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Winter 2007 Survey Update on PD Spending and Staffing Part 1: Budgets and Spending

Evelyn Gaye Mara

Here's the bottom line of our 2007 survey update: Professional Development seems to have arrived as a respected partner in lawyers' success. There has been a significant increase in almost every aspect of it: PD spending is higher, PD programs are larger and more diversified, and PD staffs have stronger qualifications, higher compensation, and better tools.

For more, read on!

I. The Survey Questionnaire and Response

We first surveyed PD budgets five years ago, in 2002. That survey report was a best seller; it is also the survey we've most often been asked to update, including by numerous subscribers in our subscriber survey last summer.

Unfortunately, the survey questionnaire was also hard to complete, because it was lengthy and because many respondents found it hard to produce the necessary data in the requested form or, in some cases, at all. In 2002 we had to give repeated deadline extensions, and postpone release of the survey report by three months, to get completed responses from 12 law offices. This year, by contrast, we were quite pleased to get replies from 18 respondents, the last of them within a few days of the original deadline.

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All that, in spite of the fact that this year's questionnaire was even longer! In 2007, with more than a little trepidation, we had made two additions to the questionnaire:

- more demographic questions to get a clearer picture of the responding organizations, and
- a new section of questions focusing on budgeting and financial control processes, because so many of our 2002 respondents reported significant difficulties with those processes.

Otherwise, we used the same survey questions as in 2002 for ease of comparison (but unfortunately not ease of responding).

We are most grateful to everyone who slogged through all the necessary records and calculations to complete our survey questionnaire, and to those who added numerous clarifying comments and thoughtful observations as well. We are also grateful to the Professional Development Consortium; as in past surveys, the great majority of our responses came from members of that organization. Thank you all.

II. Profile of Survey Respondents

Ultimately we received 15 usable responses to this year's survey, all from private law firms. (Unfortunately, three of the original respondents were not permitted to answer any of our questions requiring their organizations' financial data, so we were unable to use their responses.)

Compared to 2002, this year's responding organizations are more numerous and cover a wider range of sizes and geographic locations. Table 1 lays out the comparisons.

Table 1. Survey Respondents, 2007 vs. 2002

	# Responding Law Offices	Average # Offices (Average # Countries)	Average # Lawyers in PD Program*	Total # Lawyers in PD Programs*
2007 Respondents (all private law firms)	15 14 U.S., 1 Canada	9 (2) Ranges: 1 to >30 (1 to 8)	559 Range <100 to >1600	8,380
2002 Respondents (11 private law firms, 1 government. agency)	12 All U.S.	(not tabulated)	315 Range <200 to >500	3,783

***Note:** A few respondents' PD programs are not conducted in all offices of the organization. The average size of the responding organizations, including the lawyers in offices that don't participate in the respondents' PD programs, is 581; and the total number of all lawyers in those organizations is 8,721.

Note that the size differences between this year's respondents and those of five years ago are not so much due to law firms getting bigger (although certainly they have) as to the fact that larger firms participated in this survey than in the last one. The *average* number of lawyers in the PD programs of this year's respondents is higher than the *highest* number at a 2002 respondent.

Coincidentally, whereas our 2002 respondents clustered closely together by size, this year's group divides neatly into two distinct size categories: 8 firms of under 500 lawyers (average program size 232), and 7 firms of over 500 lawyers (average size 932). There is a size gap of over 200 lawyers between the largest firm in the "<500" group and the smallest firm in the ">500"s. And the smaller, "<500" group, of course, is the cohort most comparable to our 2002 respondents.

In the findings that follow, therefore, we've reported those two groups' data separately, along with survey data on the respondent pool overall.

III. PD Budgeting and Financial Management

The majority of our 2002 respondents reported moderate to extreme difficulty in assembling the data for that year's survey. Several also characterized their budgeting and tracking processes as "very loose," "haphazard," and the like. This new section of the survey was therefore added to look at how the financial aspects of PD are being managed.

A. Oversight and Control of PD Spending

As in 2002, the great majority (12 of 15, or 80%) of this year's responding organizations vest responsibility for overseeing PD-related spending in their top PD Officer. At the remaining 3 firms, responsibility is shared with the practice group/department heads in 2 cases, and between two managers of PD-related areas in the third.

Even so, as revealed in the responses to other sections of the survey, top PD Officers are not privy to a great deal of relevant financial information. Instead, many PD-related expenditures are made and managed by others in the firm, such as the practice groups or departments for practice-level in-house courses and outside CLE spending, the IT department for knowledge management and technology spending, and other departments for the costs of in-house meeting space, equipment, and catering, and for the purchase or reproduction of course and self-study materials.

As one respondent observed, it's "Interesting to note that we don't budget all PD-related expenses in one cost center."

B. Budget Development

All 15 respondents report that they prepare a PD budget. Their budget projections are based on the inputs shown in Table 2 on the next page.

Evidently the larger, >500-lawyer firms are more inclined to give their PD staffs more latitude to plan new initiatives and to create and revise their budgets accordingly (Bases #1 and 2), but also tend to exercise somewhat stronger firmwide control over funding allocations in general (Basis #3).

C. Financial Management Tools

In managing the expenditures under their budgets, top PD officers receive the support shown in Table 3 on the next page.

D. Accuracy of Budget Projections

Fourteen of 15 respondents said that their budget projections last year were either "moderately close" (11) or "very close" (3) to actual spending. (The 15th has a brand new program.) The three PD officers whose projections came "very close" have in place *all five of the supports listed below in Table 3.*

Table 2. Basis for Budget Projections

Basis	All Firms	Firms <500	Firms >500
1. Prior year's PD expenditures; increases or new items must be justified.	81%	89%	71%
2. Plans and projects developed by the PD office	75%	56%	100%
3. Funding allocated to PD by upper management	13%	0%	29%
4. Other: Practice Group Leader projections of practice group specific expenditures	7%	13%	0%

Table 3. Tools for PD Financial Management

Information	All Firms	Firms <500	Firms >500	Notes
1. The PD Office receives regular financial reports that enable accurate and timely oversight	80%	63%	100%	One <500 respondent says that such reports can be requested but are not automatically sent. Two more have requested, or will request, such reports in 2007.
Spending Authority				
2. The PD Office can make PD-related expenditures without higher approval.	100%	100%	100%	7 respondents added qualifiers: <ul style="list-style-type: none"> • if the funds are in the PD budget (5) • up to \$10K (1) • contracts and high program fees need approval (1)
Financial Control				
The PD Office has authority to:				
3. Pre-approve (or disapprove) others' PD-related expenditures	73%	75%	71%	One >500 respondent said the PD office drafts major new policies for management committee approval.
4. Establish policies & procedures on PD-related expenditures	67%	75%	57%	
5. Enforce policies and procedures with everyone who incurs PD-related expenditures	53%	63%	43%	

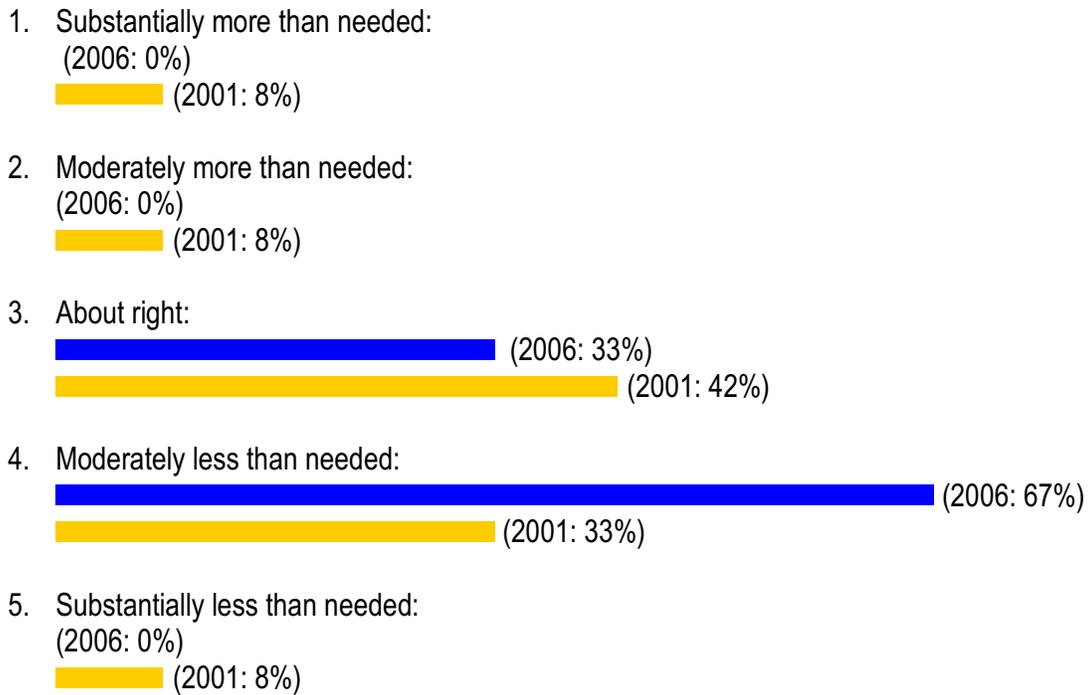
E. Current and Expected PD Funding Levels

We asked respondents how adequate their current budgets are to meet their firms' PD needs, and what changes in funding levels they expect in the next budget cycle. This

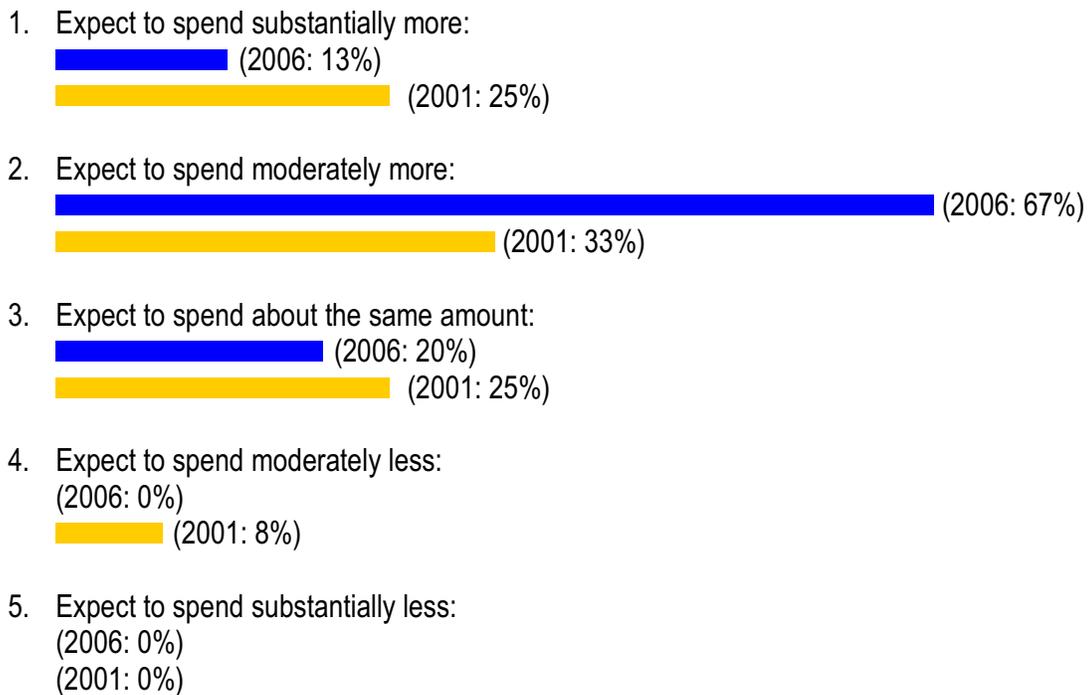
question was also asked in our 2002 survey. The respondents' answers in both surveys are graphically compared in Figure 1 on the next page.

Figure 1. Overall PD Funding: Current and Expected

A. Current funding for Professional Development is:



B. Expected funding for Professional Development in the next 12-month period:



Notice in Figure 1 that in 2001, as represented by the gold bars, both current and anticipated funding levels were more widely scattered, from very low to very high, than in 2006 (the blue bars). Perhaps in 2001 PD officers and their firms were still getting a handle on what funding was needed.

Notice, too, that in 2006 the percentage of respondents who had “moderately less” current funding than they needed is identical to the percentage who expect to spend “moderately more” in the next 12 months – again, perhaps reflecting more informed judgment. One <500 respondent who expects “moderately more” spending noted wishfully, “Right now PD here is limited primarily to associates. Were we to expand (as I believe we should) to cover more categories of personnel, obviously much more money would be required.”

Another respondent who expects to spend “substantially more” in the coming year observed, “Since this will be the first full year of our having a PD dept, we will be spending more by virtue of that alone.”

F. Priorities for Change

Finally, in this section we asked the respondents what one change they would like in the financial management of PD. Their priorities rank as follows:

1. Centralize oversight of PD-related finances in the PD office:

- “[S]ome of this information is housed in the legal departments of the firm, and it really should be in one place.”
- “Manage both practice-level expenditures (e.g., individuals’ attendance at industry conferences) as well as PD Dept.-directed expenditures.”
- “Centralize all PD related funds.”

- “The PD budget for which I am responsible [should] formally include all costs directly related to PD activities for which I am responsible. Currently budget responsibility for many PD related expenses resides with various administrative services.”
- “Leave the attorneys out of viewing the budget.”

2. Improve the quality of financial information:

- “[The reports] are not organized by project in our finance system, so we have to maintain our own project tracking. ...[I would like] project-related reporting (but I don’t necessarily want to be held to a project-level budget, because I want flexibility to rearrange project priorities).”
- “Get better reporting from Finance so we could more easily track actual expenses during the year; PD expenses are frequently mischaracterized.”
- “More detailed financial analysis, e.g. cost of average hour of internal CLE.”

3. Enforce policy compliance and financial accountability:

- “I’d find a way to ensure that everyone has a better understanding of the process to be followed in requesting that PD expenditures be made/reimbursed.”
- “Have the partners understand that our budget is for ‘big-picture’ programming and not as a resource to use when individuals in their department burn through their own funds.”
- “Find a way to make associates understand that they should pay attention to PD expenses. Too often,

they register for conferences, don't attend & the tuition is wasted. There should be some form of accountability. (This year I am trying to come up with a workable solution to this issue.)”

4. Increase discretionary funding:

- “More funding for discretionary PD expenses (more feel-good, community building events and activities for associates – or funding for off-site associate retreat)”

Four respondents had no current suggestions for improving the process, with one adding, “Believe it or not I have been very happy with the PD financial management to date!”

IV. 2006 PD Spending

We asked each respondent to tell us its total PD expense budget, and then to tell us how spending under the budget is allocated, sliced in three different ways:

- by *personnel category* (the percentage of PD activity targeted to each of various staff categories, including lawyers and other personnel),
- by *type of program* (the spending budgets for orientation, outside CLE, firm-wide education and training courses, etc.), and
- by *expense type* (e.g., outside consultants, meeting space, etc.).

Respondents' total PD budgets ranged in size from under \$15,000 at the smallest responding firm to over \$2 million at the largest, and together added up to over \$11 million. In fact, these firms' total spending on human asset development is much larger, because it also encompasses substantial PD-related spending not included in most of their PD budgets, such as PD staff compensation, knowledge management programs, and PD-related technology

support, plus a few firms' in-house courses and outside CLE spending managed at the practice-group/department level.

A. Per Capita Spending, by Personnel Category

We asked what categories of personnel are targeted by the respondents' PD programs, how many personnel are in each category, and what percentage of the total budget was spent for each category. Table 4 on the next page displays per-capita spending for the 2006 respondent pool, for the under- and over-500-lawyer cohorts in that pool, and for the 2001 respondent pool.

Clearly spending on lawyers' professional development has increased substantially since 2001 – more than 50% at every level of experience. For lawyers at all levels of experience in the aggregate, 2006 per-capita spending averaged \$1,299, and ranged from \$171 to \$2,925.

Other Personnel. In addition to the above personnel categories, two of the <500-lawyer firms included summer associates in their PD budgets at very similar spending levels, averaging \$2,390 per capita, and a third spent 1% of budget for a small staff of other professionals.

A striking change since 2001 is the number of PD programs that no longer serve any non-legal personnel. In 2001, fully one-third of our respondents included one or more of the legal assistant, administrative, and support staffs in their programs. In 2006, only one respondent includes any non-lawyer staff. If the professional development needs of non-lawyers are being served at all in these firms, it is by someone other than the PD staff.

Differences in Per-Capita Spending by Firm Size. One notable pattern in Table 4 is that in the larger (>500) firms, associate per-capita spending is initially much higher, but plummets after the first year and then continues a gradual downtrend through the partner level. In the smaller (<500) firms, by

Table 4. 2006 PD Per-Capita Spending, by Personnel Category

Personnel Category	Average annual spending per capita			Notes
	All Firms (2001)*	Firms <500	Firms >500	
Partners/Other Sr. Lawyers	\$991 (\$649)	\$911	\$1,051	Range is \$140 to \$1,800. Median per-partner spending is \$961.
Associates above 1 st Year	\$1,862 (\$1,155)	\$2,304	\$1,419	Range is \$596 to \$2,861, median is \$1,995. The calculations in this row and the next omit 4 firms that could not separate 1 st year from all-associate spending.
First-Year Associates	\$5,465 (\$3,287)	\$3,126	\$7,803	Range is \$2,250 to \$9,607 per first-year associate. Median is \$4,999.

***Note:** In comparing current to past spending, we had planned to convert 2001 dollars to their 2006 equivalents to mitigate the effects of inflation. But the 2006 spending increases are so large that inflation impact is negligible. (According to the Bureau of Labor Statistics' inflation calculator at www.bls.gov, the appropriate multiplier would be 1.1383.)

contrast, there is a gradual decline through the associate years, but then a sharp drop at the partner level.

The substantial difference in first-year spending appears to be largely due to the intensive, and expensive, orientation programs that many large, multi-office firms put on for their entering fall classes (see the spending percentages on New Lawyer Orientation in Table 5 below and associated discussion in the text).

After the first year, per-capita associate spending is higher at the smaller firms. Some portion of that difference can be explained by other findings in this survey:

- Financial efficiencies in the larger firms' in-house programs. For example, later sections of this report indicate that >500-attorney firms are doing more course archiving and e-learning conversion (see Table 6). They are also more likely to have access to an intranet and other supporting resources which are not charged to the PD budget (see Part 2 on

internal resources in the coming May issue).

- The smaller firms' somewhat greater reliance on outside CLE courses (see Table 5), which typically cost more per capita than in-house courses.

Table 4 also indicates that the larger firms are spending somewhat more on professional development for partners than the smaller ones. Perhaps, as noted earlier by one smaller-firm respondent, PD at many such firms is "limited primarily to associates" and their per-partner spending is mostly for outside CLE.

B. Spending by Type of Program

We asked the respondents to tell us what they spent in the last 12 months on each of the programs they oversee, and then converted those dollar amounts to percentage of total budget for purposes of comparison. Table 5 shows those percentages, in descending order from highest to lowest.

Table 5. 2006 Average PD Program Expenditures, by Percentage of PD Budget

Program	All Firms (2001)	Firms <500	Firms >500	Notes
Outside CLE Courses	53% (49%)	56%	50%	The range is wide, from 0-80% of budget. These figures exclude 4 respondents who could not report their CLE spending, which is handled by practice groups (3) or is not separately categorized in their financial reports (1).
Firm-Wide and Practice Group Education & Training	39% (<i>not tabulated</i>)	32%	44%	Over half the respondents could not separate spending on firm-wide programs from that on practice group programs. These figures exclude 4 respondents: 2 who do not know what is spent at the practice group level, and 2 who could not separate outside CLE from firm-wide and practice group in-house programs.
New Hire Orientation	9% (27%)	6%	12%	The range is from 0-28%. The percentage drop since 2001 is striking. It does not reflect a reduction in orientation programs (in fact, firms' spending on them has increased), but rather the significant expansion of spending on other PD programs.
Mentor Program	7% (0%)	9%	5%	The range is from 0% to 25%.
Self-Study Resources	3% (2%)	6%	1%	These figures are for 8 respondents, who report spending ranging from 0%-17% of budget. The rest say that these purchases are in someone else's budget.

Note: The percentages in each column do not add to 100 because not all respondents include every program in their budgets. Two additional budget items were omitted from our calculations because only one respondent's budget included each of them: one reported its total PD staff compensation, and another its spending for the lawyers' bar and license fees.

Two additional programs the survey asked about are:

- **Knowledge management programs.** 25% of our 2002 respondents had knowledge management programs in their budgets. In 2007, none do. In the 5 firms which report having such programs (all but one in the >500 category), they are overseen by the IT department.
- **Work assignment/rotation programs.** No respondent reported any spending for this item. Only one respondent mentioned having an assignment program at all.

only 2 law firm respondents provided any funding at all for the mentor program, and very little at that. In 2006, 11 respondents (73%) dedicated funds to mentoring, three of them at 20% or more of their total PD budgets.

Table 4 in the previous section showed that the >500 attorney firms' average per-capita spending on *first-year associates* is 2-1/2 times that of the <500 firms. A good part of the reason for that difference appears above in Table 5: on average, the percentage of resources that the larger firms dedicate to new lawyer **orientation** is double that of the smaller firms.

Note that funding for **mentor programs** is significantly up since 5 years ago. In 2001

C. Spending by Expense Category

For our third cut at categorizing spending, we asked the respondents to tell us what percentage of their budgets was spent on

each of several categories of expenses. Table 6 displays the results in descending order of percentage of budget.

Table 6. 2006 PD Spending, by Expense Category (Percentage of Budget)

Expense Category	All Firms (2001)	Firms <500	Firms >500	Notes
Outside CLE Courses	43% (49%)	47%	37%	Range is 0 to 80%. Again, 4 respondents could not report outside CLE spending, which is not in their budgets. (See the "Other" category below for additional CLE spending, and further discussion in the text.)
Consultants	22% (19% for law firms)	15%	30%	Range is 4% to 50% of budget. (See "Consultants" discussion in the text for further notes.)
Meeting Space and Catering	20% (18%)	15%	30%	Range is 1% to 42%. One respondent said that PD's space and catering expenses are in someone else's budget.
Course and Self-Study Materials (print & electronic)	10% (2%)	13%	6%	Range is 0% to 30%, and excludes 3 respondents who said that materials are in someone else's budget. One of the latter commented that while these materials are not "billed back" to PD, the firm's expenditure is substantial.
Technology	7% (not tabulated)	8%	7%	Range is 3% to 11% at the 5 respondents who answered. The rest said that their PD-related technology expenditures are unknown and in the IT budget.
Course Archiving/E-learning Conversion	5% (new)	3%	7%	Range is 0 to 29%. One respondent said spending for e-learning is unknown and in the IT budget.
Other	23%	29%	15%	Range is 5 to 62% at 7 respondents. "Other" expenses include attorney travel (4 respondents), firm-wide outside CLE membership (1), social events (1), bar/professional dues (1), and "misc. expenses" (1).

Note: The percentages in each column do not add to 100 because not all respondents include every expense category in their budgets.

A few more notes on Table 6:

Outside CLE Courses: As in Table 5 in the previous section, outside CLE is the top cost category here, and again the range is from 0 to 80%. But note that Table 5 shows an overall CLE spending average of 53%, 10 percentage points higher than Table 6. The

difference is apparently accounted for by CLE travel and subscription expense, which 5 respondents categorized separately under "Other" in this section of their questionnaire responses.

Consultants: For appropriate comparison to current spending levels, the 2001 percentage

reported here is for the law firm respondents only. (A single government agency participated in our 2001 survey, and its consultant spending, at 90% of budget, was an extreme outlier.)

On a related item, we asked the respondents to what extent they use internal firm personnel vs. outside consultants to teach their in-house courses. Table 7 breaks down the percentages.

Table 7. Average Percentage of Internal vs. External Faculty for In-House Courses

Faculty	All Firms (2001)	Firms <500	Firms >500	Notes
Internal Faculty	78% (65%)	79%	76%	Range is 20 to 80% of all faculty.
External Faculty	22% (35%)	22%	24%	Range is 5% to 80%.

Note in Table 7 that the use of outside consultants for *teaching* is down since 2001, yet Table 6 shows that spending for outside consultants in general is up. Two possible explanations are: (a) that firms are making greater use of other types of consulting

services – for example, to design mentoring or performance appraisal programs or competency models, or to convert live courses to e-learning modules – and (b) that consulting fees have gone up.

Coming in May:

Part 2, in the May issue, will conclude this survey report. It will analyze:

- **PD staffing**, including ratio of FTE PD staff to lawyers, staff qualifications, and staff compensation;
- **Internal resources** available to support the PD program, and which of those have proved most and least useful; and
- **Program evaluations:** The extent to which in-house courses and other aspects of the PD program are evaluated, what sources of information are used in

evaluating them, and what the evaluations and other feedback reveal about PD’s contributions to the firm.



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Poor Assignment Leads to Wasted Effort

It happens every day in law firms around the country. Senior Attorney snags Junior Associate and delivers a puzzling research assignment in verbal shorthand replete with cryptic acronyms and unrecognizable terms of art. With a perfunctory “Any questions?” Senior Attorney departs, leaving a bewildered Junior Associate wondering where to begin and how to finish in the arbitrarily assigned ten hours.

When mentoring was common in law firms, new lawyers learned their specialties the same way they learned the basics in law school – hours of reading and absorbing legal principles. Partners made time to clarify the finer points of practice, and soon enough, new attorneys had the foundation for more independent work.

Mentoring is not completely absent in law firms these days, but it is rare enough to merit great appreciation when it exists. At the recent funeral of a friend and former colleague, I noticed the deep grief of many young associates who had worked with him. When asked, they echoed similar reasons for their genuine sadness – this partner was a true friend and an unfailing supporter of their success. One example they gave was that, as a supervisor, he always took the time to explain assignments clearly and to provide his young associates with the context of every project he asked them to undertake.

Unfortunately, many factors challenge the best intentions of senior attorneys who strive to grant their associates similar support. Nonetheless, it is worth salvaging the essential good of mentoring and replacing it with a more choreographed learning opportunity.

Analyzing the Assignment Process

Fifteen years ago, I was asked to develop a summer associate training program for Georgetown Law students. At that time, I was a firm librarian and had daily encounters with poor research. I thought it would be instructive to the law students to learn about bad research, so I analyzed some especially dreadful research projects as I prepared for the training program.

In doing so, I found a common phenomenon: The associates who were most confused or wasted the most time started with the least amount of information regarding their assignments. They had few facts about the case, knew nothing about the client, attempted to describe legal issues using terms of art they didn’t understand, and often could not even identify the courts or agencies with jurisdiction over the matter.

Always protective of the young associates, I assumed that senior attorneys had assigned the projects quickly just to get rid of what is often viewed as grunt work. Although there was some truth to this assumption, I also found that the young associates bore some responsibility for the situations in which they found themselves. Many suffered from the delusion that they were supposed to know everything. After all, they had law degrees from prestigious institutions, passed challenging bar exams and generally had spent their lives as academic superstars. Terrified of revealing that they had no idea what the assigning attorney was telling them, they simply nodded and took notes, figuring they’d find the information they needed on their own. While that approach worked in school, that kind of independence was simply wasteful with the billable clock ticking and the computerized research meter running.

I realized that when these associates showed up in my office, either after spending fruitless hours and dollars on research or because they were so lost they didn't know where to begin, my first step was to ask them questions about the nature of the assignment. When they had no answers, I sent them back to the assigning attorney to collect the missing pieces of information they needed to start their research. More often than not, they'd refuse to "bother" the senior attorney so I'd have to call and mediate the information exchange. The senior attorneys never refused to provide additional detail and the junior attorneys were able to move forward productively.

Based on these observations, I decided to develop a checklist for the summer associate training program that would list the critical information they should collect when receiving assignments. I wanted them to understand that they should not be afraid to ask questions, so I aimed to build that concept into the checklist. JUST ASK emerged from that objective, and I have used that as the cornerstone of my teaching since then¹.

Understanding JUST ASK

JUST ASK is a mnemonic device that represents seven pieces of information associates should collect before they begin their research. It also stands as a reminder that asking questions is not a sign of weakness; it is evidence of maturity and professionalism. The seven pieces of information include:

- **J**urisdiction
- **U**seful Tips
- **S**cope of Research
- **T**erms of Art
- **A**cronyms
- **S**ources
- **K**ey Cost Constraints

These fundamentals may seem self-evident, but they are often overlooked in the excitement and haste of assigning research.

Understanding **jurisdiction** is a key to successful research. Senior attorneys should be able to assume that junior attorneys have a good handle on basic civics, but should also recognize that there are jurisdictional complexities in many areas of practice, particularly those involving administrative law. Research tools reflect these jurisdictional differences, and junior attorneys can waste hours researching an issue in one set of materials, only to discover later that the relevant law was actually located elsewhere. Senior attorneys should state the names of the courts and other deliberative or legislative bodies responsible for making the law in the relevant subject area.

Senior attorneys are specialists. They understand the subtleties of their practice and are aware of current trends, decisions, statutes and regulations. They may know that someone in their practice group is a recognized expert in the very issue they assign to a young associate, but unless they share this **useful tip** with the associate, it is unlikely that the associate will seek out that in-house expert in person or in print. Senior attorneys can be guides to the hidden pockets of knowledge that can inform junior attorneys and serve clients better.

Junior attorneys may not understand the variety of purposes to which research is put to use in a law firm. Not every research project is the practice equivalent of a law review article. By defining the **scope of research** in the assignment, the senior attorney can help junior associates move

¹ As a result of my involvement in the creation of the [National Legal Research Teach-In](#), JUST ASK was adopted as the theme for training materials around the country. It has appeared in bookmarks, notepads and other materials used to encourage lawyers and law students to ask questions before embarking on research.

beyond their academic expectations and focus instead on the task at hand. This is the most straight-forward piece of information to provide – the senior attorney simply needs to tell the junior associate how his or her work product will be used in serving the client.

As useful as it is to the expert, legal jargon can be confusing to the uninitiated. Even when senior attorneys consciously use **terms of art** to guide junior lawyers, if the terms have commonly understood, but non-legal meanings, such as “trigger” or “changes,” their value may go unnoticed. **Acronyms** are excellent “hooks” for locating relevant materials online or in print, but only when the researcher knows what they mean and how to spell them.

Today’s legal researcher faces an abundance of **sources**, which can make selecting the best source a challenge. In addition, some practices prefer that their attorneys use one perfectly good set of resources over another – and consider research without cites to the preferred tool suspect. Senior attorneys should be aware of these issues and instruct junior associates accordingly. By the same token, while junior associates should consult the sources an assignor mentions, they should remain open to newer tools that might produce faster or more complete results.

Clients often negotiate special terms for research **costs**. They may place limits on online tools or even prefer additional billable hours to detailed disbursements. If such billing arrangements are in place, the senior attorney must share that information with the junior associate during the course of the assignment.

Implementing JUST ASK

A well-assigned research project takes two parties. Associates, hungry for contact with senior attorneys, need to maximize the opportunities they have by overcoming their fears and asking questions. Senior attorneys

should give themselves permission to enjoy the pleasure of sharing their knowledge with newer attorneys. A few extra minutes of their time will produce better results and save hours of associate time, which ultimately serves their client’s best interests. With some consciousness-raising and a little bit of training, both senior and junior attorneys can embrace the teachable moment presented in the assignment process.

In order to implement JUST ASK effectively, both senior and junior attorneys should be trained in the specifics of the technique. In addition, senior attorneys should be reminded what it felt like to receive unclear assignments and given an opportunity to practice the JUST ASK technique themselves in an unfamiliar area of law. It would be helpful to impress upon new associates the importance of secondary sources and provide them with the Top Ten research tools in each practice area.

Training in certain communication skills will also enhance the application of JUST ASK in practice. The JUST ASK technique is based on my analysis of poor assignments as well as on a communication technique in which librarians are trained in graduate programs. This technique, called the “reference interview,”² allows librarians to delve into the real information needs of their patrons.

Some elements of the reference interview technique translate well into the legal research assignment. They include the following behaviors that improve the exchange of information and identification of the essential research issues:

- **Approachability:** Verbal and non-verbal behaviors set the tone for the assignment. Eye contact, welcoming body language and/or a patient, friendly tone of voice create a comfortable

² ALA Guidelines for Behavioral Performance of Reference Librarians. (<http://www.ala.org/ala/rusa/rusaprotools/referencguide/guidelinesbehavioral.htm>)

environment for the effective exchange of information.

- **Interest:** Some assignments may be more stimulating than others, but all involve significant issues to a client. Showing interest in an assignment creates a more satisfying exchange for both participants. Effective behaviors include focusing attention on the speaker (i.e., no checking your Blackberry) and signaling understanding by nodding your head or making short verbal concurrences.
- **Inquiring:** Effective communication involves both listening and questioning. Strong communicators allow speakers to state their needs fully before responding, use open-ended questions, which require explanations, instead of questions that can be answered with “Yes” or “No” responses, and rephrase the speakers’ statements to clarify understanding.

Learning these communication skills can improve attorney interaction in many endeavors.

Conclusion

Evan Schaeffer posted an interesting item on his *Illinois Trial Practice Weblog* entitled “Giving Legal Research Assignments to Others.”³ In the post, he extolled the virtues of providing more complete information to junior attorneys during the assignment process. The resulting responses were both poignant and telling. John Henson wrote, “As a law student, thank you thank you thank you.” From Tom came the somewhat bitter observation, “My boss sure doesn’t give this much thought. Apparently he thought he hired a clairvoyant.” Perhaps JR offered the most compelling reason to train attorneys in this skill. He wrote:

Evan: I want to give you a hug. It would bring tears to my eyes if I ended up with a boss who did this. I wish every senior attorney in the country would read this post and put its lessons into action!

Assigning research can be a critical opportunity to mold young lawyers and to share the firm’s expertise. Although full blown mentoring may be a thing of the past, JUST ASK provides an efficient structure for this invaluable teachable moment.



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Editor’s Note: The *Learning Lab* column will return in the May issue.

³

http://www.illinoistrialpractice.com/2005/12/giving_legal_re.html

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(Reprinted in February 2006 Special Issue on Technology at 26-28.)

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Classic Quotes

Robert W. Sarnoff, media executive:

"Finance is the art of passing money from hand to hand until it disappears."

Managing for Dummies, Bob Nelson and Peter Economy:

"The right way [to do a budget] is to gather information from as many sources as possible, review and check the information for accuracy, and then use your good judgment to guess what the future may bring. A budget is a *forecast* – a commitment to the future – and is only as good as the data that goes into it and the good judgment that you bring to the process."

Lawyers' Professional Development, Ida Abbott:

"A great deal of budgeting is political. In preparing a budget, make it a point to identify your most steadfast supporters and be sure they understand what you hope to accomplish. Give them all the information they need to become strong advocates for the professional development program."

Professional Developments

Events

Future PD-related conferences, seminars, and workshops:

Legal Profession:

- * 2/1-3/07, St. Louis, MO. *Newer Professionals' Forum*. National Association for Law Placement, www.nalp.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.
- * 4/25-28/07, Keystone, CO. *The 2007 Annual Education Conference*. 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:

- * 2/7-9/07, New York, NY. *The 2007 Enterprise Learning Strategies Conference. Learning Where You Work: Creating Cultures to Transform Performance, Productivity and Growth*. The Conference Board, www.conference-board.org/els.htm.
- * 2/20-21/07, St. Paul, MN. *19th Annual Multicultural Forum on Workplace Diversity*. St. Thomas University, www.stthomas.edu/mcf.
- * 2/26-28/07, Orlando, FL. *Training 2007 Conference & Expo*. Training Magazine, www.trainingmagentevents.com.

- * 3/5-7/07, Orlando, FL. *Accelerated Learning Training Methods Workshop*. The Center for Accelerated Learning, www.alcenter.com. (Repeated 4/16-18 in Atlanta, 5/7-9 in Washington, 6/18-20 in Lake Geneva, 7/16-18 in Denver, 8/6-8 in Toronto, 8/27-29 in Chicago, 9/17-19 in Dallas, 10/8-10 in Lake Geneva, 11/14-16 in Seattle, 12/10-12 in Phoenix.)
- * 3/9/07, Washington, DC. *2007 CBODN Annual Conference*. Chesapeake Bay Organization Development Network, www.cbodn.org.
- * 3/18-20/07, Bryn Mawr, PA. *Leading Meetings That Matter: Facilitating the Whole System in the Room*. Future Search Network, www.futuresearch.net. (Repeated 8/30-9/1 in Stockholm, 10/14-16 and 12/6-8 in Bryn Mawr, and 11/4-6 in Johannesburg.)
- * 3/19-21/07, Phoenix, AZ. *The 2007 Human Capital Summit: Talent Meets Business Strategy*. The Human Capital Institute, www.humancapitalinstitute.org.
- * 3/21-23/07, New York, NY. *The 2007 Talent Management Strategies Conference: Focus on Business Impact*. The Conference Board, www.conference-board.org/talent.htm. (Repeated 4/17-19 in San Diego.)
- * 3/27-28, Chicago, IL. *E-Learning: Increasing Productivity Gains from E-Learning Through Design, Implementation and Execution*. International Quality & Productivity Council, www.iqpc.com.
- * 3/28-30/07, San Diego, CA. *The 2007 Annual Diversity Conferences: Rhythms of Our World: Examining and Honoring Our Uniqueness and Multiplicities*. The Conference Board, www.conference-board.org/diversity.htm. (Repeated 4/24-26 in New York, 5/22-24 in Chicago.)
- * 4/23-25/07, Toledo, OH. *Sharing@LearnShare Conference: Learning Through Experience*. LearnShare, www.sharing2007.com/toledo.

- * 4/30-5/2/07, Atlanta, GA. *The Summit on Leading Diversity*. Linkage, Inc., www.linkageinc.com/div.
- * 4/30-5/3/07, San Francisco, CA. *2007 ISPI/ IFTDO International Performance Improvement Conference: Performance Beyond Borders*. International Society for Performance Improvement, www.ispi.org.
- * 5/9-11/07, New York, NY. *The 2007 Leadership Development Conference: Building Organizational Capability to Execute Business Strategy*. The Conference Board/Center for Creative Leadership, www.conference-board.org/leadership.htm. (Repeated 6/12-14 in San Diego.)
- * 5/16-18/07, San Diego, CA. *The 2007 Employee Engagement & Retention Conference: Inspiring Loyalty and Commitment*. The Conference Board, www.conference-board.org/retention.htm. (Repeated 6/20-22 in New York.)
- * 6/3-6/07, Atlanta, GA. *ASTD 2007 International Conference & Exposition*. American Society for Training and Development, www.astd.org.
- * 6/3-6/07, Bryn Mawr, PA. *Managing a Future Search – A Learning Workshop*. Future Search Network, www.futuresearch.net. (Repeated 8/26-29 in Stockholm.)
- * 6/7-13/07, Phoenix, AZ. *Training Directors' Forum*. Training Magazine, www.trainingmagevents.com.

Resources

CLE on iPod. ABA-CLE is offering blue and silver Apple iPod nanos preloaded with a CLE course on estate planning, antitrust, litigation, real property, or health law, plus Meg Spencer Dixon's 66-minute audio course on planning and conducting better meetings. \$249-269. American Bar Association, www.abanet.org.

eatshopguides. For travelers wanting to avoid the same-old same-old chain restaurants, or for those looking for new and different venues in their own home towns, the *eatshopguides* feature 90 unique, locally owned establishments – 45 restaurants and 45 shops – in each of 13 major

cities (one of which is Rhode Island – go figure). www.eatshopguides.com.

Future Search Workshops. The Future Search Network offers public workshops in organization development and advanced group facilitation (see Events/General Audience above). The organization was founded, and the workshops are taught, by Sandra Janoff and Marvin Weisbord, co-authors of the ground-breaking work *Future Search: An Action Guide to Finding Common Ground in Organizations and Communities* (Berrett Koehler 1995).

Awards and Competitions

Fortune's 100 Best Places to Work, 2007.

Congratulations to the six law firms on Fortune's latest list, all of them repeaters from last year:

- Alston & Bird (19)
- Arnold & Porter (26)
- Nixon Peabody (49)
- Perkins Coie (64)
- Bingham McCutchen (94)

Winners are chosen based on (a) responses by 400 or more randomly selected employees to a 57-question survey created by the Great Place to Work Institute (2/3rds of the score), and (b) responses by the organization to a Culture Audit also developed by the Institute (1/3rd).

To apply for next year's list, an organization must be at least 7 years old and have more than 1,000 U.S. employees. An online nomination form is available at www.greatplacetowork.com; application deadline is March 31, 2007.

American Lawyer Survey, Technology for

Associates. Litigation firm Thompson Coburn, based in St. Louis, came out on top of the rankings, beating 174 other firms in every survey category. Among the firm's technology benefits:

- Three days of intensive IT training for every new associate.
- A 1:8 ratio of IT staff to lawyers.
- A "Trial Office in a Box" system providing all the technology comforts of home anywhere the firm's lawyers are trying a case.
- Technology support for work/life balance, including subsidized home computers and tech support house calls in emergencies.

(*American Lawyer*, "At Thompson Coburn, Home Is Where the Tech Team Takes It," 11/3/06)

Elearning! Magazine's "Best of Elearning! Awards" are decided by vote of the magazine's readers. Some of the winners for 2006:

- *Best Hosted Learning Management System:* GeoLearning GeoMaestro
- *Best Virtual Classroom:* WebEx Training Center
- *Best Web Seminar Solution:* WebEx Meeting Center
- *Best Overall Collaboration:* Adobe Connect
- *Best Presentation Tool:* Articulate Presenter Pro

(www.elearning.b2bmediaco.com/)

MCLE Watch

(We thank David Carr of *Required, Inc.* for most of the information on which this column is based.)

Montana will require that 1 of the 5 ethics credits required under the rules must relate to substance abuse, chemical dependency, or debilitating mental conditions, effective 4/1/07.

Tennessee has joined the jurisdictions exempting active-duty members of the U.S. armed forces from the MCLE rules, upon application to the Commission, effective 12/16/2006.
(www.cletn.com)

Promoting mentoring: **Hong Kong** solicitors may now receive CPD (equivalent of our CLE) credit for

Studies

Shorter lines of text improve both reading speed and content retention. That's the finding of an IBM study of the physiological effects of shorter (40% of typical screen width, or about 4.5," on the computer monitor) vs. longer (80% or 9") line widths on people reading text on a computer screen. The experimenters used a WebGaze Analyzer to analyze 130 volunteers' eye movements across the screen when reading text, followed by a surprise test of their content retention. The material the subjects read was identical except for the width of the paragraphs.

The volunteers who read the shorter lines of text read faster and retained more than those who read the longer ones. The extra reading time spent on the longer lines was used not to study content but to reorient the readers' eyes, because increased line length "caused the eyes to make more tracking mistakes, which required rereading." (*T+D*, "The Long and the Short of Learning," February 2007)

coaching and mentoring activities, for coaching sessions of at least ½ hour in duration. Both the coach and the practitioner being coached are eligible for credit.

http://www.hklawsoc.org.hk/pub_e/professional_guide/volume2/default.asp?cap=5

According to ACLEA colleagues, **Puerto Rico** joined the ranks of mandatory CLE jurisdictions in October 2006, with a 24-credit hour requirement. (Supreme Court of Puerto Rico, e-mail wvazquez@law.upr.edu)

Quote of the Quarter

Edmond Manning, consultant, on e-learning: "We've created another fast food culture. We need to ask whether it is nutritious as well. People have been subjected to some horrible online learning experiences." ("The Need for Speed," February 2007 *T+D*)

