



# Professional Development Quarterly

August 2007

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## Sustaining Diversity Through a Merger: Keeping the Focus

*Lynn Anne Baronas*

In its 2007 Client Advisory, the Hildebrandt Institute reported that “[m]erger discussions among significant firms [are] at an all-time high.”

One need not look very far to see a stark transformation of the legal landscape in recent years. A quick scan of [The National Law Journal's AmLaw 250](#) no longer shows long-familiar firm names; each year, there are more merged firms with new names and expanded geographies, practice areas, and clients. What some have labeled “merger mania” is fast becoming a persistent reality in the legal profession. Since 2004, numbers of reported mergers and acquisitions involving United States law firms have steadily risen: in 2004, there were 48; in 2005, there were 49; and just last year, there were 58.<sup>1</sup> Industry analysts observe that this upward trend in domestic law firm merger activity is likely to continue into the foreseeable future.<sup>2</sup>

During the mid-1990s, the legal profession turned its focus to a different, but no less significant, trend: increasing diversity among attorney ranks. This effort culminated in a document entitled

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<sup>1</sup> The Citigroup Private Bank & Hildebrandt International, 2007 Client Advisory (March 2007). [http://www.hildebrandt.com/Documents.aspx?Doc\\_ID=2508](http://www.hildebrandt.com/Documents.aspx?Doc_ID=2508)

<sup>2</sup> Leigh Jones, “Strong Law Firm Growth Continues,” *The National Law Journal* (November 13, 2006); The Citigroup Private Bank & Hildebrandt International, 2007 Client Advisory (March 2007). <http://www.law.com/jsp/article.jsp?id=1163066728127>

## PROFESSIONAL DEVELOPMENT

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

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*Diversity In The Workplace – A Statement of Principle* (the “Statement”). The Chief Legal Officers of 500 corporate law departments affirmed their commitment to diversity by signing the Statement, which reads, “[o]ur companies recognize that diversity makes for a broader, richer environment which produces more creative thinking and solutions. Thus, we believe that promoting diversity is essential to the success of our respective businesses. It is also the right thing to do.”<sup>3</sup>

Thereafter, Statement signatories began actively encouraging the outside law firms they retained to focus more closely on increasing diversity and promoting inclusion. Many in-house counsel began asking outside law firms to explain what they were doing to address diversity within their own organizations before deciding whether to hire them as outside counsel.

In 2004, several of the same in-house counsel who originally signed the Statement observed that it had prompted very little progress toward the stated goal of increasing diversity in the legal profession. Determined to re-energize the Statement’s intent and spirit, these attorneys crafted “*A Call to*

*Action – Diversity In The Legal Profession* (“A Call to Action”).<sup>4</sup>

Corporate signatories to A Call to Action pledge to (1) select and retain law firms based “in significant part” on efforts to create a diverse workforce and (2) “end or limit” relationships with firms that cannot demonstrate support for diversity goals. Many of these corporations now require outside counsel to (1) meet specific hiring goals and (2) demonstrate that diverse lawyers are handling their legal matters.

Both the Statement and A Call to Action provide moral and business imperatives for law firms to hire, retain and promote diverse legal professionals. But how do law firms sustain this important value through the intense activity that precedes and follows a merger? This article suggests some specific steps and strategies firms can consider implementing to ensure that diversity stands “front and center” during (1) law firms’ pre-merger discussions; (2) the months immediately following the launch of the merger; and (3) the years thereafter.

## Pre-Merger Discussions

The effort to sustain diversity through a merger begins well before the formal firm vote to combine. During pre-merger discussions, firm leaders cover myriad topics designed to help each potential merger partner evaluate whether the values, objectives and strategic goals, clients and business plans of the two firms are sufficiently compatible to yield a successful merger. Most analysts agree that the likelihood of merger success increases when, in addition to client compatibility and practice group synergies, there is similarity between the merging firms’ cultures and values. “Firms that have dissonance over values are typically not successful [in a merger situation] and can’t survive. So it’s

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<http://www.acc.com/gcadvocate/diversitystmt.html>

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<sup>4</sup> <http://www.clocalltoaction.com/>

very important you have common values and spend some time on that.”<sup>5</sup>

How each firm views diversity is a key measure of whether the entities share common values and culture; two firms that share a mutual commitment to diversity will likely use the merger process to support, sustain and improve upon the diversity efforts of each standing alone. The converse is also true: Absent common agreement on this fundamental value, likelihood of a robust diversity program persevering through a merger and into a new firm is dim.

Thus, while diversity is only one of many important factors to discuss during this preliminary stage, firm leaders intent on sustaining diversity through the merger process will want to be sure to discuss how these values might look in the context of the newly merged firm. In this context, each firm should consider discussing some or all of these issues:

- How do we define and measure diversity?
- Where does diversity fit as a strategic firm goal?
- How do we incentivize diversity efforts and support diversity initiatives?
- How do we get the word out on diversity?
- What methods do we use to communicate the importance of diversity within the firm and in the general community?
- How do we use recruiting and hiring to encourage diversity and inclusiveness?
- What strategies do we use to encourage diversity within our professional ranks?
- How do we support diversity outside the walls of the firm?

Candid answers to these questions will provide a very good picture of how each firm stands on the issues of diversity and inclusiveness, will offer insights about what

each wants to do to ensure that diversity is considered in forming a new firm, and will highlight those issues requiring further discussion and consideration.

While this pre-merger period of evaluation and analysis is always extremely busy, it is nonetheless important that each firm work diligently to prepare a clear snapshot of its own diversity initiatives, programs and commitment. This advance preparation will enable the firms to move quickly on making diversity work in the new firm if the merger actually proceeds forward. In preparation for possible merger, each firm would be well advised to prepare a pre-merger portfolio describing its diversity efforts.

The portfolio should contain updated demographic data, including information about the composition of its next summer associate class and the incoming fall associate class. Where possible, the data should break out attorneys by cultural heritage, gender, and, to the extent such information is tracked, information on sexual orientation, disability, and multiracial status. The portfolio should also contain copies of all diversity materials generated by the firm: lists of sponsorships, diversity articles authored by firm attorneys, newsletters and marketing materials.

Those anticipating a possible merger should also assemble an executive summary describing the evolution and status of the firm’s diversity initiatives. The Minority Corporate Council Association (“MCCA”) has created a particularly helpful self-assessment format, titled the “Diversity Self-Assessment Tool for Law Firms.”<sup>6</sup> This useful tool offers a “personal report card’ that law firms might use to look with a critical eye at how they are progressing with their diversity goals.”<sup>7</sup> The self assessment asks detailed questions about leadership and

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<sup>5</sup> Melanie Lasoff Levis, “Anatomy of Law Firm Mergers: Uniting Cultures, Sharing Values,” *Diversity & the Bar* (quoting Peter Zeughauser, attorney, consultant and managing partner of Zeughauser Group).

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<sup>6</sup> <http://www.mcca.com/index.cfm?fuseaction=page.viewPage&PageID=996>  
<sup>7</sup> [www.mcca.com](http://www.mcca.com).

commitment, professional development, demographics, workplace culture and the external face of the firm. Answers to the questions are plugged into a scoring grid, enabling firms to evaluate their commitment to developing diversity/inclusion awareness, creating diversity/inclusion initiatives, or delivering measurable results.

This pre-merger “housekeeping” will be useful even if a merger does not come to pass, as each of the firms will have a comprehensive and well-documented picture of firm diversity. The assessment process will give each firm a better idea of whether and how current strategies may be furthering diversity and inclusiveness, the direction of diversity programming, and the efficacy of existing initiatives. If merger discussions are fruitful, and the two firms vote to form a new, merged firm, up-to-date self assessments will equip the new firm to “hit the ground running” in the area of diversity.

## The First Year

### **1. *Top-down leadership: Demonstrate that diversity is a key firm value from day one.***

The new firm’s senior management committee must be willing to play a high-profile role in spotlighting the importance of diversity from the very moment the merger is announced; in so doing, they underscore the new firm’s vocal and visible commitment to this key firm value. Leaders who personally attend and actively participate in diversity events, both within and outside of the firm, will send a clear signal of the new firm’s commitment. It is imperative, therefore, particularly in the early months of the merger when competing priorities can make it most difficult, that members of the firm management committee attend a significant number of diversity events, both within the firm and in the communities it serves.

These same firm leaders should lead the charge in embedding diversity as a core firm

goal at all levels of the new firm. This proactive leadership might take many forms: For example, immediately following the effective merger date, the firm’s management committee might encourage the partnership formally to adopt diversity as a key strategic firm value. The chair/s of the new firm’s management committee might consider scheduling a meeting with all minority attorneys to reinforce the firm’s commitment to diversity. At the meeting, these leaders can invite questions, suggestions and thoughts about what steps the new firm can take to reinforce diversity as a value. Firm leaders should use the flurry of post-merger interviews and press releases to reiterate the firm’s commitment to diversity and inclusiveness. In short, firm leaders should be vigilant about pursuing every possible opportunity to communicate the diversity commitment to the firm and to the public.

In practice, this means that senior firm leadership also must model the practice of keeping diversity “top of mind,” particularly at each firm-wide gathering of the new firm, including practice- or committee-specific firm meetings. This is especially so during the first general meetings of the new firm, where it is essential that leaders remain mindful of and create opportunities to underscore, through actions or words, the importance of diversity as a firm value. For example, at the firm’s first all-hands meeting or in initial firm-wide communications, every effort should be made to ensure that those invited to speak reflect the diversity of the newly formed venture. When introducing newly created committees to the new firm, leaders must be sure to spotlight the group designated to address diversity issues and offer them the opportunity to share with the entire firm some ideas for supporting and sustaining diversity. And last, but in no way least, leaders must take care to consider diversity when designating leaders of practice groups and forming and populating new committees.

## **2. The Diversity Committee**

An essential element of promoting diversity as a strategic firm value involves the immediate creation of a Diversity Committee. The firm's leadership should direct the Diversity Committee to focus on diversity at every level of the firm and to make recommendations that ensure that all essential policies, processes and structures are in place to support firm-wide diversity and inclusiveness. The Diversity Committee's first meeting should take place as soon as reasonably possible after the merger date, ideally during the first month after the effective date of the merger.

The new firm's Diversity Committee should comprise those attorneys and staff members from each legacy firm who have a specific interest in diversity. To ensure continuity on diversity issues related to hiring and recruitment, the Chair/s of the new firm's Hiring Committee should also participate on the Diversity Committee. To ensure that the Diversity Committee has a direct line of communication to senior management, a management committee member should be designated to serve as a Diversity Committee liaison.

There are several ways the Diversity Committee can begin the work of ensuring firm-wide diversity and inclusiveness as early as the first few months after the merger. *First*, the Committee can conduct an inventory of each legacy firm's diversity policies and procedures to determine where they overlap and differ. When deciding which of these processes to recommend for implementation in the new firm, they can research the approaches of other firms to decide whether to propose an approach different from that used by either of the legacy firms. *Second*, the Committee might schedule a series of focus group meetings, attended by a cross-section of professionals from both legacy firms, to discuss diversity, stressing its importance as a firm value and prompting attendees to share ideas about how best to implement programs and policies to support the com-

mon vision. *Third*, the Committee might focus on the task of embedding diversity as a value at all functional levels, including, for example, performance evaluations, compensation systems, orientation of new attorneys and staff, and firm-wide gatherings. *Fourth*, Committee members can build a business plan to support the firm's diversity programming and propose a budget to support diversity activities. *Finally*, they can consider how best to broadcast the firm's diversity initiatives and policies, as well as news about diversity-related events and activities to firm employees and clients.

## **3. The diversity mission statement**

The newly formed firm's Diversity Committee can assist senior firm management in drafting a written firm diversity mission statement to propose to the partnership for adoption. The new firm's diversity mission statement should incorporate some of the principles discussed during focus group meetings and succinctly describe the combined firm's commitment. The mission statement will provide a framework for developing and supporting the new firm's diversity initiatives, allocating firm resources, and assessing the firm's progress. Once in place, the diversity mission statement should guide decisions at all levels of the firm; senior management committee members, practice group leaders, administrative leaders and committee leaders must embrace and actively support the mission statement. This degree of committed and involved firm leadership is critical to a successful launch of the new firm's diversity initiatives.

## **4. Baselines and tracking**

The ability to track demographic data is essential to ensuring that the new firm successfully supports, sustains and grows diversity during the post-merger months. Evaluating minority hiring, retention, and promotion statistics will help the new firm better understand whether and how its diversity initiatives are working.

The development of an accurate tracking protocol requires that the new firm quickly develop a snapshot of what its combined diversity data looks like. The management committee should consider designating a senior administrator to review and update this data often — as frequently as every month in the early days of the merger — to ensure that the firm is able, as early as possible, to spot attrition trends in particular demographics. Any significant shift in attrition, either in the general associate population or among any group of diverse professionals, should promptly be referred to the senior management committee for investigation and analysis and, where necessary, development of an appropriate response strategy.

There are a number of public resources available to firms that provide different approaches to benchmarking. For example, each year, Vault/MCCA co-sponsors a diversity survey. The new firm might choose to use the format of this survey as a tool to measure its progress periodically. The New York City Bar also has issued its own *Statement of Diversity Principles*. Firms who sign onto the *Statement of Diversity Principles* commit to hiring entry-level classes that substantially reflect the diversity of graduating law students, and to maintaining that level of diversity as the classes progress. If the newly merged firm has signed onto the *Statement of Diversity Principles*, the reporting requirements may also provide a natural context for benchmarking all relevant data.

## **5. Build in accountability**

A newly merged firm will realize results when diversity becomes “top of mind” at all levels of the firm. Here are several ideas the Diversity Committee might consider when recommending actions that incorporate diversity as a distinct firm value:

- (1) establish diversity as a factor in partner and associate compensation;
- (2) ask attorneys to highlight contributions to diversity in self-evaluations;

- (3) ask partners to comment on contributions to diversity when completing annual performance reviews;
- (4) require practice group chairs to monitor hours to ensure that all attorneys have equal access to billable opportunities;
- (5) require practice group leaders to use an objective, rather than a reactive, assignment system when allocating work opportunities;
- (6) direct administrators to contract with women and minority owned vendors, wherever possible;
- (7) challenge the Hiring Committee to devise new and innovative ways to reach minority law school candidates;
- (8) hold mentors accountable for scheduling regular and periodic meetings with their mentees; and
- (9) hold the senior management committee responsible for ensuring that firm diversity initiatives are adequately funded.

## **6. Engage in creative recruiting**

The legacy firms will need to compare and decide upon hiring strategies and practices, including standards for resume screening and selection of the schools and job fairs at which the new firm will conduct interviews.

If diversity is to be a priority, the new firm should consider expanding its interview circuit to target law students at solid schools with large minority populations. The firm can also participate in minority job fairs, including those hosted by minority bar associations, such as the Hispanic National Bar Association, and national student groups, such as BLSA. Given the increased competition for diverse candidates, the new firm’s Hiring Committee will need to implement innovative recruiting strategies, like presenting informative panels for diverse law students on a topic of interest, such as preparing for a call-back interview.

At a minimum, the new firm’s Hiring Committee should consider recruiting diverse candidates actively and following up vigorously if an offer is extended.

Because diverse candidates can also come into a law firm laterally, the new law firm may want to consider requiring practice group chairs to think about the firm's diversity goals before hiring lateral candidates. The firm may also consider whether to identify and select a few recruiting agencies dedicated to placing diverse attorneys.

## **7. Focus on the firm's external audience**

The new firm should be sure to have a visible diversity profile in the communities in which it practices. There are several ways to achieve this goal. First, the new firm can sponsor diversity-related events and activities of affinity groups, including national, state and local minority groups and bar associations.

Before deciding which sponsorships the new firm should fund, the Diversity Committee should consider conducting a sponsorship audit, noting the selected sponsorship levels of each organization or activity each legacy firm funded before the merger. Working with a budget provided by the senior management committee, the Diversity Committee can create a system for evaluating each sponsorship to determine whether the new firm will continue to fund the event or group and, if so, at what levels.

When devising a system, the Diversity Committee might consider a variety of factors, including whether: (1) the distribution of selected sponsorships fairly mirrors the firm's new geographies; (2) firm professionals are actively involved in and committed to the group or event; and (3) the sponsored event truly furthers a diversity-related cause.

While funding sponsorships is important, maintaining a visible diversity profile within the community involves much more. The new firm should be proactive about making sure it has a presence at local and regional diversity events and dinners, where important networking and exchanges of

ideas take place. The new firm also can begin to build a solid reputation for supporting and promoting diversity by encouraging its attorneys to participate — both as members and as leaders — in minority bar associations and by supporting attorney, administrator, and support staff involvement in non-profit or community service organizations that provide services to minority groups.

## **8. Focus on the firm's internal audience**

To instill diversity as a key merged firm value, nothing (short of the diversity commitment itself) is more important than frequent and specific communication about diversity accomplishments and issues. There are several ways to communicate the importance of diversity within the newly merged firm:

First, the Diversity Committee might choose to publish a periodic newsletter that highlights all of the diversity initiatives, sponsorships, articles, panels, events and diversity-related activities that involve the firm or its personnel in some way. In addition, each time the new firm receives a letter acknowledging a contribution to a diversity-related event or organization, it should be shared through the newsletter and posted on the new firm's internal website. If possible, the merged firm's website should have a "home page" dedicated to publishing all of the firm's diversity news, including calendar information about upcoming internal and community diversity events. When the Diversity Committee meets, minutes should be recorded and shared throughout the firm. Everyone, at every level of the firm, should have access to up-to-date, "real time" diversity information.

The newly merged firm can also communicate the importance of diversity by underwriting the cost of attorney attendance at diversity seminars and conferences. Attorneys who attend these seminars are likely to propose innovative approaches for promoting, supporting and achieving

diversity. These conferences are often sponsored by, among many others, the MCCA, which offers an annual *Pathways to Diversity Conference* each fall, and the American Bar Association, which hosts an annual *National Conference for the Minority Lawyer*.

Finally, the new firm can celebrate cultural heritage months, such as Hispanic Heritage Month, and mark important holidays to share, learn, and enjoy the positive aspects of a diverse work environment. Particularly in a newly merged firm setting, these celebrations can engender teamwork across all levels of the legacy firms, as people work together to plan an event of firm-wide interest and import.

Newly merged firm-sponsored diversity celebrations can be as simple as highlighting a relevant piece of history in the firm newsletter or website, or they can be more elaborate, like hosting a happy hour that features cultural food and artifacts, sponsoring a speaker, offering a daily trivia contest or screening a film or documentary during the lunch hour. Whatever form they take, these celebrations offer wonderful opportunities for attorneys and support staff from both legacy firms to interact through a common interest, and ultimately enhance the integration of the legacy firms.

## The Second Year and Beyond

The work of supporting and growing diversity is never finished. One of the most important goals during the years following a merger is to persist in sustaining a continued focus on the firm's diversity initiatives and objectives. Once policies have been set and processes have been in place for a while, diversity champions at the newly merged firm may be tempted to grow complacent. However, there is always plenty a firm can do to energize and embrace its diversity commitment.

First, the firm cannot lose sight of its numbers. What matters is measured, and if the

firm's diversity efforts are working as planned, the results should show it. For example, during the immediate post-merger period, the numbers of minority summer and first-year associates should increase each year. Take the time during year two to examine the trend. If the numbers are improving, ask what the firm can do to create an environment where all attorneys, including minority attorneys, can learn, grow and succeed. If the numbers are declining, ask what the firm can do to determine and address the cause. Make sure that no attorney leaves the firm without participating in a thorough exit interview that incorporates questions designed to elicit information about the firm's diversity programming, generally, and, if applicable, the attorney's experience within the firm as a minority attorney, specifically.

Second, during the first quarter of year two, convene a few focus groups composed of professionals and staff from both legacy firms. Ask some pointed questions that generate discussion, like:

- Are we where you thought we would be this year with diversity?
- What do you know about our diversity initiatives?
- Can we do a better job of communicating the commitment?
- How does the senior management group show you it cares about diversity?
- What are we doing well and where can we improve?

Use the feedback you collect as building blocks to improve upon existing programs, practices and initiatives.

Invest in diversity training. Diversity consultants can help colleagues within the new firm feel safe when sharing thoughts and ideas; a skilled diversity consultant will lead dialogue in ways that allows firms to recognize and manage inherent biases. As important, specialized training can play a crucial part in diversity success and awareness, and training of this type can help to break down barriers that may persist between the legacy firms.

Network with peers and clients who are as committed to diversity as your firm is. Share best practices and innovative ideas. Consider co-hosting a diversity best practices conference at your firm, and encourage each participating organization to invite colleagues who are interested in diversity issue to attend. Do whatever you can to encourage and promote the exchange of ideas.

Mergers have powerful advantages. Chief among them is that the blending of two firms can provide a springboard to greater opportunities for the lawyers who practice in the new venture. Managed properly, these opportunities will equip the newly merged firm to implement innovative, vibrant and effective diversity strategies — strategies far more expansive than either legacy firm could have hoped to implement standing alone.



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## Implementing an Upward Evaluation Program: Asking the Right Questions At the Outset

James R. Lovelace

Upward review programs provide a mechanism for an organization's employees to evaluate their supervisors on a range of work-related skills. In recent years, a growing number of law firms have implemented these programs, with associates asked to evaluate the partners with whom they work.<sup>1</sup>

As a concept, upward feedback has many selling points for law firms.<sup>2</sup> For example, it is a tool for partners to learn more about how they are perceived as managers, leaders, and

colleagues. The process also provides associates with a stake in the firm's management.

Given these and other attributes – plus the firm's desire to be seen by the outside world as “keeping up” with competitors – it is easy to see why the idea of upward feedback can be very attractive to law firm management. In its basic appeal, upward feedback is similar to other firm-wide initiatives, such as diversity and associate mentoring programs, which are increasingly common among law firms.

Once a law firm decides to launch an upward review program, the firm must address how it will gather the feedback. First, the evaluation itself must be structured so that it gathers meaningful information. In other

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<sup>1</sup> See “Upward Evaluation: Results of Our January Survey,” *Professional Development Quarterly*, February 2002.

<sup>2</sup> See JeanMarie Campbell, “Upward Feedback,” *How Associate Evaluations Measure Up*, NALP Foundation (2006).

words, the firm must decide upon a series of questions – posed in interviews or through written questionnaires – that gathers meaningful information from associates. Second, the evaluation program must protect the confidentiality of the feedback and the anonymity of the evaluators.

This article addresses the next step in the process: deciding how the firm plans to use the feedback after it has been received. It also considers the related issue of developing attorney support for the program.

## Feedback Goals: The Four Questions to Be Answered

Because of the strong reasons for conducting upward evaluations, a law firm may be tempted to commence its program after it has worked out the logistics for gathering the feedback. Such a firm might say it will figure out further details “after seeing what the feedback says.” This approach would be short-sighted, with potential negative consequences later on.

As discussed in more detail below, the more prudent course would be for the firm to pause and ask itself the following four questions:

1. Why is the firm conducting upward feedback?
2. How will the firm hold partners accountable for showing improvement?
3. What infrastructure does the firm need in place to help facilitate the goals of the upward feedback program?
4. What is the firm willing to communicate to its attorneys regarding the program’s progress?

By carefully considering these questions, the firm will lay the groundwork for a meaningful upward review program.

Moreover, by communicating its goals to the firm’s attorneys, the firm will convey the thoughtfulness by which it is undertaking

the process. This is particularly important for upward evaluations because the firm must convince its attorneys – especially the associates completing the evaluations – that the program is worthy of their participation and support.

## Attorney Support

To ensure the attorneys’ participation and support, there are two additional factors for the firm to consider: 1) attorney uncertainty about upward reviews; and 2) the necessity of associate support for the process.

**Initial attorney uncertainty.** Firms should not assume that their lawyers will intuitively understand management’s intentions behind launching an upward review program. The upward evaluation of partners is a relatively recent phenomenon among law firms. And even among firms that have implemented programs, there is no single purpose for which they are used.

In this respect, upward review programs are fundamentally different from the evaluation system that law firm attorneys know best: the associate evaluation process. Although associate evaluation programs can be structured to address various developmental issues, their primary end goal – at least in the eyes of associates – is to determine how an associate advances within the firm, with partnership as the ultimate prize.

Upward feedback does not have such an obvious end goal. Since partners have already attained partnership, what else are they advancing toward? The firm’s challenge is to clarify this issue.

**Associate support.** Associate “buy-in” is crucial to the success of an upward evaluation program. Unless a critical mass of associates participates, the feedback will not be representative of associate views. If that occurs, the partners (many of whom may be skeptical about the process to begin with) will discount heavily the validity of the

whole process. They might assume, for example, that only disgruntled associates are submitting evaluations.

Motivating associates to participate requires jumping at least two hurdles. The first, mentioned above, is to ensure that associate anonymity is protected as much as possible. The second is to convince the associates that the enterprise is worth their effort. It is possible, for example, that an associate may be faced with the prospect of evaluating many partners. Unless persuaded that the firm is genuine in its goals for the upward evaluation program, the associate may seriously question the merits of spending his or her time on this rather than on a billable project.

## Answering the Four Questions

### 1. *Why is the firm conducting the upward feedback?*

Upward feedback has many possible uses for a law firm. For example, a firm could state that conducting upward feedback is consistent with the firm's standard of "all-around excellence" for its attorneys. Indeed, this firm may already use the same standard to justify the rigorous nature of its recruiting and associate evaluation programs.

One note of caution, however. As David Maister observes, while many firms claim to have demanding standards, the true test of excellence is what a firm will do to enforce these standards, especially regarding the conduct of its partners.<sup>3</sup> Thus, is the firm willing to put its core standards to the test in its upward feedback program?

It probably can be assumed that most firms with upward feedback systems intend to identify (and, hopefully, to assist) the partners with major deficiencies. The firm

may also choose to "honor" the partners who score at the very top.

Let us assume, however, that the firm's upward feedback process shows that a total of 10% of the firm's partners register on the extreme ends as being "superstars" or "pariahs" among associates. This leaves 90% of the firm's partners in the middle range – they are doing well in some areas, but have room for improvement in others. Is the firm willing to condone having so many partners in this category? If so, is this consistent with the firm's commitment to excellence among all of its attorneys? The firm should think through these issues when setting goals for its upward review program.

In addition to promoting overall excellence among partners, there are other potential reasons (including very pragmatic ones) for conducting upward feedback. For example,

- Does the firm hope that the program's existence will provide a recruiting edge?
- Is the firm trying to improve associate morale (and in the process hopefully boost the firm's AmLaw or Vault ranking)?
- Does the firm hope to use the feedback as a "needs assessment" for setting up partner training and other forms of support?
- Is the firm trying to impress corporate clients who have adopted upward feedback within their own workforces?

The above are all valid reasons for having upward review programs. The key task for the firm is to ascertain, and then communicate, which goals are most central to the firm's short- and long-term needs. By doing so, even if the firm sets incremental goals that become more ambitious over time, the firm can go a long way in managing attorneys' expectations. Moreover, setting concrete goals will allow the firm to monitor its progress in the future.

One additional point: In setting goals for the program, firms should anticipate that associates will calibrate their responses to

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<sup>3</sup>See David Maister, *True Professionalism* (1997), at pp. 75-83.

the purposes of the feedback program. For example, if the firm states that the program is intended primarily to identify the firm's best partners to work with, associates will focus on identifying those partners. They will *not* be likely to spend time evaluating others. Likewise, if the firm states it wants to identify the partners who need the most help, the firm is not likely to receive information on partners who are in the middle of the pack.

## **2. How will the firm hold partners accountable for showing improvement?**

This question goes to the heart of David Maister's comment about enforcing standards for partner performance. In short, once the partner is in possession of the feedback, now what?

In theory, each partner might take the feedback seriously because of his or her personal desire to become a better all-around attorney. Does the firm believe that all partners will take this approach? Given the effort and capital expended to gather the upward feedback, the firm might consider additional ways to make partners accountable for taking the feedback to heart. For example:

- Announce plans to repeat the upward reviews after a set period of time, such as one or two years. The subsequent feedback will help the partner to gauge his or her improvement over time.
- Consider who else, besides the individual partner, should possess the results of the upward evaluations. Ideally, these will be persons who are in a position to motivate the partner to use the feedback constructively. The practice group chair? The managing partner? The partner's mentor?
- Decide whether the firm should create specific incentives (*e.g.*, bonuses or positive recognition within the firm) for those who receive particularly strong

feedback or show marked improvement over time. Conversely, the firm can also consider whether there should be negative consequences for those with continued poor feedback.

## **3. What infrastructure does the firm need to help facilitate the goals of the upward feedback?**

In a best case scenario, the upward review process will yield partners who are motivated to improve based upon the feedback received. Is the firm prepared to assist these partners? The more lofty and aggressive the program's stated goals, the higher the expectations, and thus the greater amount of resources the firm should be prepared to commit. The firm should ask itself the following questions:

- If the firm intends to assist partners with major deficiencies, is the firm willing to invest in coaching or other potential sources of assistance? Who will help monitor whether the partner is improving?
- How is the firm willing to assist partners generally? Will the firm consider developing a curriculum of programs on leadership and management skills for all partners? What about a mentoring program for partners? What about expanding the role of the Professional Development Department to implement these programs?

## **4. What is the firm willing to communicate to its attorneys regarding the program's progress?**

At many law firms, partner management issues are treated with great secrecy. For example, the partner compensation system – often the major (if not the only) tool for management of partners – is typically known by very few people outside of the partnership. When designing an upward review program, firms should not take such a “black box” approach to publicizing the

program's progress. Rather, the firm owes it to its attorneys, especially the associates, to inform them regarding the status of the program. This is true from a purely pragmatic standpoint as well, if the firm expects associates to provide meaningful upward reviews in the future.

Assuming that the firm decides to provide information, the firm must do so without compromising the confidentiality of any individual's results. The following are several possible strategies:

- Describe the process of how the feedback is given to the partners, as well any accountability measures that the firm has put in place.
- Have a presentation for associates that summarizes the goals of the evaluation program, provides a composite of results for partners (possibly broken down by practice areas), reviews the "lessons learned" from the feedback, and discusses how the firm intends to help partners do better.
- Announce any additional programming or other forms of assistance that the firm has endorsed for the professional development of partners.
- After the firm conducts the upward review process again, address how overall partner performance has improved.

## Conclusion

If properly executed, upward review programs can be an incredible tool for law firms to assist their partners grow as attorneys and colleagues. By asking themselves frank questions at the outset about what they will do with the feedback, law firms will greatly enhance their chances of having a successful program.



**James R. Lovelace** served as the Manager of Lawyer Development at Miller & Chevalier Chartered in Washington, DC from 2004 until 2007. While there, he oversaw the firm's professional development initiatives for attorneys, including evaluations, training, mentoring, and diversity programs. Among his specific responsibilities was planning and implementing the annual firm-wide upward reviews of partners. Prior to his professional development role at Miller, Jim served as a litigation associate at the firm as well as the Associate Director for Career Development at The George Washington University Law School. He is a graduate of Duke University and the University of Texas School of Law. Jim can be reached at [jklovelace@cox.net](mailto:jklovelace@cox.net) or (703) 319-9413.

# Leading the Virtual PD Team

Rachel W. Jones

Leading and managing a team is hard work on the best of days. But when your work team is geographically dispersed, new approaches, mostly concerning additional communication channels, need to be incorporated into the leadership style of the team director. This article discusses additional approaches to consider when leading any dispersed team, and particularly a professional development (PD) team.

There is an abundance of literature discussing the technological advancements that have allowed dispersed (remote) work groups to develop in our present global economy, while maintaining if not advancing quality and productivity. However, much less has been written about what I consider to be the greatest challenge for remote work groups.

## Communication and Relationships Are Paramount

Creating and maintaining effective communication and interpersonal relationships among the members of a dispersed team, and between the team and the leader, is paramount to the team's internal and external success. It will also be, by far, your greatest leadership challenge. That communication must include "old fashioned" face-to-face or voice-to-voice meetings in order to develop the trust and cohesion which all working teams must possess in order to function successfully.

Over the last decade a number of large multi-office U.S. law firms became global mega-firms. A necessary consequence of this growth in size and geographic expansion of client services is decentralized business and administrative operations, including PD departments. In concept, the presence of PD professionals in numerous offices on a day-

to-day basis is a terrific opportunity for in-person marketing of PD initiatives with consistent department information, delivered by "old fashioned" face-to-face conversations. In other words, there is definitely a plus side to the PD Department's external presence in various offices.

But as in any department, constant attention to the internal operations and engagement of team members is essential to the delivery of consistent client service across all offices. Leaders of remote teams should never assume that all team members flourish in a dispersed environment. The reasons are many, including previous work experience, generational issues, and even geographic issues. Feelings of isolation and the lack of daily face time with peers can have a tremendous impact on performance.

## "Practicing What We Teach"

PD Departments also have additional pressures to put into practice what is taught in many of the soft skills courses they offer to attorneys and staff. These programs include conflict resolution, negotiation skills, effective communication, and team building. If the PD Department holds itself out as expert in these areas by teaching these courses internally, then a certain "practicing what we teach" accountability burden is felt by team members, whether in a traditional or dispersed team setting. Team leaders need to be aware that geographic dispersion make following best practices more difficult to adhere to and accountability to the team and the firm more challenging.

## Appropriate Use of Technology

Adding new team members is hard enough in any environment, and orientation issues seem to compound in the dispersed

environment. Team leaders need to spend much more time ensuring that new members are thoroughly and quickly integrated into the team; that information and communication among the team is frequent, understood, polite, and concise; and that the best tech tool or application is used for each step of the process. Technology tools (e-mail, instant messaging, voice-mail) should never be considered a preferred mode of communication when a voice-to-voice phone call is an option and will ensure clearer understanding. For some, technology is very impersonal and can easily lead to misunderstandings.

Agreeing as a team on appropriate e-mail use is particularly important in the virtual environment because e-mail is the communication vehicle of first resort. However, for issues such as problem solving and policy/procedure development and clarification, voice-to-voice communication is imperative, with a recap in print/e-mail after the conversation. Advances in technology have allowed for a broad array of communication methods to enable dispersed teams to function smoothly and cohesively. By blending communication modes, the team has a better chance of developing a sense of community and common purpose that will allow it to thrive and meet its mission.

## Key Leadership Skills for Virtual Teams

So what are the leadership skills necessary to develop a successful PD team dispersed across the country, or even across the globe? Consider the seven suggestions presented in “Letterman list” fashion below:

7. **Set up your communication plan and abide by it**, emphasizing that meetings and teleconferences (or whatever modality) are so vital to the team’s success that they need to be a priority on every team member’s calendar. The plan should include what needs to be communicated, how it will be communicated, who needs the information, how soon do they need the information, and what happens when communication has been compromised. Meeting structure should also be addressed, including purpose of the meeting, an agenda distributed before the meeting, format of the meeting, who leads the meeting, and who is responsible for recording and publishing the outcome of the meeting. Encourage team members to lead meetings by creating a rotational system of meeting responsibility and, as appropriate, allowing them to choose a hot topic or emerging trend on which to lead discussion with other team members. Try to vary meeting times to allow for time zone differences and create fairness in schedules.
6. **Distribute goals, roles and responsibilities.** Staff development professionals and attorney development professionals have different roles and responsibilities, and while it is not important for everyone to have minute understanding of them, it is important to have team members know enough about individual roles to be able to discuss services that the department provides firm-wide.
5. **Review your leadership strategy** in the context of what is most appropriate for the team as a whole and its individual members. Face-to-face interaction will be infrequent, so you must employ greater active listening skills and precise writing skills.
4. **Consider deploying a behavioral assessment tool** like the DISC, Myers-Briggs, SDI, etc. in order to understand your team members’ motivations, communication styles, behavioral styles, etc. To the extent possible share the results team-wide so that greater team synergy can be developed, including building trust and cohesiveness. And make sure new team members take the instrument when they join your team.
3. **Determine a conflict resolution strategy.** As a team, prepare an

agreement on how conflict will be dealt with and ways to prevent conflict.

2. Within the confines of budgets, **plan to have at least one face-to-face meeting a year.** In addition to information sharing, incorporate team-building activities and provide learning experiences for team members. PD team members need professional development and regular educational experiences as much as anyone else in the firm.
1. **Create a central repository of information** that can be accessed and used by every team member in every location. Establish a revision system that ensures that the latest information is incorporated and that all files are kept up to date. Files for mailing lists, tracking logs, future program planning, current program progress, and current news events are just a few of the shared work spaces that can be created.

Successfully leading a dispersed PD team is much like leading a traditional team. Leaders must recognize, however, the need

for a greater emphasis on building trust, fostering communication, planning and implementing team processes, and using technology tools effectively. Without visual cues and regularly observable behavior, the development of nearly flawless active listening skills is imperative to ensure the team is meeting firm goals and objectives.

## Conclusion

Leading the dispersed PD team is challenging. But ultimately the human capital investment in its cohesion and performance will strengthen professional growth and development firm wide.

*Rachel Jones has spent 30 years working in the legal services industry, in various information services and professional development roles. From a library messenger to a professional development director for two major national law firms, Rachel has been part of or led traditional and dispersed work teams. She can be reached at [rwjones150@yahoo.com](mailto:rwjones150@yahoo.com).*

## Quotes of the Quarter:

I recommend that organizations hold “stay interviews” in addition to exit interviews. Typically we ask, “What can we do to keep you?” when the person’s foot is already out the door – and then it’s too late.

*– Beverly Kaye, Founder and CEO of Career Systems International*

Training is a very good awareness tool to make employees understand the ethical dilemmas they can and will face, but by itself, it can never substitute for a good example or role model.

*– Harold J. Tinkler, Chief Ethics and Compliance Officer, Deloitte & Touche*

# Committees Can Work!

*Susan Schoenfeld*

The comedian Milton Berle once said, “A committee is a group that keeps minutes and loses hours.” Although there have been times that I agree with Mr. Berle, that has not been the case in my most recent workplace endeavors.

I am the Professional Development Director of a law firm with 1000 attorneys in 17 offices. My department consists of myself, a CLE coordinator, and an Administrative Assistant. We offer approximately 20 training programs per month to our attorneys and their clients. We also provide a monthly Mentor/Mentee lunch program as well as firm-wide mentor events. Recently, we have had many lateral attorneys joining our firm, and I have begun to create programs specific to their needs.

That’s a lot to accomplish with so few staff members, but my background as a Communication Consultant helped me to come up with a solution.

I know that one of the best ways to get people engaged in an organization is to give them a responsibility or get them involved. It makes them feel more a part of the firm, and it is a good way to develop relationships. I used this principle in creating my strategic plan. I had several goals:

First, I needed to **increase attendance** at our training programs and **obtain more feedback** to make sure the programs were meeting the needs of those who attended. Anyone involved in training knows that you can provide evaluation forms for each of the programs you offer, but it is only rarely that they are filled out. Keeping this in mind, I asked each of the firm’s training partners to appoint associates in their departments from different geographical locations who could serve as “associate training assistants.” We would meet via teleconference quarterly to discuss upcoming programs, orientations,

and training. The training associates provided many suggestions on how our training could be more effective. As members of this group, they were asked to encourage associates in their office to participate in the training and, as they had a vested interest, they did so.

Another goal was to **get more bodies to help** with the logistics of some of our programs. For example, for our firm-wide mentor event I decided to organize a Jeopardy Game using questions from numerous Trivial Pursuit games. Each office had teams of mentors/mentees playing jeopardy against one another. We had an MC, prizes, and either a lunch, barbecue or happy hour to go along with the game. I asked my training assistants to help coordinate the activities in their office and encourage people to participate. They did a great job!

The culminating event was to have the winning team in each office play against each other through the use of videoconferencing. Attorneys and staff were encouraged to watch and cheer their teams to victory, and a lunch or snack was provided in each office. The training assistants helped with this event as well.

I made sure to send out emails to the firm acknowledging the work of my training assistant committee members, and key people in each office were copied. This was a good way for them to receive some notoriety and a “pat on the back.” We have repeated the Jeopardy Game for three years and it has been a huge success. I could not have done it without the help of my training assistants.

As I mentioned earlier, we have monthly Mentor/ Mentee lunch programs which we videoconference to each office. I was starting to run out of program ideas after two years, and then one of our lateral partners asked, “Can I help you?” I immediately said, “Sure,

let's get a committee together." So I sent an announcement to our attorneys to see who would like to be part of our Mentor/Mentee lunch committee, and I received many responses.

I selected several attorneys from different locations to be part of the group. We set up a teleconference call, brainstormed different topic ideas and possible presenters, and then divided up the months so that each of us would be responsible for specific programs. Once again, the committee approach worked to increase attendance because the person who planned the program made sure it was well attended; and with the combined input of the group, the quality of our programs increased.

Our firm has always had an Associates Committee selected by our firm Management leaders. I decided that the more I involved them in the different events that I was planning, the better it would be. I asked for their input and their help in promoting programs, and I worked with them on helping to satisfy their needs as well. They have become a valuable resource.

Finally, I wanted our **laterals to feel like a part of our firm**. I used the same principle of forming a committee, sending out an email to our lateral associates asking if they would like to help plan lateral attorney programs and other firm-wide events. I got a great response.

My latest plan is to have a "Mentor Mania Month" with a wide variety of activities going on in each of our offices, such as softball games, golf outings, lunches, happy hours, etc., and prizes for the mentor/mentee pair that participates in the most events. I enlisted the Associates Committee, the Lateral committee, the Mentor/Mentee lunch committee, and my training assistants to help me with this project.

People are getting to know each other and having fun, and I am getting my work accomplished. Unlike Mr. Berle, I strongly promote the formation of committees!



**Susan Schoenfeld** has an MA in Communications. She has been the Director of Professional Development at Foley & Lardner LLP for the past seven years; prior to that she was the Training Manager at Extencicare Health Services Inc. She has taught Communication courses for over 20 years at

several colleges and was the Head of the Theater department at Mt. Mary College for 16 years. While teaching, she worked as a communication consultant providing strategic planning, training, and public speaking for businesses and professional groups throughout Wisconsin. She can be reached at [sschoenfeld@foley.com](mailto:sschoenfeld@foley.com) or (414) 297-5451.



*(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.)*

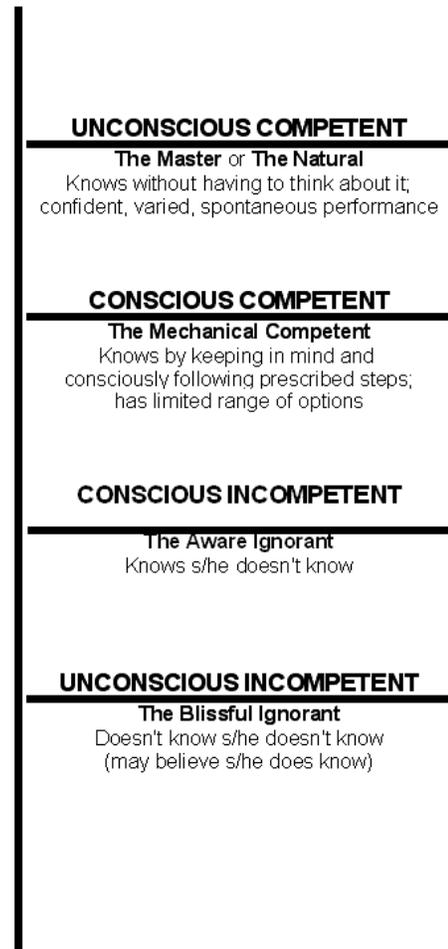
## The Learning Ladder

One of my favorite models to explain competency development for professionals is the learning ladder, shown at right. Besides the ladder graphic, I've also seen the four stages represented as steps on a staircase and as a 2x2 matrix.<sup>4</sup>

The model is useful in several ways:

- It simplifies the stages of the learning process in a way that is highly intuitive and that evokes people's own experience. Everyone I've introduced the model to has immediately grasped its meaning and, even better, accepted its validity.
- It sets the stage for discussing differing learning needs at different stages of development – for example, that what someone at the Conscious Competent stage needs to move up to the next level is lots of opportunities for skills practice, not more classroom training.
- It also sets the stage for discussing how differing strengths can affect one's progress up the ladder, and even one's starting point on it. In the Myers-Briggs context, for example, skills like client relationship-building and participative management typically come much more naturally and quickly to Feeling types than to Thinking types. Knowing that is reassuring to someone accustomed to academic success who is having unexpected difficulty learning a different type of subject matter.

## The 4 Stages of Competency Development



<sup>4</sup>The concepts behind the model have been around for a long time; I've even heard them credited to Socrates. But there's reasonable consensus the model was refined into something close to the form used here, and widely used in the 1970's, by Thomas Gordon of Gordon International, the developer of Parent Effectiveness Training. See the [Businessballs](#) site under "conscious competence" for an in-depth and lively discussion of the model, its uses, and its history.

– Gaye Mara

## Professional Developments

### Events

Future PD-related conferences, seminars, and workshops:

#### Legal Profession:

- ☀ 11/29-30/07, Washington, DC. *2007 NALP & ALI-ABA Professional Development Institute*. National Association for Law Placement, [www.nalp.org](http://www.nalp.org).
- ☀ 1/26-29/08, Las Vegas, NV. *44<sup>th</sup> Mid-Year Meeting*. Association for Continuing Legal Education, [www.aclea.org](http://www.aclea.org).
- ☀ 2/21-23/08, Providence, RI. *2008 NALP Newer Professionals' Forum*. National Association for Law Placement, [www.nalp.org](http://www.nalp.org).
- ☀ 3/27-28/08, Philadelphia, PA. *2008 Diversity Summit*. National Association for Law Placement, [www.nalp.org](http://www.nalp.org).

#### General Audience:

- ☀ 8/6-8/07, Toronto, ON. *Accelerated Learning Training Methods Workshop*. The Center for Accelerated Learning, [www.alcenter.com](http://www.alcenter.com). (Repeated 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.)
- ☀ 8/8-10/07, Denver, CO. *Sharing@LearnShare Conference: Achieving Mile-High Results*. Sharing@LearnShare, <http://www.sharing2007.com/denver>.
- ☀ 8/16-17/07, San Diego, CA. *The 2007 Annual Diversity Seminars. The New Diversity: Beyond Borders & Beyond Barriers*. The Conference Board, [www.conference-board.org/diversityseminars.htm](http://www.conference-board.org/diversityseminars.htm). (Repeated 9/10-11 in Chicago.)
- ☀ 8/26-29/07, Stockholm, Sweden. *Managing a Future Search – A Learning Workshop*. Future

Search Network, [www.futuresearch.net](http://www.futuresearch.net).

- ☀ 9/6-8/07, McLean, VA. *ASTD Mid-Atlantic Regional Conference: Play Your Best Hand – Stack the Odds for Maximum Success*. Metro DC Chapter, American Society for Training & Development, [www.dcastd.org](http://www.dcastd.org).
- ☀ 9/11/07ff, Scottsdale, AZ (or online, if noted). **Clark Training Workshop Series**, Clark Training & Consulting, [www.clarktraining.com](http://www.clarktraining.com):
  - 9/11-13/07. *Needs Assessment for Performance Technologists: Tools and Techniques*. (Repeated 2/20-22.)
  - 10/9-12/07. *How to Plan, Design, and Evaluate E-Learning*.
  - 10/23-26/07. *How to Plan, Develop, and Evaluate Learning*. (Repeated 4/1-4.)
  - 11/12-16/07, Online only. *Building Expertise: How to Apply Learning Psychology to Instructional Design*. (Repeated 5/5-9.)
  - 11/26-30/07, Online only. *E-Learning and the Science of Instruction*.
- ☀ 9/18/07ff, Red Bank, NJ. **Flawless Consulting Workshop Series** for internal and external consultants, [www.designedlearning.com](http://www.designedlearning.com):
  - 9/18-19: *Flawless Consulting 1: Contracting* (how to have a 50/50 relationship with the client)
  - 9/20-21: *Flawless Consulting 2: Discovery* (feedback and decision support skills)
  - 10/9-10, *Building Accountability and Commitment*.
  - TBD, *Flawless Consulting 3: Implementation*.
- ☀ 9/24-26/07, New York, NY. *The 2007 Succession Management Conference: Best Practices and Strategic Planning for Next Generation Leadership* (9/25-26), with pre-conference seminar 9/24. The Conference Board, [www.conference-board.org/succession.htm](http://www.conference-board.org/succession.htm).
- ☀ 9/27-29/07, Phoenix, AZ. *ISPI 2007 Fall Conference: Aligning Business Results Through Performance Improvement*. International Society for Performance

Improvement, [www.ispi.org/Fall2007](http://www.ispi.org/Fall2007).

- ☀ 10/1-2/07, Arlington, VA. *Telling Ain't Training Conference*. American Society for Training & Development, [www.tat.astd.org](http://www.tat.astd.org).
- ☀ 10/15-17/07, Salt Lake City, UT. *Training Tech Solutions Conference & Expo: Harnessing Technology for Real Learning Outcomes*. Training Magazine, [www.TrainingTechSolutions.com](http://www.TrainingTechSolutions.com).
- ☀ 11/6-8/07, San Jose, CA. *DevLearn 2007: The E-Learning Development Conference & Expo*. eLearning Guild, [www.eLearningGuild.com](http://www.eLearningGuild.com).

## Resources

**Two new publications** worth noting:

- *The New Associate Toolkit: Start Off Strong*, by Ross Guberman. Building on his Summer Associate Toolkit released this spring, Guberman has created an expanded writing toolkit for new associates. There's more information at [www.legalwritingpro.com/toolkit/](http://www.legalwritingpro.com/toolkit/).
- *Update on Associate Attrition: Findings from a National Study of Law Firm Associate Hiring and Departures – 2006*. (48 pages, \$75). This report on calendar 2006 compares associate hiring and attrition by firm size, gender, and race/ethnicity and, for the first time, categorizes associate attrition as “wanted” or “unwanted.” The NALP Foundation, [www.nalpfoundation.org](http://www.nalpfoundation.org).

**Litilaw** is a new free resource that synthesizes articles of interest to litigators that were written for CLE programs and legal periodicals; the site links to full text of the original articles, which can be downloaded in PDF format. [litilaw.lexbe.com](http://litilaw.lexbe.com).

**Down with the billable hour.** The Summer 2007 issue of Ida Abbott's newsletter *Management Solutions* leads with a subject dear to our hearts: the corrosive effects of the billable hour system on lawyers' morale and development. It also reports how four firms have departed from the conventional model to

eliminate the billable hour or to minimize its negative impact. [www.idaabbott.com](http://www.idaabbott.com).

## Downloadable PD Resources and Templates.

Looking for a concise explanation of Bloom's taxonomy or Kolb's learning styles? Want a graphic of McGregor's X-Y theory of management styles? Or maybe a few suggestions for team-building exercises?

The UK web site Businessballs ([www.businessballs.com](http://www.businessballs.com)) contains an exhaustive and eclectic assortment of information, tips, and templates on training and related subjects (along with a few oddball items like “Cockney Rhyming Slang”).

Proprietor Alan Chapman does a nice job of summarizing numerous leading concepts in the training and development world. He also provides free downloadable templates and graphics, along with his permission to use them, with appropriate credit, in your organization.

## Competitions

Training Magazine is sponsoring two upcoming competitions to recognize organizational learning programs:

- Training's **Top 125 Awards** annually rank the 125 top learning organizations. There are also separate awards for Best Practices and for Outstanding Training Initiative. Entry deadline is September 14. Entry form with more information is at [www.trainingmag.com/top125](http://www.trainingmag.com/top125).
- Training's **Technology in Action Awards** will “reward organizations that leverage learning technology in high-profile projects that produce measurable results.” There are 9 “Project of the Year” categories to choose from. Apply by August 24th at [www.trainingmag.com/techaward](http://www.trainingmag.com/techaward).

We'd love to see some law firm winners this year!

## Research

**Law School Education.** The Carnegie Foundation for the Advancement of Teaching conducted a two-year study of legal education in the U.S. and Canada, including a year of intensive field work at a cross-section of 16 law schools. This is one in a series of studies on Preparation for the Professions that has or will analyze and compare graduate education for careers in medicine, engineering, and the clergy.

The study gives particular scrutiny to the strengths and limitations of the case-dialogue method, both of which are intensified by law faculty's near-total reliance on this single teaching tool. Law office PD directors will recognize the resulting gaps in new graduates' competencies the authors point out, and appreciate their recommendations for change.

The full study has been published by Jossey-Bass in *Educating Lawyers: Preparation for the Profession of Law*, by William M. Sullivan et al. (\$40; available through NALP to its members for \$36). A summary of the study's findings and recommendations is posted online at [www.carnegiefoundation.org/files/elibrary/EducatingLawyers\\_summary.pdf](http://www.carnegiefoundation.org/files/elibrary/EducatingLawyers_summary.pdf).

**The Hidden Workplace.** The July 23 issue of *Fortune* reports on a study by the consulting

firm Katzenbach Partners of "The Informal Organization" – the networks of personal relationships that exist in every workplace, and that exchange information and assistance through channels that don't appear in the organization chart. The consultants refer to leaders' ability to "toggle between both [the formal and informal] power structures" as their "organizational quotient," or OQ.

One of their findings: "All those lines and boxes [on the org chart] don't tell you, for example, that smokers tend to have the best information, since they bond with people from every level and department when they head outside for a puff."

The article discusses how to chart this "parallel power structure" and gives examples of how leaders with high "OQ" have identified and worked with informal employee networks to everyone's benefit – to build morale and credibility, improve communications, streamline processes, and groom future leaders. ("The Hidden Workplace: What's Your OQ?", pp. 98-106.)

## MCLE Watch

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

Not much is happening on the MCLE front at the moment:

On April 27 **Oregon** ([www.osbar.org](http://www.osbar.org)) revised its rules on teaching credit and independent study:

- In a session with multiple presenters, the number of minutes of actual instruction will be divided by the number of presenters for purposes of calculating each presenter's MCLE credit, unless notified otherwise by the presenter.
- A lawyer who is licensed in a jurisdiction that gives credit for reading and passing an

examination about specific material may use those credits to meet Oregon's requirement.

On July 1 **Virginia** doubled its CLE noncompliance fee, from \$50 to \$100. [www.vsb.org/site/members/mcle-courses/](http://www.vsb.org/site/members/mcle-courses/)

**Wyoming** has decided that its filing deadlines and fines for new lawyers who fail to complete their New Lawyer requirements will be the same as those for active lawyers. [wicourts.gov/services/attorney/edu.htm](http://wicourts.gov/services/attorney/edu.htm)

**100% Renewal Rate by our law firm subscribers in 2006-07!!** Check out the expanded, online **Capital CLE Calendar**. Thousands of live, in-person CLE courses, offered by over 100 providers in 10 major metropolitan areas, are indexed by topic and date and continuously updated. Link to the providers' web sites for more information about a course, or to register. Link to CLE regulators' sites for Bar-approved courses. Viewable, printable, and keyword-searchable in the major browsers.

Go to <http://www.profdev.com/pubs.htm> for more information, or contact us at [marag@profdev.com](mailto:marag@profdev.com) or (703) 719-7030 for a private tour and a free 30-day trial.

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On and After August 1, 2007

Last Update: 8/1/07

**ADMINISTRATIVE/GOVERNMENT/REGULATORY LAW, GENERAL**

8/30/07. *Economic Development Incentives.* [LES](#). [6.5]  
 10/4-5/07. *Municipal Law & Litigation.* [LINST](#). [12.0]

**ANTITRUST/UNFAIR COMPETITION LAW**

10/11-12/07. *Trademarks, Copyrights, and Unfair Competition for the General Practitioner and the Corporate Counsel.* [ALI-ABA](#)

**BANKING/FINANCIAL SERVICES LAW**

10/19/07. *Mortgage Foreclosure.* In Lisle. [LINST](#). [6.0]  
 12/?/07. *Accounting Issues for the Mortgage Industry.* Optional full-day workshop: *Tax Issues for the Mortgage Industry.* [EEI](#). [CLE/CPE pending]  
 4/17-18/08. *13th Annual Consumer Financial Services Litigation Institute.* [PLI](#)

**BANKRUPTCY LAW**

10/16/07. *Consumer Bankruptcy Practice.* [LINST](#). [6.5]

**BRIDGE-THE-GAP/NEW LAWYER PROGRAMMING**

11/15-16/07. *Bridge-the-Gap for Newly Admitted Attorneys.* [PLI](#)  
 12/7-8/07. *Basic Skills Course for New Attorneys.* [JMLS](#). [15.0]

**BUSINESS/CORPORATE LAW AND PRACTICE, GENERAL**

8/2-3/07. *Development & Finance.* [TSG](#)  
 8/9-10/07. *Basics of Accounting & Finance 2007: What Every Practicing Lawyer Needs to Know.* [PLI](#)  
 8/15/07. *Financial Statement Analysis: Understand and Interpret Financial Results for Better Management, Investment, and Credit Decisions.* In Naperville. [LES](#)  
 9/10/07. *E-Commerce.* [LINST](#). [6.0]  
 9/24-25/07. *Outsourcing and Offshoring 2007: Protecting Critical Business Functions.* [PLI](#)

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