundamentally, partnership eligibility at our Firm is no longer measured by years. Associates progress to partnership based upon their competencies and performance, not by how many consecutive years they have worked here.

The Level System requires a great deal of our partners and our department chairs and group leaders. Approximately 1,000 evaluation forms are filled out in each semiannual evaluation period, and department chairs and practice group leaders meet on an individual basis with associates to talk specifically about the associates' performance, their experience and skills development, and their careers.

The Firm's career development programming and resources dovetail directly, in timing and content, to the competencies associates need to progress and succeed.

To help make sure our partners are providing the right kind of support and guidance to associates, associates across the Firm evaluate our partners each year on supervision, training, and other aspects of partner performance that are crucial to associate career development. This evaluation occurs after the Fall Associate Reviews and directly before decisions are made on partner compensation for the coming year.

How does a Level System benefit associates, the law firm, and clients?

Associates are well served in several ways by a Level System. They have a clear roadmap of the competencies they need to acquire as they move, level by level, toward partnership. Through semiannual reviews tied directly to the Level System's competencies, associates know where they stand as they develop professionally, are recognized and rewarded for growth in competencies, and can focus clearly on areas needing improvement. Since training resources are aligned with the expected competencies, associates receive the timely guidance they need to be promoted from level to level and advance in their careers. Associates' differentiated compensation directly reflects their individual performance and growth in key competency areas. Associates are afforded some flexibility in the pace of their career progression toward partnership. Last,

associates are more assured of being successful entrants into partnership, because each promotion through the firm's levels requires the associate to have performed and built the competencies that will later make the associate successful as a partner.

A well-implemented Level System helps the law firm in ways that complement the benefits enjoyed by its associates. The road map of expected competencies and performance requires the law firm to understand and articulate what it expects of its associates at each level leading to partnership. Effective associate evaluations and promotion decisions require the firm's department and practice group leadership to actively manage their associates' performance and development. Leaders who are accountable for the performance of their groups view this as an essential management responsibility (indeed, a management opportunity), not merely an extracurricular activity. The resources expended on associate training become better investments. Training dovetailed to Level System competencies is directly pertinent to the firm's associates, who want to benefit from the training to grow their competencies and be promoted.

The firm's compensation structure for associates is now flexible. Compensation is directly associated with the value of individual associates, so the firm has a better chance of adequately compensating and retaining its most marketable associates, without over-compensating individual associates who are progressing at a slower pace. Because the Level System affords some flexibility on an associate's pace toward partnership eligibility, the firm can promote to partnership those who are ready, when they are ready. Early bloomers can become partners ahead of what would otherwise be an arbitrary schedule, while later bloomers are allowed some extra time, if the potential is there.

Clients also benefit from a well executed Level System. As associates' competencies

grow, clients receive better value. Billing rates are tied directly to the associate levels, so legal fees reflect associates' competencies, not merely how many years they have been employed by the law firm. Clients appreciate the business sense of such a system, which in turn bodes well for the law firm's client relationships.

There is nothing particularly remarkable about the Level System concept. Professionals should progress in compensation and in their careers based upon their performance and competencies, rather than the number of consecutive years they have shown up for work. One would be hard pressed to think of a private sector company, a typical law firm client, that promotes employees based solely on tenure.

What is remarkable is that the vast majority of law firms do not yet use a competency and performance based system for associate advancement. But interest in such an approach is growing among law firms, and the effort needed to implement a Level System, in our experience, is well spent.

Peter Sloan is a partner at Blackwell Sanders Peper Martin LLP, a 300 lawyer firm. After years as a trial lawyer, Peter became the firm's Recruiting and Career Development Partner, responsible for attorney development and, since late 2000, coordination of the Level System.

[**Note:** In August 2002 Blackwell Sanders published *From Classes to Competencies, Lockstep to Levels: How One Law Firm Discarded Lockstep Associate Advancement and Replaced It with an Associate Level System*. The book is a thorough case study of why the Firm replaced lockstep advancement for associates, how the Level System was designed, structured, and implemented, and how it has performed. Also included is a template of the Level System, with the competencies, representative skills lists, evaluation instruments, and measurement tools used by the Firm. For information go to <http://www.blackwellsanders.com/pdf/LockStepToLevels.pdf>.)

Competency Models in Context

Evelyn Gaye Mara

A short history of competency models

In the 1980s, there began a widespread realization in the training industry that the ultimate purpose of workplace training is not to help people learn, but to help them do their jobs better. As a result, instructional designers began to reframe the learning objectives for training programs as *performance* objectives – that is, as what people ought to *be able to do* (as opposed to what they should *know*) and how well they ought to be able to do it as a result of the training. So competencies first appeared in

the form of performance objectives for training.

The classic method of deriving these competencies or performance objectives is the performance needs assessment – a labor-intensive process involving interviews, focus groups, survey questionnaires, and other data-gathering to find out:

- What level of performance the organization needs from its employees in order to compete and succeed in its industry and environment,

- What gaps exist between actual and desired performance, and
- What is causing those gaps and how best to close them (training will be one solution, but not the only one).

The more comprehensive the needs assessment, the more complete and coherent the framework of performance objectives/competencies that comes out of it. In particular, a needs assessment conducted for the purpose of developing an organization-wide training curriculum will produce an exceptionally comprehensive framework of desired competencies.

Rather quickly it dawned on instructional designers that the competency framework we developed for training could be useful in other ways – indeed, that it would be a sad waste not to use it in other ways. Once we know what the people in our organization ought to be able to do, and how well, we not only have the objectives for our training programs. We also have a clear, reliable set of criteria for other HR functions such as hiring, performance appraisal, advancement, and compensation.

Thus the competency model – a coherent collection of performance criteria for jobs across the organization – was born.

In the 1990s, the competency bandwagon gathered speed. A lot of major corporations and accounting firms jumped on, viewing competencies as a promising tool for measuring and managing their human assets at the same level of confidence and sophistication as other types of capital. With great effort and expense, they developed exhaustively comprehensive competency models for jobs across the organization. Those early models quickly proved to be too cumbersome and complicated to be usable in the real world. They have since been either quietly shelved, or drastically scaled back.

Lessons learned about competency models

Law firms are fortunate to have joined the parade late, and to have the benefit of others' lessons learned. Those lessons include:

1. **Limit the initial competency model to “core” or “critical” competencies** that cut across job categories and that clearly tie to important organizational goals and values. After gaining experience with and support for the initial limited model, consider whether to expand it to include technical competencies for individual jobs or clusters of jobs.
2. **Get top leadership’s full and continuing commitment** to the development and implementation of the model. The creation of a competency model is a major undertaking that will demand a lot of time and effort from a lot of people in the firm. The implementation of the model will bring major changes in the firm’s fundamental ways of operating that will seem threatening to some. It is inevitable that skepticism and resistance will arise and need to be defused by someone in a position of authority.
3. **Involve everyone in the firm** in developing the model to ensure its validity, its completeness, and firm-wide buy-in.
4. **Professional development – including training, mentoring, and career development – is the easiest place to apply the model**, in the form of developmental objectives. This is because virtually everyone agrees PD is a good thing and, for the most part, it is not a politically charged function.
5. **Recruiting and hiring will be harder.** Will the firm be willing to turn away someone who doesn’t meet the new competency-based criteria if that person offers a prestigious credential or a big book of business? Once you allow exceptions to the rules, the framework starts to crumble.
6. **Assignments, performance appraisals, compensation, and advancement will be hardest** of all. These functions are highly political, and senior people often have strong

preferences about whom they want to work with or to see rewarded and get ahead. A further problem is that individuals rarely develop all the competencies at the same pace, and, in particular, the individuals with the greatest strengths also tend to have the greatest weaknesses. In structuring your management systems around the competency model, consider how much flexibility can be allowed in dealing with such issues without damaging the integrity of the overall framework.

Creating a competency model for your firm

A decision to be made at the outset of the project is whether to build one's own model from scratch, or to adapt and customize an existing law firm model (now that there are some!). There are advantages and disadvantages to both approaches:

- **The “from scratch” method** assures the relevance and credibility of the model in your firm, and usually engenders more energy and buy-in around its implementation. The disadvantages are the arduousness of zero-based development, and the possibility of overlooking an important competency.
- **The customization method** starts you off with a first draft of a model and therefore is not as arduous. It will also alert you to consider competencies you might otherwise overlook. But the resulting model may not be as credible to various constituencies in the firm, and there won't be as much energy and enthusiasm around creating and implementing it.

My advice is to try to get the best of both worlds: Review others' models for what you can learn from them, but create your own.

Existing law firm models

I was fortunate to participate in the creation of a generic core competency model for law firm associates. It came out of a two-year study, led by George Washington University's Center for Law Practice Strategy & Management and funded by the ALA Foundation, in which 45 firms across the country and hundreds of lawyers and firm managers participated. A portion of the model is summarized in the [Learning Lab](#) column in this issue. The full model is detailed and discussed in:

Stephen R. Chitwood, Anita F. Gottlieb, and Evelyn Gaye Mara, *A Business Skills Curriculum for Law Firm Associates*. 2001: Association of Legal Administrators, <http://www.alanet.org>.

The two individual law firm models profiled in other articles in this issue are both discussed at greater length in books by the same authors:

The Blackwell Sanders Model: Peter B. Sloan, *From Classes to Competencies, Lockstep to Levels*. 2002: Blackwell Sanders Peper Martin LLP, <http://www.blackwellsanders.com/pdf/LockStepToLevels.pdf>.

The Howrey Model: Heather Bock, *Using Competency Models to Manage Firm Talent*. American Bar Association, www.abanet.org, forthcoming.¹

What's to be gained

The firm-wide competency model is a powerful tool for maximizing human capital. For the first time, we can inventory the human assets of the firm in a way that is genuinely meaningful, and track their growth

¹If you have any clout with the ABA, please prod them to get this book into print. They have been sitting on the manuscript for at least a year.

and movement through the firm. For the first time, all the firm's human resource functions can stand on the same foundation and work together toward the same goals. Moreover, individuals now have the means to chart their own developmental course with confidence and to guide the development of those whom they supervise and mentor. Ultimately, we all have the means to ensure that every position at every level of the firm is filled by someone who will succeed and who will contribute to the firm's success.



Book Review: **E-Learning for Law Firms**

Steven H. Gluckman and Peter Glowacki, **E-Learning for Law Firms**. 2006, American Bar Association Career Resource Center and Center for Continuing Legal Education. (\$49.95, 92 pages)

Lead author Steve Gluckman, a friend and occasional collaborator, sent me a courtesy copy of this book in May. I was busy and put off reading the book, expecting it to be a hard slog through a lot of tech-speak. Having now read it, I'm glad to say my expectations were completely off base.

This is a slim volume, but well done. I appreciated the authors' balanced perspective on the potential benefits and pitfalls of e-learning, their skepticism about some of the more outlandish claims being bandied about by e-learning proponents, and their recognition of the realities of the law firm environment.

The first chapter, on "E-Learning Fundamentals," is clear and accessible, and excellent preparation for reading the rest of the book. It includes a glossary with the clearest, most beginner-friendly definitions I have seen of the welter of confusing terms floating around e-learning. For example:

Asynchronous Learning. An e-learning course that students can access at a time of their choosing and take at a pace that is comfortable to them. Interaction with other

students or an instructor may not occur at all or may occur with some time delay.

Chapter 3, "Making E-Learning Work," is excellent, too, and gives good tactical advice on making the case for an e-learning program and getting people on board with the program, along with an informative case study of one firm's process in establishing a program.

I wasn't as enthused about Chapter 2, "Implementing E-Learning." Although it makes up the bulk of the book, it could have used even more space. All good ideas here, but also some big, complicated issues which more specifics and examples would have helped to clarify.

It is impressive how much good information, however, the authors have packed into this short space and how clearly it is explained. The writing style in particular is perfect for this type of subject matter – it is clear, warm and reassuring, and definitely reduces the intimidation factor for the non-techie.

Overall, I found the book an excellent introduction to e-learning in the law firm setting.

– Gaye Mara



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

An Associate Competency Model

As one example of a competency model, the table below is excerpted from a competency model for law firm associates which I assisted in developing. The model was created in a two-year study funded by the ALA Foundation, in which 45 firms across the country participated. The study identified a total of 58 competencies in six broad categories, the year by which

associates should (a) conceptually understand and (b) be able to apply each competency, and learning objectives and learning resources for each competency. (Adapted from Chitwood, Gottlieb, and Mara, **A Business Skills Curriculum for Law Firm Associates** (ALA 2001).)

– Gaye Mara

Associate Competencies in Category 3, Client Relations and Client Development Skills Legend: K=Knowledge and understanding; A=Application.	Year Developed			
	1	3	5	7
<i>Skill Cluster 1:</i> <ul style="list-style-type: none"> Build working relationships: returning calls, being available, etc. Listen to hear what the client is really saying Provide timely and accurate information to clients 	K	A		
<i>Skill Cluster 2:</i> <ul style="list-style-type: none"> Assist clients in clarifying goals Work to identify and achieve client goals Learn how and when to say Yes and No appropriately to clients 		K	A	
<i>Skill Cluster 3:</i> <ul style="list-style-type: none"> Identify efficiencies and communicate them to clients Deliver high quality legal services efficiently – value added 		K	A	
<i>Skill Cluster 4:</i> <ul style="list-style-type: none"> Understand what clients are looking for in a law firm Be sensitive to business development opportunities with current clients 		K	A	
<i>Skill Cluster 5:</i> <ul style="list-style-type: none"> Acquire presentation and public speaking skills 		K	A	
<i>Skill Cluster 6:</i> <ul style="list-style-type: none"> Understand the clients' competitive environments. 		K		A
<i>Skill Cluster 7:</i> <ul style="list-style-type: none"> Develop a personal business development plan Develop a potential business network Identify, qualify, and work a prospect. 		K	K	A
<i>Skill Cluster 8:</i> <ul style="list-style-type: none"> Structure and draft a response to a RFP (request for proposal) 			K	A
<i>Skill Cluster 9:</i> <ul style="list-style-type: none"> Develop a section/practice area business development plan 				K

Results of the PDQ Subscriber Survey

At the beginning of July we invited you to let us know what aspects of PDQ you find useful and what you would like us to change. We are most grateful to – and were pleasantly surprised by – the 53% of you who took the time to respond to our online survey.

Changes to PDQ

Having digested the survey feedback, we are taking the following actions:

1. PDQ will continue to be published in letter-size page format, which subscribers seem to prefer to a shift to an on-screen format (see “Composite of survey responses,” item 9, below). We will, however, make the publication more screen-friendly by creating internal content links.
2. The “Professional Developments” calendar of PD-related events will be reorganized and more tightly focused on those events of greatest value and relevance to the law office PD function. (Subscribers gave a relatively low rating to the current content – see Composite item 3.)
3. The CLE course calendars, which are targeted to a different audience than the rest of PDQ and apparently are of little interest to most PDQ readers, will be discontinued. (The CLE course calendars received the lowest ratings of all – see Composite item 3.)
4. PDQ’s DC Metro Edition, whose only distinguishing content was its Washington, DC-area CLE course calendar, will also be discontinued.
5. Because some subscribers said they do value the CLE calendar, and may in part have subscribed to PDQ because of it, for

the duration of your current subscriptions we are providing all subscribers with a link and password to the full Capital CLE Calendar (which, following a separate survey of CCC subscribers, has moved to the Web and expanded its course listings to ten cities).

Composite of survey responses

With many thanks to those of you who responded, here is the complete compilation of the survey results.

1. *Respondent profile.*

A. The subscribers who responded to the survey identified themselves as:

- In-house professional development managers (65.4%)
- Law office consultants or service providers (23.1%)
- CLE providers (3.8%)
- Other (7.7%)

B. The number of attorneys employed by their organizations is:

- Fewer than 200 (38.5%)
- Over 1,000 (23.1%)
- 501-1,000 (23.1%)
- 200-500 (15.4%)

2. *Internal distribution.* The respondents circulate their issues of PDQ to the following additional readers in their organizations (answers total more than 100% because several respondents clicked multiple answers):

- My immediate coworkers (46.2%)
- Myself only, no others (34.6%)
- Other managers/administrators (19.2%)
- Lawyers (15.4%)
- Lawyer committees/committee chairs (7.7%)
- Department/practice group heads (7.7%)
- Other legal staff (3.8%)

- Other (11.5%)

3. *Ratings of PDQ contents.* On a 3-point scale in which 3=*Extremely useful*, 2=*Somewhat useful*, and 1=*Not very useful*, subscribers in the aggregate rated PDQ's content as follows:

Feature articles - 2.74



Survey reports - 2.61



Learning Lab - 2.50



Annual index - 2.44



PDQ Classics reprints - 2.35



MCLE Watch - 2.24



Book reviews - 2.11



"Professional Developments" Events calendar - 1.95



Distance CLE course calendar - 1.84



Washington, DC-area CLE course calendar - 1.64



4. *Overall rating.* Asked "how relevant is PDQ's content to the professional development challenges that face you and your lawyers today?" subscribers responded as follows:

- 65.2% rated PDQ *Highly relevant*,
- 34.8% said it is *Somewhat relevant*, and
- 0% said *Not very relevant*.

5. Invited to suggest future authors and topics for future articles and surveys, subscribers suggested the following topics (but no authors):

- "Lawyer competencies."
- "Any 'best practice' on diversity and professional development of attorneys."
- "Videoconferencing and non-traditional format benefits. Time management skills. Planning for client programs. Importance of administrative support and staff. Budgets."
- "Practical and how-to articles. Book reviews or other surveys of new literature."
- "Knowledge Management (from soup to nuts), salary surveys and job descriptions, staffing ratios."
- "Surveys re: professional development department staffing – who does what, how many staff, staff per lawyer ratio, budgets – things that we can't ask directly due to antitrust concerns, but that you can ask in surveys."
- "Making a business case for learning. How to build a budget. Working with vendors. How to set PD priorities when you have limited resources."

6. Other comments about PDQ's content and focus:

- "Excellent, well written articles and useful surveys."
- "Keep up the good work."

7. *Format ratings.* On a 3-point scale in which 3= *Yes, definitely*, 2=*Somewhat*, and 1=*No, not very*, subscribers rated PDQ's current format as

Easy to read - 2.70



Easy to find what I'm looking for - 2.57



Visually appealing - 2.43



8. *Reading preference.* Subscribers said they prefer to read PDQ:

- Printed out on paper - 65.2%
- On my computer screen - 30.4%
- Other - 4.3%

9. *Page format preference.* Asked if PDQ should be "converted to a more screen-

friendly format instead of letter-sized pages,” subscribers answered:

- Not sure - 43.5%
- No - 39.1%
- Yes - 17.4%

10. *Other format changes.* Subscribers suggested:

“Perhaps a reminder message to see if you did in fact print and enjoy the most current issue – email might have hit at a busy/vacation time and easy to skip or miss and fail to come back to.”

“Loved receiving a hard copy. Sometimes too busy to print, velobind for easy read and carry home. Maybe this can be an option – easier to highlight and pass around to CLE Department Staff.”

“Prefer color copy – colored pages or tabs to flip to next article. No dividers on black and white copy.”

11. Other comments:

“This is a helpful resource. Thank you for publishing it.”

“Keep up the great work! Thanks for keeping us well informed.”

See the newly expanded, online **Capital CLE Calendar**. Contact us at marag@profdev.com or (703) 719-7030 for information and a private tour.

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Last Update: 8/4/06

ADMINISTRATIVE/GOVERNMENT/REGULATORY LAW, GENERAL [See also various administrative/regulatory specialties]

9/27-28/06. *M-3 Legislation and Implementation*. 9 am-5:15 pm Day 1, 8:30-11:45 am Day 2. \$1495. [EEL](#). [12.0]

ALTERNATIVE DISPUTE RESOLUTION/ARBITRATION

8/16/06. *Securities Arbitration 2006: Taking Responsibility*. 9 am-4:55 pm. \$795. [PLI](#). [6.0, 0.5 ethics]

8/23/06. *Basic Panel Member Training*. 9:30 am. [NASDR](#). [5.0, 1.0 ethics] (Repeated 10/18, 12/20)

9/20/06. *Use of Electronic Discovery in Arbitration*. 6-9 pm. \$195-330. [NYC BAR](#). [3.0]

ANTITRUST/UNFAIR COMPETITION LAW

9/14-15/06. *33rd Annual Conference on International Antitrust Law and Policy*. 9 am-6 pm. \$1175. [FUSL](#). [20.0]

10/24/06. *UCLA Law Second Annual Institute on U.S., E.U., and Canadian Antitrust Aspects of Mergers and Acquisitions*. \$325/395. [NYC BAR](#).

AVIATION/ADMIRALTY LAW

9/12/06. *Financial Strategies and Business Challenges: Hot Topics for the Investors and the Maritime Bar*. 9 am-2 pm. \$245-380. [NYC BAR](#). [4.5]

9/26-27/06. *Airline Restructuring*, with pre-conference workshop, *The Anatomy of an Airline Restructuring*. \$1895 conference, \$2395 conference and workshop. [ACI](#). [9.75; 11.5 CPE]

BANKING/FINANCIAL SERVICES LAW

8/11/06. *2006 Understanding the Changing Rules: Complying with U.S. Money Laundering Laws and Regulations*. 9 am-4:30 pm. \$595. [AGM](#). [5.5] (Repeated 11/17)

The Capital CLE Calendar

For the business lawyer, making CLE a choice instead of a chore.

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Professional Developments

Events

Future PD-related conferences, seminars, and workshops:

Legal Profession:

- ✿ 12/7-8/06, Arlington, VA. *NALP Professional Development Institute 2006*. \$555 members, \$655 nonmembers. National Association for Law Placement, www.nalp.org.
- ✿ 1/27-30/07, Nashville, TN. *ACLEA 43rd Mid-Year Meeting*. Association for Continuing Legal Education, www.aclea.org.
- ✿ 2/1-3/07, San Antonio, TX. *PDC Winter Meeting*. Professional Development Consortium, www.pdclegal.org.
- ✿ 3/2/07, Chicago, IL. *NALP 2007 Diversity Summit*. National Association for Law Placement, www.nalp.org.
- ✿ 7/26-28/07, Boulder, CO. *PDC Summer Meeting*. Professional Development Consortium, www.pdclegal.org.
- ✿ 7/28-31/07, Philadelphia, PA. *ACLEA 43rd Annual Meeting*. Association for Continuing Legal Education, www.aclea.org.

General Audience:

- ✿ 8/28-30/06, Chicago, IL. *Accelerated Learning Training Methods Workshop*. The Center for Accelerated Learning, www.alcenter.com. (Repeated 9/25-27 Dallas, 10/9-11 Lake Geneva, 11/13-15 Seattle, 12/4-6 Phoenix, 3/07 Orlando, 4/07 Atlanta, 5/07 Washington, 6/07 Lake Geneva)
- ✿ 9/13-16/06, Lake Buena Vista, FL. *Instructional Systems for Results Fall Symposium*. International Society for Performance Improvement, www.ispi.org.
- ✿ 9/13-16/06, Lake Buena Vista, FL. *The Results-Focused Organization: Pathways to Excellence Fall Symposium*. International Society for Performance Improvement, www.ispi.org.
- ✿ 9/14-15/06, Atlanta, GA. *Sharing@LearnShare Conference: Achieving Competitive Advantage*. LearnShare LLC, www.sharing2006.com.

- ✿ 9/19-20/06, Chicago, IL. *The Annual Diversity Seminars: Business and HR Partnership and Integration*. The Conference Board, www.conference-board.org/diversityseminars.htm. (Repeated 10/11-12 in New York, 11/7-8 in San Diego)
- ✿ 9/28-29/06, Washington, DC. *Action-Oriented Learning: Increasing the Application of Training*. American Management Association, www.amanet.org. (Repeated 10/30-31 in New York, 11/27-28 in Atlanta)
- ✿ 10/3-5/06, Boston, MA. *7th Annual Conference on Documentation & Training*. PubsNet/U.Mass Boston, www.doctrain.com.
- ✿ 10/12-14/06, Prague, CZ. *5th ISPI Europe International Conference: Building Performance into Organizational Culture in Europe*. International Society for Performance Improvement, www.ispi.org.
- ✿ 10/23-25/06, Denver, CO. *Training Solutions Conference & Expo*. Training Magazine, www.trainingmagevents.com.
- ✿ 10/25-27/06, Chicago, IL. *The 2006 Succession Management Conference: Driving Business Strategy Through People Planning*. The Conference Board, www.conference-board.org/succession.htm.
- ✿ 11/5-8/06, Orlando, FL. *Elliott Masie's Learning2006: Learning in a "Flatter" World*. Learning 2006/Learning Consortium/ASTD, www.learning2006.com.
- ✿ 11/14-17/06, Atlanta, GA. *Performance Professional Workshop Series*. International Society for Performance Improvement, www.ispi.org.
- ✿ 1/31-2/2/07, Las Vegas, NV. *ASTD TechKnowledge 2007 Conference & Exposition*. American Society for Training and Development, www.astd.org.
- ✿ 4/30-5/3/07, San Francisco, CA. *2007 International Performance Improvement Conference*. International Society for Performance Improvement, www.ispi.org.

☀ 6/3-6/07, Atlanta, GA. *ASTD 2007 International Conference & Exposition*. American Society for Training and Development, www.astd.org.

News

Training for law firm leaders. Hildebrandt International is offering an intensive five-month learning experience for law firm leaders, *The 7th Annual Dynamics of Law Firm Leadership* program. The program begins and ends with two 3-day class sessions in Washington, DC (*Core Leadership Principles* on October 25-27, 2006 and *Advanced Principles of Strategy and Change Leadership* on March 14-16, 2007), with individualized distance learning, coaching and practice activities over the intervening four months. Course tuition is \$7800, and enrollment is limited to 25 participants. We found the most complete information about the course not on Hildebrandt's web site but on West Legalworks, www.westlegalworks.com. (Both Hildebrandt and Legalworks are now owned by Thomson West.)

Get fit and meet clients. The Corporate Athlete Program at the Human Performance Institute in Orlando was profiled in the July 10 issue of *Fortune*. Offered year-round at a tuition of \$3,750, the three-day program coaches participating executives and professionals to increase their energy and effectiveness through proper nutrition, exercise, introspection, and the productive channeling of stress. A participating lawyer "lost 10 pounds and lowered his cholesterol" as a result of the program. Procter & Gamble, which "has sent hundreds of people through the course ... in a six-month follow-up found that 80% 'had some specific, measurable improvement in their lives.'"

ASTD certification program. The Certification Institute at ASTD (www.astd.org) is now offering a Certified Professional in Learning and Performance (CPLP) credential. According to an ASTD mailing, "Already, 10% of U.S. State governments are using the CPLP credential as search criterion for workplace learning and performance jobs." The certification process consists of an examination based on the *ASTD Learning System* ("your complete workplace learning & performance reference"), a 1200-page set of study materials with one volume on each of the following topics:

1. Designing Learning
2. Delivering Training
3. Improving Human Performance
4. Measuring and Evaluating
5. Facilitating Organizational Change
6. Managing the Learning Function
7. Coaching
8. Managing Organizational Knowledge
9. Career Planning and Talent Management

A pox on billable hours. The new *Law Firm Practice Management Reference Guide 2006* from IOMA (www.ioma.com) reports that "Firms are increasingly using alternative billing options. Compared to last year (88%), firms queried said that 54% of their gross revenue is derived from hourly billing." Meanwhile, research by Karen MacKay for Edge International, published online at www.edge.ai ("Groundbreaking Research: Rethinking Reward"), quotes associates unhappy about billable hours as a measure of performance:

"The firm claims to care about signature clients and doing more valuable work. The current compensation system rewards hours. There is no reward for building client relationships or for attracting better work – more valuable work."

"The firm claims to value quality but the compensation plan rewards mediocrity. A good hour has the same value as a bad hour and those who work slowly or who don't utilize technology reap the rewards."

Resources

New e-learning book and periodical for law firms. See our [book review](#) on page 21 of *E-Learning for Law Firms*, by Steven H. Gluckman and Peter Glowacki (ABA 2006). Steve Gluckman and his company Distributed Insight also produce a free semiannual *Law Firm E-Learning Trends Report*, with breaking trends and feature articles by law firm practitioners. To subscribe, go to www.distributedinsight.com/trends.html.

Advice for women lawyers and their firms. Based on a two-year study with interviews of hundreds of women lawyers and law firm managers, this book describes "the challenges and roadblocks women face as they struggle to succeed in law firms ... [and] sets forth

recommendations for change, describing concrete actions which law firms can implement.” Lauren Stiller Rikleen, *Ending the Gauntlet: Removing Barriers to Women’s Success in the Law*. 2006, Thomson Legalworks. (\$25, 437 pages)

Help with your next strategic planning retreat.

A new book contains three chapters of detailed advice for a strategic planning retreat, including an agenda with exercises and discussion points, and tips on how to insure the new strategic agenda actually gets executed after the retreat is over. One of many creative ideas for the retreat is to make firm reports and client feedback readily available by papering the walls with them instead of putting them in binders. This generates discussion of the information in the normal course of conversations over the retreat. Peter

Killing and Thomas Malnight with Tracey Keys, *Must-Win Battles: How to Win Them, Again and Again*. 2006, Wharton School Publishing.

Miscellany

Outplacement Possibility: For that impossible-to-place individual, the Government is here to help. A job posting by the Transportation Security Administration in the Department of Homeland Security seeks an attorney adviser for the chief counsel’s office at a salary of up to \$143,703. Qualifications other than a J.D. are minimal: “*Evaluation Criteria:* Knowledge, skills and abilities (KSAs) are not required.” (*Washington Post*, “In the Loop,” 7/21/06.)

MCLE Watch

(Thanks to David Carr of Required, Inc. and Richard Palmer of the Illinois MCLE Board for the information in this column.)

The **Illinois** MCLE Board has staffed its office in Chicago and put up a web site with FAQs, forms, and updates at www.state.il.us/court/MCLE/. The Board is now accepting applications to accredit Basic Skills Courses, which should be submitted using Form 1 available on the web site and can be submitted online. Applications for other types of courses or for approved provider status were not yet being accepted as this issue went to press. The Commission on Professionalism has developed CLE guidelines, available at www.ilsccp.org.

The **Nebraska** State Bar, following a June 21 directive from the State Supreme Court, has formed a committee to draft MCLE rules for the Court’s consideration. They hope to have the rules ready for release in late 2007 or early 2008. (www.nebar.com)

Oregon is considering a proposal to make its current Elimination of Bias requirement voluntary rather than mandatory. (www.osbar.org)

The **Pennsylvania** CLE Board, upon written request, will now waive the MCLE requirement “for any compliance period in which members of the Armed Forces serve on active duty outside of Pennsylvania.” Previously, armed forces personnel were treated like inactive lawyers and were required to complete the current year’s requirements within 12 months of returning to active status as a lawyer. (www.pacle.org)

