

Professional Development Quarterly

May 2008

Inside:

7

Survey Update on
[Partner Development Programs](#)

19

Learning Lab: [Letting Our Smart
People Talk to Each Other](#)

20

[Professional Developments:](#)
Events, News, Resources

23

[MCLE Watch:](#) OR, TN

24

[PDQ Subscription Form](#)

A Common Sense Guide to Workplace Law for Law Firm Professional Development (Part 1)

Andrew B. Cripe

2008 Andrew B. Cripe. All rights reserved.

Introduction

At this moment I can more easily get my son into a lawyer's office to learn law than I can into a blacksmith's shop to blow the bellows and to wield the sledge-hammer. Denied the means of learning useful trades we are pressed into the narrowest limits to obtain a livelihood.

- Frederick Douglass (1853) ¹

Today's lawyers might disagree with Douglass that law offices are "easily" gotten into. Law firm hiring is a lengthy, painstaking, and highly selective process, and diversity goals are an important component of that process. Professional development builds on the firm's hiring choices, helping its new lawyers grow into competent, confident, and satisfied practitioners.

Law firm employment litigation, however, is the antithesis of law firm professional development, and frequently the antithesis of law firm diversity as well. Both professional development programs and diversity programs seek to promote a welcoming and productive working environment and advancement

¹ Letter to Harrier Beecher Stowe, *Selected Speeches and Writings of Frederick Douglass*, edited by Philip S. Foner, Lawrence Hill Books, 1999 edition, p. 217.

PROFESSIONAL DEVELOPMENT QUARTERLY

is published four times a year by Professional Development Services.

Publisher/Managing Editor: Evelyn Gaye Mara
Associate Editor: Honora Mara.

Send subscriptions, address changes, and correspondence to: PDQ Editor, Professional Development Services, P.O. Box 150306, Alexandria, VA 22315, (703) 719-7030, Fax (703) 814-8590, Web www.profdev.com, E-mail marag@profdev.com.

Copyright © 2008 Evelyn Gaye Mara. All rights reserved. Subscribing organizations may circulate this publication internally to their employees.

opportunities for all the lawyers in the firm. Employment law claims arising out of the law firm workplace, whether they are well founded or not, represent a costly failure of the employment relationship and a wasted opportunity for all involved.

Law firms make significant investments to attract and maintain the best lawyers, with new associates at most large law firms being paid well in excess of \$100,000 per year.² New lawyers likewise invest substantial time and effort to obtain a legal education, with the average new lawyer graduating with student loan debt of between \$48,910 (for public law school graduates) and \$76,763 (for private law school graduates).³ As is apparent from the published cases involving law firms and lawyers, workplace lawsuits do little to help recoup these investments as litigants cast each other in an unfavorable light, airing their respective grievances in a

² "As Salaries Rise, So Does the Debt," Leigh Jones, *The National Law Journal* (February 1, 2006); available at: <http://www.law.com/jsp/law/careercenter/lawArticleCareerCenter.jsp?id=1138701909390>.

³ *Id.*

public forum in full view of current and prospective clients, judges, and other lawyers and law firms.⁴

As employers, law firms are in a unique position. While ignorance of the law may never make for a good defense, law firms in particular must be mindful of both the letter and spirit of the law: Judges, juries, and regulators appropriately hold lawyers to a heightened degree of scrutiny.

As the EEOC noted in a recent study on diversity in law firms:

The importance of the legal profession in today's society is unquestionable. Lawyers are powerful players in social, economic and political circles . . . [L]awyers are very often key players in designing and activating the institutional mechanisms through which property is transferred, economic exchange is planned and enforced, injuries are compensated, crime is punished, marriages are dissolved and disputes resolved. The ideologies and incentives of the lawyers engaged in these functions directly influence the lived experience of Americans, including whether they feel fairly treated by legal institutions. The persuasive power of law as a tool to change or eliminate certain nonproductive behavior must, in part, be attributable to the respect and acquiescence afforded to the law and lawyers by those subject to it. ⁵

As a practical matter, the law firm workplace presents challenges that may impact the

⁴ Law firm workplace cases can put a client in the middle of a dispute between the firm and a firm employee. For example, in *Shore v. Groom Law Group*, 877 A.2d 86 (D.C. Cir. 2005), a former law partner claimed gender discrimination after she was asked to resign for making comments to a client that cast the firm in a negative light; namely, that the firm "had difficulty accepting women in leadership roles." The firm, which ultimately prevailed, presented evidence that the plaintiff missed deadlines, treated staff and clients poorly, did not relate well to some clients, and threatened to leave the firm and take business with her.

⁵ U.S. EEOC, *Diversity in Law Firms*, 2003, www.eeoc.gov/stats/reports/diversitylaw/index.html.

quality of the work environment for individual employees. The practice of law requires highly motivated, talented and often assertive professionals (lawyers, paralegals, secretaries and other support staff) to work closely together, often under stressful conditions and for long hours.⁶ A stressed or exhausted professional primarily trained to deal with adversaries may fail to deal with colleagues in an appropriate or productive way. Even without such stresses, legal professionals may suffer the normal human lapses of common sense and good judgment.

The partnership structure of most law firms, in which partners serve their respective clients often without direct supervision by their fellow partners, may exacerbate or complicate the resolution of workplace issues when they do arise. In contrast to the typical corporate employer where clear direct and indirect reporting channels may help resolve workplace complaints, individuals working within one particular practice or office of a law firm may feel isolated from the firm as a whole and from any mechanism for resolving problems with the individuals they work closely with and depend on for work.⁷

Ultimately, any law firm professional development depends on maintaining a healthy and productive workplace environment and avoiding the personal, financial and professional costs associated with workplace litigation. A healthy dose of common sense can go a long way in navigating the workplace laws applicable to

⁶ See, *Dziamba v. Warner & Stackpole, LLP*, 778 N.E.2d 927 (Mass. App.Ct. 2002) (“The work of a lawyer is often highly demanding of both physical and psychic energy. It requires responses to often simultaneous external pressures from courts, opposing counsel and clients.”)

⁷ See, e.g., *Gallina v. Mintz, Levin, Cohn, Ferris, Glovsky*, 123 Fed.Appx. 558 (4th Cir. 2005) (Plaintiff alleged that she was admonished for reporting problems to the firm’s Boston headquarters - she worked in Reston, Virginia - with such comments as “[a]ny dirty laundry that there may be in Reston needs to be handled in Reston. You don’t need to go to Boston.”).

the law firm workplace, and should be incorporated into any law firm professional development effort.

I. Overview of Law Firm Workplace Law

The real social impact of workplace behavior often depends on a constellation of surrounding circumstances, expectations, and relationships which are not fully captured by a simple recitation of the words used or the physical acts performed. Common sense, and an appropriate sensitivity to social context, will enable courts and juries to distinguish . . . conduct which a reasonable person in the plaintiff’s position would find severely hostile or abusive.

- *Oncale v. Sundowner Offshore Services, Inc*⁸

As further discussed in the next section, most law firm workplace claims involve allegations of discriminatory or harassing conduct by individuals within working relationships. Law firms may also face claims arising under statutes other than those prohibiting discrimination or harassment, such as claims under the Family Medical Leave Act (FMLA), wage claims under the Fair Labor Standards Act (FLSA), or benefit claims under the Employee Income Security Retirement Act (ERISA). However, these claims appear relatively infrequent as compared to claims of sexual harassment and gender discrimination.

This may reflect that the “stakes” may be higher – and therefore more likely to result in litigation - in law firm harassment or discrimination claims, where reputations and careers may hang in the balance. It may also reflect the fact that lawyers and law firms are less likely than other employers to run afoul of statutes that are primarily technical and administrative in nature: While other employers may struggle in interpreting and applying such laws (e.g., determining

⁸ 523 U.S. 75, 118 (1998).

record retention requirements for performance appraisals), lawyers are certainly trained to properly interpret what is required.

Every person with management responsibility in a law firm, and especially professional development officers with legal personnel responsibilities, should therefore have a working knowledge of workplace discrimination and harassment law and be alert for signs of legally problematic behaviors. Those requirements can be summarized as follows:

The Law of Workplace Discrimination and Harassment

By virtue of Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Pregnancy Discrimination Act, and their state and municipal law equivalent fair employment statutes and ordinances, private employers such as law firms are generally obligated to provide a workplace that is free from discrimination and harassment based on an individual's sex, race, color, nationality, ethnicity, age, religion, disability or other protected status.⁹ This obligation requires that decisions about the terms and conditions of employment neither have the intent nor effect of discriminating against any particular class of employees based on their protected status.¹⁰ This obligation also requires that the work environment be free of harassment on the basis of any protected status; harassment being recognized as a form of discrimination in which the quality of the workplace environment effectively interferes with an individual's access to equal employment opportunities.¹¹

⁹ See, *Meritor Savings Bank v. Vinson*, 477 U.S. 57, 65 (1986) (stating that Title VII "affords employees the right to work in an environment free from discriminatory intimidation, ridicule, and insult.").

¹⁰ *Id.*

¹¹ See, *Fitzgerald v. Ford Marrin Esposito Witmeyer & Gleser LLP*, 153 F.Supp.2d 219, 228 (S.D.N.Y. 2001) ("The statute [Title VII] does not literally deal with sexual harassment. However, the courts have long recognized that sexual harassment is a form

Sexual harassment may include *quid pro quo* harassment, where a decision maker conditions the terms and conditions of employment on submission to or rejection of sexual conduct. Sexual harassment, as well as unlawful racial, religious, or other harassment, may also include harassment based on a hostile work environment. A hostile work environment is one in which: (1) conduct of a physical, verbal or visual nature and directed to a protected status (i.e., sex, race, religion, etc.); (2) is offensive and unwanted; (3) severe and pervasive; and (4) interferes with an individual's work.¹²

A hostile work environment claim requires more than mere isolated instances of harassment.¹³ Rather, a plaintiff must show that either a single incident was extraordinarily severe, or that a series of incidents were sufficiently continuous and concerted to have altered "the terms and conditions of employment."¹⁴ To meet this burden, the plaintiff must make out a case both objectively and subjectively, by showing that the environment was one that a reasonable (i.e., objective) person would find abusive, and one that the victim subjectively found to be abusive.¹⁵ The objective, reasonable person test requires viewing the conduct according to "common sense and an appropriate sensitivity to social context."¹⁶ Applying this standard, discourtesy or rudeness should not be confused with actionable harassment.¹⁷ Title VII and its state law equivalents are not intended to impose a "general civility code."¹⁸

An employer may be liable for a hostile work environment created by its employees where it knew or reasonably should have known of the conduct in question and failed to take

of sex discrimination.")

¹² See, *Faragher v. City of Boca Raton*, 524 U.S. 775 (1998); *Harris v. Forklift Systems, Inc.*, 510 U.S. 17, 21-22 (1993).

¹³ *Fitzgerald*, 153 F.Supp.2d at 231.

¹⁴ *Howley v. Town of Stratford*, 217 F.3d 141, 153 (2d Cir. 2000).

¹⁵ *Harris*, 510 U.S. at 21-22.

¹⁶ *Oncable*, 523 U.S. at 81.

¹⁷ *Faragher*, 524 U.S. at 788.

¹⁸ *Id.*

prompt action to bring such conduct to a stop.¹⁹ A firm may also be liable for actions of managers or supervisors resulting in a tangible employment action such as a termination or demotion.²⁰

As an affirmative defense to liability, an employer may point to its efforts to prevent harassment and discrimination in the workplace and the complaining employee's failure to take advantage of those efforts.²¹ In the context of a claim of harassment involving a supervisor, such a defense is only available when the alleged conduct did not culminate in a tangible employment action such as a demotion or termination.²² Conversely, an employer's failure to take reasonable steps to prevent workplace discrimination or harassment may support a claim for punitive damages.²³

II. Overview of Law Firm Workplace Litigation

As we have seen, law firms and lawyers have not been immune from lawsuits charging improper workplace conduct, including lawsuits resulting in multimillion dollar liabilities,²⁴ damaged reputations,²⁵ and even

disbarment.²⁶ Law firm workplace lawsuits typically arise out of a relatively limited set of facts, involving one or more of the following:

1. The law firm workplace environment;
2. Hiring & promotions;
3. Evaluations; and
4. Terminations.

Claims arising in these contexts may allege:

- **Discrimination, harassment, or retaliation** under state or federal law (i.e., Title VII or its state law equivalents).
- **Breach of contract**, particularly in the context of disputes between law firm partners.
- A variety of **tort** claims, such as for defamation or intentional infliction of emotional distress, though these are usually ancillary to (and largely based on the same operative facts as) claims for discrimination or harassment.

Anecdotally, the most common law firm workplace claims appear (based on a non-scientific survey of legal opinions) to involve hostile work environment sexual harassment claims and claims of gender discrimination in hiring, promotion (i.e., from law clerk to associate or associate to partner), or termination. Law firm sexual harassment or gender discrimination claims are particularly notable in their similarities; the same alleged behaviors or situations appear to repeat themselves from firm to firm with some frequency. Specifically, these cases may involve: (1) particularly egregious alleged conduct by a single attorney with some clout within the firm (i.e., a partner with business, management authority, etc.);²⁷ (2) allegations

¹⁹ *Faragher*, 524 U.S. at 788..

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *See, e.g., Weeks*, 63 Cal.App.4th 1128 (Discussing California state law basis for punitive damages against firm for failing to take reasonable steps to guard against harassment).

²⁴ *See, e.g., "\$27.5 Million Consent Decree Resolves EEOC Age Bias Suit Against Sidley Austin,"* at <http://www.eeoc.gov/press/10-5-07.html>; *Weeks v. Baker & McKenzie*, 63 Cal.App.4th 1128 (1st Dist. 1998) (Affirming award of \$50,000 in compensatory damages against firm, \$225,000 in punitive damages against partner, \$3.5 million in punitive damages against firm, and \$1,847,437.86 in fees and costs).

²⁵ For example, the partner named as a defendant in *Kojak v. Jenkins*, 1999 WL 244098 (S.D.N.Y. 1999), was cast in an unfavorable light when his explicit and unwanted love letter to a firm word processor was reprinted in its entirety in the court's opinion along with a derisive footnote by the court commenting on the partner's "literary effort."

²⁶ *In re Tenenbaum*, --- A.2d ---, 2007 WL 356193 (Del. 2007) (Lawyer disbarred after lengthy history of sexual misconduct against clients and employees).

²⁷ *See, e.g., Weeks*, 63 Cal.App.4th 1128; *Lien v. Wilson & McIlvaine*, 1988 WL 84726 (N.D.Ill. 1988) (Former associate filed suit against former firm for gender discrimination and retaliation charging certain partners with anti-female animus that disrupted her path to partnership); *Frederick v. Shaw & McClay*, 1994 WL 57213 (E.D.Pa. 1994) (Former associate

of rampant sexual relationships within the office;²⁸ and (3) allegations of a generally sexually charged atmosphere, including frequent sexually or otherwise offensive comments, banter and jokes.²⁹

Statistically, the EEOC has noted, based on data collected in the EEO-1 form (submitted by private employers with 100 or more employees), that the representation of women and minorities in practice (and at the partnership level) at larger law firms has increased dramatically in the past 20 years.³⁰ However, the EEOC has also noted that this increase is exceeded by the increasing numbers of women and minorities graduating from law school. The EEOC and

successfully claimed sexual harassment and received a jury verdict of \$125,000 based on allegations that after a poor review on her fifth year review, she succumbed to a partner's advances and improper remarks and began a sexual relationship with him to stay in his good graces only to be terminated after what the firm claimed was a series of disruptive incidents and poor performance); *K.S. and B.S. v. ABC Professional Corporation*, 749 A.2d 425 (N.J. Super. A.D. 2000) (Associate alleged she was raped by the partner she worked for).

²⁸ See, e.g., *Kojak v. Jenkins*, 1999 WL 244098 (Plaintiff alleged it was "commonplace for male attorneys to carry on sexual relationships with other females, including junior female attorneys and staff workers); *K.S. and B.S.*, 749 A.2d 425 (Firm Associate who alleged she had been raped by the partner she worked for claimed that "rampant" sexual relationships in the office created a pervasive "libal and licentious atmosphere" that condoned rape).

²⁹ See, e.g., *Fitzgerald v. Ford Marrin Esposito Witmeyer & Glessner, L.L.P.*, 153 F.Supp.2d 219 (S.D.N.Y. 2001) (Former female associate alleged male associates of the firm routinely talked about sex, exchanged sex jokes, and used vulgar terms and epithets while she was present); *Ranciato v. Saxe, Doernberger & Vita, P.C.*, 2004 WL 2444153 (P.C.Conn.Super. 2004) (Former female associate alleged that she was subjected to frequent abusive and harassing treatment, including sexist comments suggesting that she was promiscuous); *Gallina v. Mintz, Levin, Cohn, Ferris, Glowsky*, 123 Fed.Appx. 558 (4th 2005) (Former female associate alleged she was subjected to harsh language including being called a "f-cking idiot," "stupid bitch" and comments disparaging women as lawyers, including the comment that "pregnant women don't make partner.").

³⁰ U.S. EEOC, *Diversity in Law Firms*, 2003, www.eeoc.gov/stats/reports/diversitylaw/index.html.

others have noted a variety of possible explanations for these differences, including "penalties to part-time work and career interruptions" for women, the "up and out" system of promotion at most law firms (i.e., advance to partner or leave), a higher representation of women and minority lawyers working in the public sector than the private sector, and historical stratification and patterns of discrimination in many private law firms.³¹

While it is not clear whether or to what extent the statistical findings concerning law firm diversity bear any connection to the anecdotal examples of alleged harassment and discrimination in published cases involving law firm defendants, it is clear that any effort to improve law firm diversity must include an effort to prevent or remedy the type of conduct which prompts workplace lawsuits against law firms and impedes lawyers' professional development.



Andrew Cripe is a partner in the Chicago office of *Hinshaw & Culbertson LLP*, where he practices labor and employment law, including on behalf of law firms and other professional service firms. He is also on the adjunct faculty at Loyola University Chicago School of Law, teaching courses in legal writing, advocacy and employment counseling. He can be reached at acripe@hinshawlaw.com.

³¹ *Id.*

Partner Development Programs

Gaye Mara

Our last survey on this subject was conducted in the summer of 2003 by Peter Sloan, Career Development Partner at Blackwell Sanders Peper Martin LLP. At that time Peter found that firms of all sizes were investing in “a wide range of career development programming, resources, and coaching” to help their partners meet “the new realities and expectations for law firm partners.” He concluded that “firms that actively manage partner career development should enjoy an advantage in today’s competitive legal market.”

Nearly five years later, it seems time to take another look at what firms are doing to support their partners³² professional growth. We did this in a two-part survey that also updated our 2002 survey of upward evaluation programs.³³ To lighten the load on survey participants, we shortened and consolidated much of the information Peter requested in 2003; we also added a few new questions to check into some trends that have emerged since then.

The Respondents

Twenty private law firms responded to this part of the survey.³⁴ They range in size from under 200 to over 1,000 lawyers, and represent 13,262 lawyers in total. Average size is 663 lawyers. All are multi-office firms, and most (65%) have offices in more than one country.

³²As in 2003, the term “partner” is meant to include the comparable titles of member, shareholder, etc.

³³The report on upward evaluation (Part 1) appeared in the February issue.

³⁴One additional firm submitted a response to Part 2 of the survey and has been added to the original 19 participants in Part 1.

Status of Partner Development

Fifteen of the 20 responding firms (75%) report that they provide dedicated programming and resources for partners’ professional development. This group overlaps with, but is not identical to, the group that conducts upward evaluations for their partners: Six firms that do not use upward evaluations do, however, provide their partners with the other developmental programs discussed in this section of the report; whereas two firms with upward evaluation programs report no other dedicated developmental programming for partners.

What Topics Do Partner Development Programs Address?

The topics addressed in the respondents’ partner development programs are listed in Figure 1 on the next page, in descending order of the percentage of firms that currently address each topic, along with the corresponding percentages from the 2003 survey.

Looking at the top three subjects in 2008 – *Business development*, *Client relationships/client service*, and *Technology applications* – it’s clear that this year’s respondents are stressing bread-and-butter issues with their partners: that is, producing revenue and strengthening technological functionality.

Comparing the subject matter emphasis in 2003 to this year’s, there has been a dramatic drop in attention to three topics – *Supervision/management of subordinates*, *Client billing/collections*, and *Organization/time management* – and a dramatic spike in one – *Diversity*. The rest are holding more or less steady.

**Figure 1. Topics Addressed in Partner Development Programs,
and the Percentage of Respondents Addressing Each Topic**

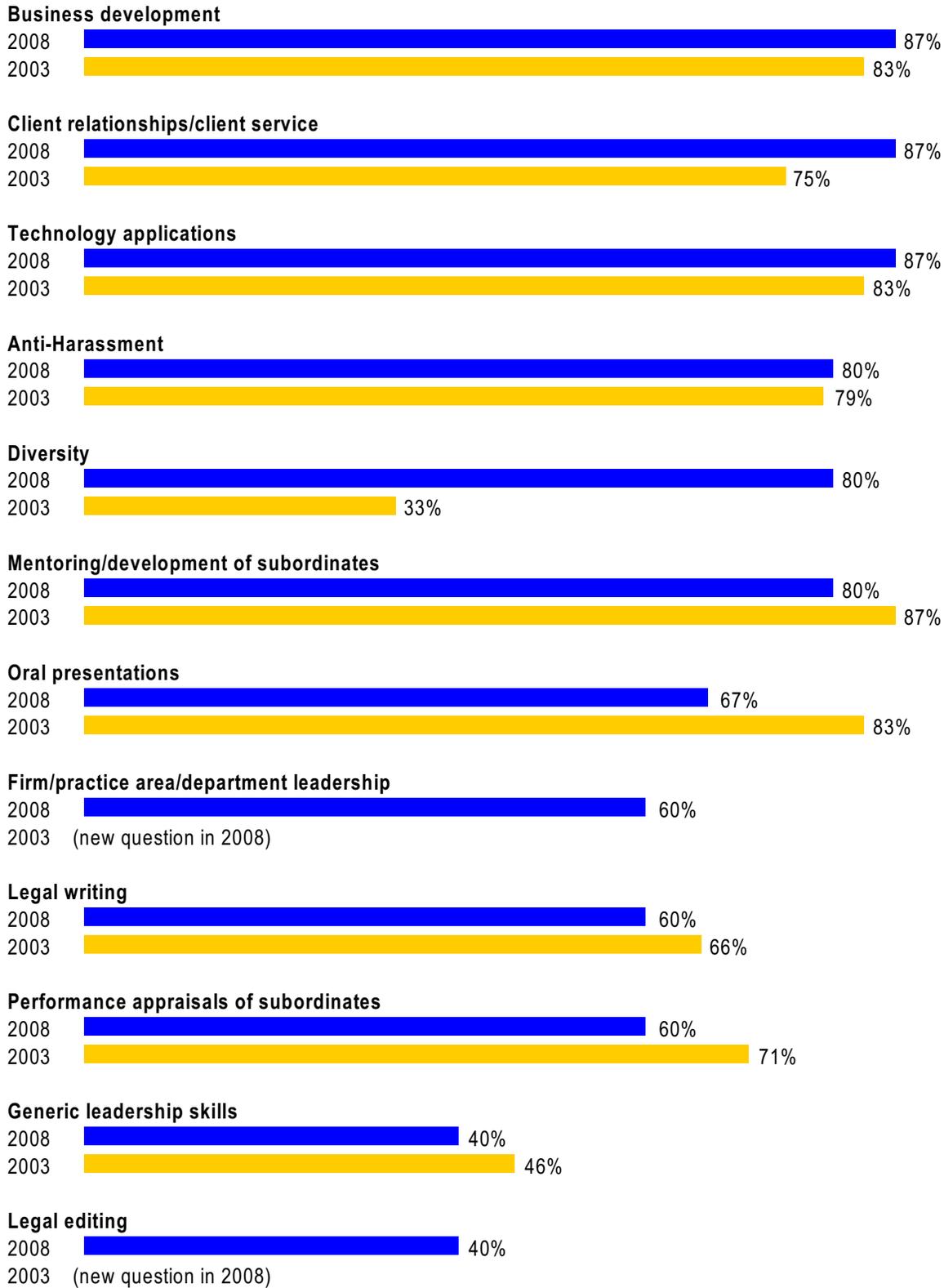
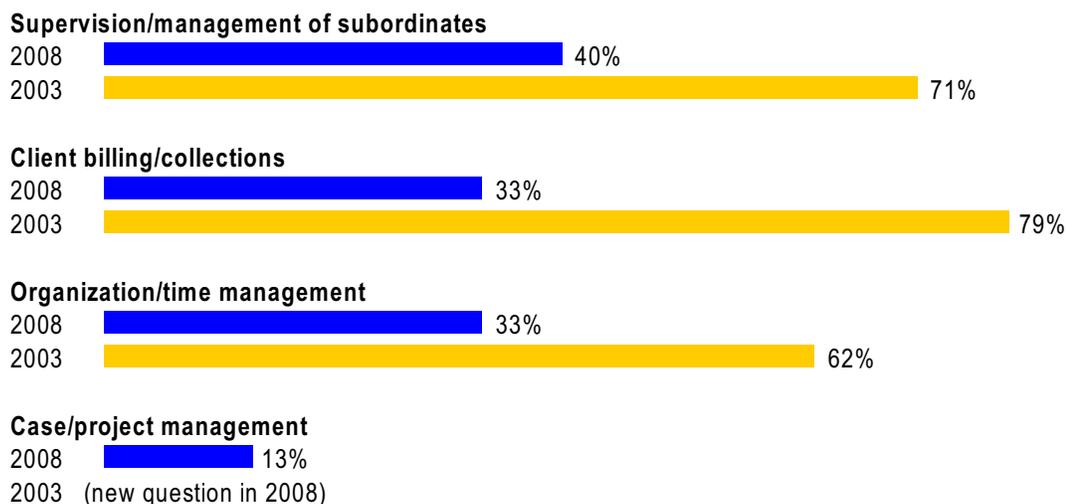


Figure 1. Topics Addressed in Partner Development Programs (cont'd)



Of the three new topics we added this year – *Firm/practice area/department leadership* at 60%, *Legal editing* at 40%, and *Case/project management* at 13% – only the last is getting almost no attention.

In combination, the low percentages for *Supervision/management of subordinates*, *Organization/time management*, and *Case/project management* suggest that partners’ ability to manage their cases and case teams effectively and efficiently is not getting enough emphasis from firms today. That lack of emphasis correlates with the finding in Part 1 of this survey report, on upward evaluation programs, that *Lack of follow-through on improving supervisors’ performance* was the respondents’ top problem with their programs.³⁵

Given the respondents’ strong emphasis on revenue-producing skills, their reduced training emphasis on the perennial issue of *Client billing/collections* indicates that they are relying on non-training solutions to the problem, such as incentives (or penalties) and automated billing systems. If so, that’s a good move: The problem was never that partners didn’t know how to do it.

Cultural and demographic trends, along with the corporate law departments’ “Call to Action” on diversity issued in 2004 and law firms’ continuing difficulties in retaining and advancing their women and minority lawyers,³⁶ are probably driving the rise in *diversity* programming.

One notable contrast between the subjects listed in Figure 1 and firms’ programming for associates is the absence of substantive law topics from the partner curriculum (with the exception of the compliance aspects of *Anti-harassment* and *Diversity*). Partners’ familiarity with the law relevant to their practice, and their ability to use the tools available to keep up with changes in the law, are assumed.

One respondent commented that its courses on “Legal writing, legal editing, organization/time management, and case/project management are available generally to all attorneys at the firm,” rather than being focused on the needs of partners only.

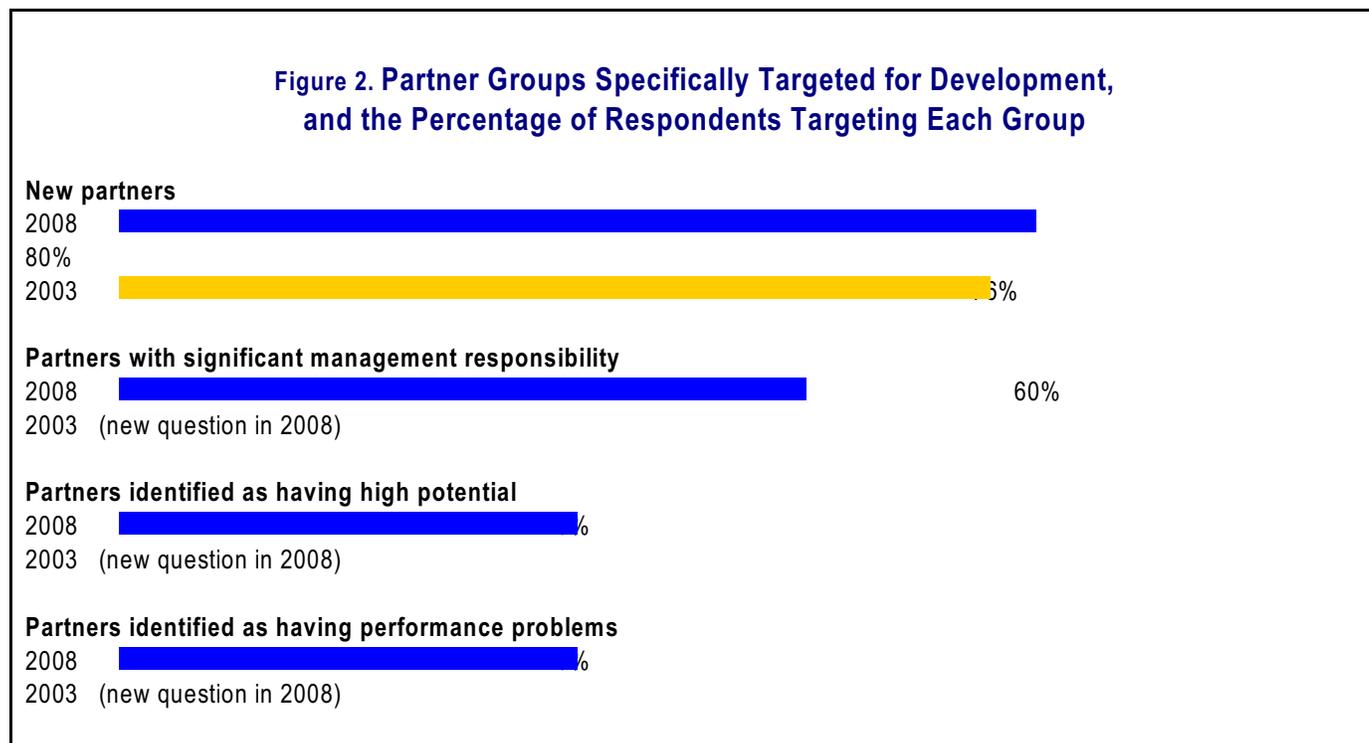
³⁵February 2005 issue at pp. 22-23.

³⁶See our survey report on diversity program results in the May 2005 issue.

Are Particular Groups of Partners Specifically Targeted for Development?

In 2008 we asked which of four particular subsets of partners are being targeted for development, with programs and resources specifically addressed to their needs. Those

groups, and the percentage of firms that are targeting their specific needs, are listed in rank order in Figure 2.



Note that 60% of firms in Figure 2 specifically target *Partners with significant management responsibility* for development – the same percentage that offer programming in *Firm/practice area/department leadership* in Figure 1. We checked back into the data expecting to find that the two groups of firms were identical – that the same firms that are targeting their practice group and firm-wide leaders for development are offering them dedicated programming related to their leadership roles. But surprisingly the two groups, while they largely overlap, are not identical.

One respondent commented that her firm makes only “individual, case-by-case”

determinations of the partners to be targeted for development. And certainly we expect that the rest would have a well-grounded process for including partners in two of the target groups – those with high potential, and those with performance problems.

Two other respondents noted that some of their programs are open to all partners (we would expect that to be true of most respondents); one of those includes all counsel as well as all partners in its managerial and leadership programs.

What Delivery Methods Are Used in Partner Development?

We set up our 2008 survey questions on this subject differently than did Peter Sloan in 2003, and so we can compare the two sets of results only in broad terms. The three differences:

1. In 2003 Peter asked the respondents to identify all the delivery methods they used for each separate topic addressed by the program. To ease the burden of responding to our “doubled-up” survey questionnaire in 2008, we simply asked respondents to tell us how often they used each method in general, regardless of topic, on a three-point frequency scale.
2. In 2003 Peter distinguished mandatory from optional programs. We discontinued that distinction.
3. In 2008 there are more tools in the delivery kit, and we added them to our survey questionnaire.

The delivery tools that our 2008 respondents are using in their partner development programs, based on their frequency ratings, rank as shown in Figure 3 on the next page.

Just as in 2003, classroom-type group education and training, both in-house and out of house, are the top choices for partner development: 100% of the responding firms provide them to partners at least occasionally.

Also as in 2003, while compensation reviews are conducted at the great majority of responding firms as the ultimate evaluation of partners’ performance, very few firms have articulated a partner competency model, performance benchmarks, or other performance criteria as a framework for the evaluation and for partner development. The growing popularity of associate competency models has so far not translated into any degree of enthusiasm for establishing such models at the partner level.

Apparently, however, all types of reviews for partners are on the rise since 2003, when Peter Sloan found that:

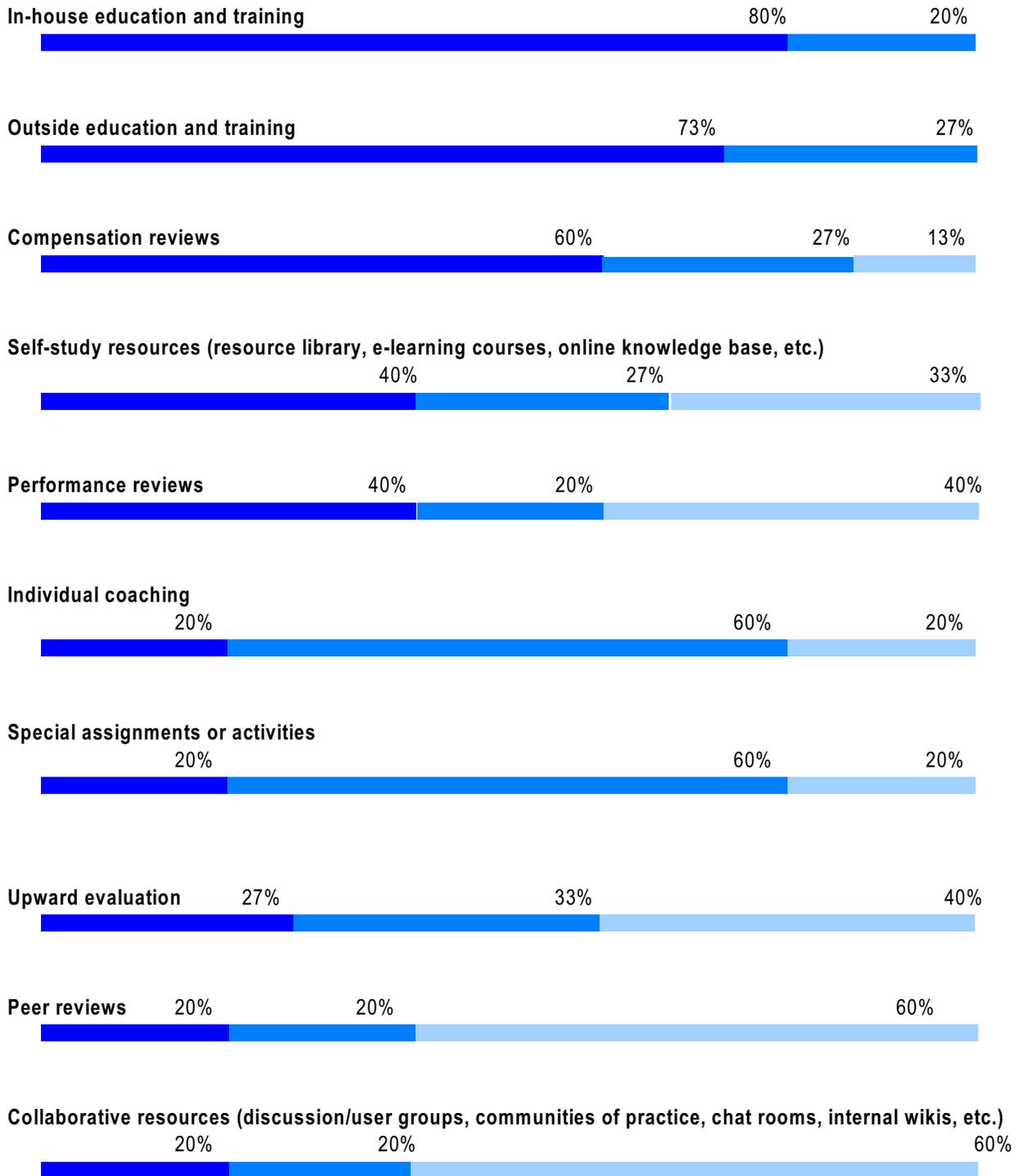
- 79% of the 2003 respondents conducted **compensation reviews** to some degree (compared to 87% of the 2008 respondents),
- 33% conducted **upward reviews** (60% in 2008),
- 12% conducted **performance reviews** (60% in 2008), and
- 25% conducted **peer reviews** (40% in 2008).

360-degree feedback, a new item in the 2008 questionnaire, so far is used by only 27% of the respondents.

Figure 3. Delivery Methods for Partner Development, Ranked by Frequency of Use

Frequency Ratings:

Regularly
 Occasionally
 Rarely/Never



Who Designed the Programs, and Who Delivers and Manages Them?

This was a new question in 2008. We wanted to know the extent to which firms have relied on outside consultants and on three categories of in-house personnel – PD

specialists, partners, and associates – to design and implement their partner programs and resources. The percentages of respondents using each are charted in Figure 4.

Figure 4. Persons Responsible for Design and Delivery of the Partner Development Program

	Outside Consultant	PD Officer/Department	Partner(s)	Associate(s)
Designed and developed by	73%	87%	67%	7%
Delivered and managed by	87%	87%	67%	0%

We are glad to see that PD personnel are taking a leading role in both the design and the ongoing implementation of developmental programs for partners. That is another sign of the growing status and professionalism of PD positions.

Outside consultants also provide substantial input to the design and development phase. Based on anecdotal evidence, we would expect that consultants’ involvement in the delivery phase mostly consists of training and coaching services.

At most of the responding firms, partners are also involved in design and delivery of these programs; but very few involve associates in the design phase and none in the delivery phase. This means that, while associates may

assess partners’ supervisory capabilities and performance in the upward evaluation process, their input to any follow-through on partner development in those areas is indirect, at most. And, as noted above, firms seem to be de-emphasizing their support for development of partners’ supervision and management skills in any event (see Figure 1 and the related discussion).

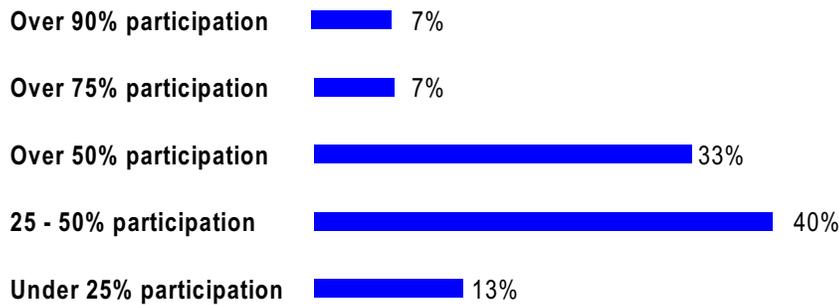
Our question allowed the option of naming “Other” participants in these processes, but no one used it. We would expect that, for example, firms’ top marketing and technology officers might play some part in program design, particularly given the top subject matter emphases (see Figure 1 above). But, if so, apparently their role is a secondary one.

What Is the Level of Partners’ Participation in the Programs?

One important determinant of any developmental program’s effectiveness is how many members of the target audience

actually participate in it. For partner development, participation breaks out at the responding firms as shown in Figure 5.

Figure 5. Level of Participation in Partner Development Programs



Thus, the median participation level by partners in the responding firms is at most 50%. In other words, we are not leading half these horses to water, let alone getting them to drink. Clearly a lot remains to be done if these programs are to have a significant impact on partners' performance in the sponsoring firms.

One source of the participation problem may be the respondents' heavy emphasis on classroom-type programming, which depending on the format may not be meeting the highly individualized needs of these advanced learners:

- In an instructor-led, lecture-type class, most partners will at most get a few nuggets of useful learning, along with reams of other information that is useless to them because either they already know it or it is irrelevant to their situations. That is not a productive use of their valuable time, and they are well aware of that.
- On the other hand, a skillfully structured and skillfully facilitated small-group discussion, in which partners are active participants and can actively gain knowledge from one another, can be an extremely productive learning vehicle.

What Are the Best Aspects of the Respondents' Programs?

We asked the respondents to tell us, "What ... is the best thing about your developmental programs and resources for partners?"

Many of the respondents' answers suggest that their programs are quite **new**; two respondents explicitly say so:

- "The developmental process for partners and senior attorneys is in a building state. The overall concept is new and gaining in popularity."

- "We developed and implemented a successful leadership development program in 2007 that will be carried forward."

Three others say their **firm's support** for the program is its best aspect, another indication that their programs may just be getting off the ground:

- "Our Executive Group is in full support of the firm's training and development initiatives for our partners/senior attorneys."

- “The firm is very supportive and provides whatever training or program is best for any individual.”
- “There is strong support from Firm Management to encourage all attorneys to focus on professional development. We often use training as a leadership development tool.”

Certainly the support of firm leaders is critical to the success of any program, new or not. And the firms that make their partner development programs a priority are saying that they truly value both professional development and the PD function -- that it is important for lawyers to learn and grow at *every* stage of their careers, and that PD rightfully has a role in making that happen.

Also, notice the emphasis on **leadership development** in the third quote in the above group and in the second quote in the preceding one.

Three respondents are pleased by their programs’ ability to promote **partner interaction, idea sharing, and mutual reinforcement**:

- “Getting partners to share ideas/best practices with each other.”
- “Partner programs ... foster increased interaction among partners and improved self-confidence.”
- “ They get engaged in issues that they don’t normally think about in a focused and analytical way, and they reinforce for each other the importance of those issues.”

Two cite the ability to **customize the content to individual needs**:

- “Flexible and individually tailored.”
- “They are targeted to specific needs of a practice or an individual.”

One respondent each:

- Says “our **partner retreats** are the primary source of development opportunities/training so in that sense they are the best thing. However, we could certainly build in more layers of development rather than mostly group training.”
- Cites the **quality** of its programs, saying they are “quite good,” but adding that “it is always disappointing to have partners respond and then not attend.”
- Is seeing **improved partner performance** as a result of its programs: “Partner development programs have led to positive results in cross-selling and marketing, as well as client service.”
- Says that its programs “are gradually fitting together into a **coherent curriculum** that begins with associates long before they become partners.”

The last two points – about a coherent, progressive curriculum that supports the firm’s lawyers throughout their careers, and strengthened performance as a result of it – exemplify professional development at its best.

What Would the Respondents Most Like to Change About Their Programs?

The respondents’ wish lists for their partner development programs fall into three categories:

1. Changes in instructional format and/or subject matter:

- “Would probably invest more time in discussion-oriented programs for small groups.”
- “I would like to see an increase in the number and level of programs that focus on developing associates, giving

performance reviews and interim feedback, and case management. These tend to take a back seat to programs that directly affect clients or client interaction.”

- “Required participation in supervisory skills training.”
- “I would love to add leadership development coaching for a group of high-potential junior and mid-level partners.”
- “More interactive and personalized leadership training.”

2. Changes in firm culture and/or partners’ receptivity to the program:

- “Change the firm’s culture so that partners ... accept management and leadership responsibilities as part of their roles and look to develop in these areas.”

Overview of Partner Development in 2008

Summing up our survey results, here’s a snapshot of partner development programs in 2008 at the twenty responding firms:

- Three out of four responding firms have established developmental programs and resources specifically for their partners.
- In those firms with partner programs, the partners most often targeted for developmental attention are *new partners* (by 80%); the second most-targeted group are *partners with significant management responsibility* (by 60%).
- The *subject matter* addressed by these programs recognizes the different role and learning needs of partners (vs. the role and needs of associates). It also reflects that in 2008 firms are putting top priority on practical business issues (the top 3 topics for partners, offered by almost 90%, are business development, client relations, and technology use) and on employee relationships and legal compliance in the context of those

- “The overall concept that continuous development for all people in the firm is and can be the most important competitive edge.”
- “I would like to make it more systematic/part of the culture rather than individually-driven.”
- “The desire by most for billable hours credit for professional development activities.”
- “Structuring/selling it in a way that doesn’t seem silly to them.”

3. More resources to support the program:

- “The amount of resources available to develop and deliver professional development.”
- “I need a bigger staff.”

relationships (the next three, covered by 80%, are anti-harassment, diversity, and mentoring). By contrast, supervision and management skills are receiving less emphasis than in 2003.

- The most common *delivery medium* for partner development continues to be classroom-type group instruction, both in- and out-of-house, which are used in 100% of these programs. That instructional format does not recognize the needs of partners, as advanced practitioners, for learning that is individually tailored and collaborative or self-directed.
- Perhaps as a consequence, partners’ average *participation* in the programs specifically addressed to them is no higher than 50%.
- At more than half the firms, associates are invited to give feedback on partners’ supervisory skills via *upward evaluations*, but a lack of follow-through on improving

partners' skills in this area is cited by most respondents as a major failing. Moreover, associates have little or no input into the planning and delivery of partner development programs on any subject, including supervision.

The best aspects of today's partner development programs are, first, that most of the respondents are even putting them on and, second, that those programs are making it a priority to help partners deal with the pressing business realities of today's law practice.

In addition, the great majority of programs are also addressing workplace relationships, even if that effort may be driven to some extent by liability concerns. Whatever the motivation, if all lawyers come to treat others in the workplace fairly and considerately as a result of diversity and anti-harassment programs, and to help them grow professionally as a result of mentoring programs, the working environment in law firms can only improve.

Forging Ahead on Partner Development

When I took my first professional development job in 1983, the few firms that had PD programs, including mine, saw them as basic training for associates. Any involvement by partners was in the role of teacher or program planner. Partners' learning was viewed as complete.

Twenty-five years later, most of the firms responding to this survey exhibit a different perspective: They see learning as a career-long pursuit. The great lawyers I have known shared that perspective. To the very end of their careers, they always had a new idea or technique to test out, an existing idea or technique to perfect, and a network of like-minded colleagues to serve as inspiration and sounding board.

The difference today for such lifelong learners is that, at least in some firms, they are not left entirely to their own devices. Firms are starting to recognize that it is in their own interest to support the continuing learning of even their most advanced practitioners – and, indeed, that in today's rapidly changing, information-overloaded legal and business landscape, learners at all levels of expertise need their firms' help to connect to the right resources and sift through the volumes of information streaming in every day.

One more change we would like to see is a greater recognition that experienced lawyers are different from new ones not only in *what* they need to learn, but in *how* they need to learn it. For learners at this level, facilitated small-group discussions, individual coaching sessions, and self-directed or collaborative learning activities and resources are much more effective than classroom lecture-type sessions: They allow the experienced lawyer to go straight to the precious nuggets of information they personally need, without wasting time on information they don't need or already know. And if a learning activity focuses on the requirements of a client project, the time spent can even be billable.

Such a change in format can be hard to implement, because the lawyers themselves resist it. The classroom is what they know and instinctively turn to: They spent some 20 years in formal education and remember it fondly because they were so successful at it. But even they can recognize that sitting through an hour or more of group instruction on almost any topic is not productive for them.

This is an opportunity for PD professionals to show lawyers something better and, at the same time, to grow the firm's most valuable intellectual capital. In the process, we may grow our own intellectual capital – by structuring and facilitating small-group discussions, for example; and by studying how law is practiced at the most expert levels

of our firms' specialty areas, and identifying the resources and tools that are most useful to practitioners at those levels.

Peter Sloan's 2003 survey report called partner development "The Final Frontier" for PD. In 2008, it appears we have staked out the territory. But we are only beginning to cultivate its productive potential.

Quotes of the Quarter

"Learning is growing more employee-centric, which is both glorious and dangerous. The danger occurs when employees don't look things up in the knowledge base, don't bother with e-learning modules, and don't take advantage of an e-coach. It is glorious because of its closeness to work, its targeted nature, and because it's multi-modal."

- Allison Rossett, Professor of Educational Technology, San Diego State University, in February *T+D*

"Most of my time these days is spent on pro bono projects. I think that there are a lot of organizations and causes that need what we do - facilitation, training, and organizational development. It's what I've decided to do as I move into semiretirement mode.... Anybody anywhere who volunteers for organizations that she cares about is going to make a huge difference in shaping the world for tomorrow."

- Pat McLagan, training and organization development guru and vice chair of the Desmond Tutu Peace Foundation, in April *T+D*

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, continuously updated, and accessible 24/7. 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 or (703) 719-7030 for a private tour and a 30-day courtesy subscription.

100% Renewal Rate by our law firm subscribers for two years running!!



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

Letting Our Smart People Talk to Each Other

Some management gurus advise that, for an organization to grow its intellectual capital, it needs only to “hire smart people and let them talk to one another.”

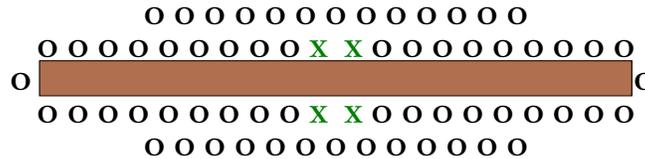
Certainly we hire plenty of smart people in law firms. And creating opportunities for those smart people to talk to each other is, it seems to me, a key task of the professional development function. Indeed, sometimes we don’t have to do much more than that to foster valuable learning – just put them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

One memorable time that happened for me was at a firm-wide training session on Big Case Management that I set up at a mid-sized firm. The firm had four major practice areas, and we recruited a partner from each area who was renowned for his effectiveness at organizing and running a large litigation team. An advance needs

assessment of senior associates and junior partners, who were the target audience for the seminar, produced a list of questions that they wanted the presenters to cover.

The seminar was to be held a conference room with one of those long, narrow conference tables that stretches on forever – not ideal, but there it was.

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



Each partner was asked to discuss in turn a particular big case and the strategies used to manage it. Each began with a synopsis of the case – who was the client, what the case was about, where it was tried and how long it went on, the special legal and management challenges it posed, and so on. Next came an explanation of who was on the case team and how the partner organized the team, managed the work effort, and kept everyone involved well informed and productively occupied.

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

The rest of the seminar was something of a controlled free-for-all, with whoever was presenting being put through his paces by the other three while everyone else listened intently. A few questions were asked by other lawyers, but mostly they seemed satisfied with the wealth of followup information the presenters so vigorously extracted from one another. After the seminar was over, I saw the first two presenters in a corner with their calendars setting up a lunch date to continue the conversation. The evaluation ratings for the seminar were stellar.

This experience brought home just how few opportunities some of our very smartest people have to talk to one another. In whatever way a law office chooses to structure its practice – whether by legal specialty, by

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

PD specialists are in a unique position to create occasions for that cross-fertilization to happen. Even better, if we

can arrange for others to listen in on the conversation, the learning increases exponentially.

– Gaye Mara

(Note: This article is adapted from one first published in the November 2003 issue of PDQ.)

Professional Developments

Events

Upcoming PD-related conferences, seminars, and workshops:

Legal Profession:

- ✿ 5/5-6/08, Portland, OR. *CLE Boot Camp*. Association for Continuing Legal Education, [aclea.org](http://www.aclea.org). (The program includes breakout sessions for in-house PD specialists.)
- ✿ 5/29-31 and 7/17-19/08, San Francisco, CA. *Hastings Leadership Academy for Women*. UC Hastings College of Law, <http://www.pardc.org/LAW>.
- ✿ 6/19-20/08, Washington, DC. *2008 NALP & ALI-ABA Lawyer Development Institute*. National Association for Law Placement, www.nalp.org.
- ✿ 8/2-5/08, Vancouver, BC, Canada. *44th Annual Meeting*. Association for Continuing Legal Education, www.aclea.org.

General Audience:

- ✿ 5/5/08ff, Scottsdale, AZ (or online, if noted). **Clark Training Workshop Series**, Clark Training & Consulting, www.clarktraining.com:

5/5-9/08, Online only. *Building Expertise: How to Apply Learning Psychology to Instructional Design*. (Repeated 11/17-21)

5/12-16/08, Online only. *E-Learning and the Science of Instruction*. (Repeated 12/1-51)

- ✿ 5/5-6/08, San Francisco, CA. *Best Practices for Applying the MBTI in Organizations*. American Management Association, www.amaseminars.org. (Repeated 6/5-6 and 11/6-7 in New York City; 10/2-3 in Arlington, VA.; 12/11-12 in Chicago.)
- ✿ 5/5-7/08, New York, NY. *The 2008 Annual Diversity Conferences (5/6-7)* with optional pre-conference workshop 5/5. The Conference Board, www.conference-board.org/diversity. (Repeated 6/25-27 in San Diego.)
- ✿ 5/5-7/08, San Diego, CA. *Training magazine's Training Leadership Summit*. Training magazine, www.trainingmagevents.com.
- ✿ 5/7-9/08, Chicago, IL. *Instructional Design for Trainers*. American Management Association, www.amaseminars.org. (Repeated 9/17-19 in New York City, 12/1-3 in San Francisco.)
- ✿ 5/7-9/08, San Francisco, CA. *The 2008 Employee Engagement and Retention Conference (5/8-9)*, with optional pre-conference seminar, *How Managers Can Better Engage, Retain and Develop Employees: An Interactive Seminar (5/7)*. The Conference Board, www.conference-board.org/retention. (Repeated 6/18-20 in New York)
- ✿ 5/12-13/08, San Francisco, CA. *Talent Management*. American Management Association, www.amaseminars.org. (Repeated 9/15-16 in New York City, 10/16-17 in Arlington, VA, 11/6-7 in Chicago.)
- ✿ 5/12-14/08, Arlington, VA. *AMA's Myers-Briggs Type Indicator (MBTI) Qualification Program*. American Management Association, www.amaseminars.org.

(Repeated in San Francisco 5/12-14 and 8/20-22; in Boston 5/28-30; in New York City 6/23-25, 8/6-8, 9/15-17, 11/3-5, and 12/15-17; in Chicago 7/21-23 and 12/8-10; in Atlanta 10/13-15.)

- ✿ 5/14-16/08, New York, NY. *Training the Trainer*. American Management Association, www.amaseminars.org. (Repeated in Atlanta 6/18-20, 8/11-13, 11/12-14, and 2/11-13; in New York 6/23-25, 7/14-16, 8/18-20, 10/1-3, 11/5-7, 12/8-10 and 2/11-13; in Chicago 7/21-23, and 12/15-17; in San Francisco 9/3-5; in Arlington, VA 9/22-24; in Las Vegas 1/14-16.)
- ✿ 5/19-21/08, Atlanta, GA. *Accelerated Learning Training Methods Workshop*. The Center for Accelerated Learning, www.alcenter.com. (Repeated 6/16-18 in Lake Geneva, NY, 7/14-16 in Denver, 8/11-13 in Chicago, 9/15-17 in Dallas, 10/6-8 in Lake Geneva, 11/3-5 in Seattle, 12/8-10 in Phoenix.)
- ✿ 5/28-6/1/08, Alexandria, VA. *25th Annual National Diversity Leadership Development Institute – Envisioning the Future: Cultural Identity in the Global Age*. National Multicultural Institute, www.nmci.org.
- ✿ 6/1-4/08, San Diego, CA. *ASTD 2008 International Conference & Exposition*. American Society for Training & Development, www.astd2008.org.
- ✿ 6/3-5/08, Fairfax, VA. *4th Annual Innovations in e-Learning Symposium* (6/4-5), with optional pre-conference workshops 6/3. George Mason University and Defense Acquisition University, <http://innovationsinelearning.gmu.edu>
- ✿ 6/22-25/08, Chicago, IL. *SHRM 60th Annual Conference and Exposition: Great Minds Come Together*. Society for Human Resource Management, www.shrm.org/conferences/annual/.
- ✿ 7/17-18/08, San Francisco, CA. *Employee Retention Strategies: Fighting Turnover*. American Management Association, www.amaseminars.org. (Repeated 9/15-16 in Chicago, 12/4-5 in Arlington, VA.)
- ✿ 9/24-26/08, San Jose, CA. *Innovations in Learning Conference* (9/25-26), with optional pre-conference workshops 9/24. Brandon Hall, www.brandonhallconference.com.

- ✿ 9/25-26/08, New York, NY. *Kirkpatrick's Four Levels: Increasing Training Effectiveness Through Evaluation*. American Management Association, www.amaseminars.org. (Repeated 10/20-21 in Chicago, 11/6-7 in San Francisco.)

Certificate and Degree Programs

Online Certificate Program in Performance Improvement Management. Designed by Diane Gayeski, innovative and gifted teacher at Ithaca College, and sponsored by the International Society for Performance Improvement, this is a series of interactive two-week online seminars with 10 to 20 participants in each. Completion of any four seminars earns a certificate from Ithaca College. The schedule:

5/7-20 (Repeated 9/24-10/7):

- *Managing Across the Generations*
- *Managing Projects with In-House and Outsourced Teams*

6/4-17 (Repeated 10/15-28):

- *Change Management*
- *Designing & Modeling Communication Systems and Infrastructures*

6/18-7/1 (Repeated 11/5-18):

- *Evaluating Emerging Technologies*
- *ROI and Beyond*

9/3-16:

- *Leadership and Coalition Building*
- *Strategic Planning*

www.ispi.org/pim

Training Live+Online Certificate Programs. A variety of online programs for those who design, deliver, and/or manage organizational training. Individual courses and their starting dates:

- *Creating E-Learning with Flash*, 5/1 or 11/6
- *Second Life Basic Design Certificate*, 5/6 or 11/4
- *Producing Great Audio and Video Podcasts*, 6/10 or 9/9
- *E-Learning Design Certificate*, 9/8
- *Talent Management and Succession Planning Certificate*, 9/9

- *Power Point for Web-Based Training*, 10/2
- *Kirkpatrick Four-Level Evaluation Certificate*, 10/14
- *Crafting Instructional Strategies*, 10/16
- *Training Manager Certificate*, 10/24
- *ROI Fundamentals Certificate*, 11/3
- *Advanced E-Learning Design Certificate*, 11/3
- *Training Instructor Certificate*, 11/18

www.trainingliveandonline.com.

Executive Education for Chief Learning Officers.

Penn's Wharton School and Graduate School of Education have teamed to create the "Executive Program in Work-Based Learning Leadership." The program offers "blended learning approaches that include onsite classes, virtual sessions, individual and team project work, and application work" in five curriculum blocks:

1. Organizational/strategic leadership
2. Workplace learning and performance leadership
3. Business analysis
4. Evidence-based decision making and analysis
5. Use of technology in workplace learning.

Students in the program may obtain a certificate from Wharton for any single course block, or may use the curriculum to pursue a master's or doctoral degree from the Graduate School of Education.

Applications for Fall 2008 are due July 1. www.executiveeducation.wharton.upenn.edu/clo.htm.

News

The Hastings Leadership Academy for Women trains women partners for law firm leadership roles. Dates for this

year's academy, held in San Francisco at UC Hastings College of Law, are May 29-31 and July 17-19. More info at <http://www.pardc.org/LAW/>.

Texas Hold'Em as a Legal Education Tool.

Charles R. Nesson, Harvard Law Professor and Director of the Berkman Center for Internet and Society, and some of his students have founded the Global Poker Strategic Thinking Society (gpsts.org) to promote the use of poker as a learning tool and to oppose the criminalization of online poker playing. Nesson uses poker in his Evidence course at the law school to teach risk assessment and strategic thinking.

Resources

The ABA Journal is now available free on line at www.abajournal.com. Besides the content of the magazine, the Journal's redesigned web site contains a "Blawg" Directory organized by topic (besides legal specialties, topic areas include *Careers* and *Work/Life Balance*) and offers free subscriptions to a daily or weekly e-mail newsletter. The site has been nominated for a 2008 Webby Award.

Leadership development. The Winter 2008 issue of Ida Abbott's *Management Solutions* e-newsletter has a good overview of the current state of leadership development in law firms and emerging trends. If you don't already receive this publication, you can sign up at no charge at www.idaabbott.com.

Green business guidance. We're noticing more law offices paying attention to reducing their impact on the environment through better space planning and waste reduction and recycling. For those considering what they can do, a new guide for green business practices may provide helpful ideas. *True Green at Work: 100 Ways You Can Make the Environment Your Business* was published in February by National Geographic as a sequel to its *True Green: 100 Everyday Ways You Can Contribute to a Healthier Planet*. www.nationalgeographic.com.

Studies

Training salary survey. The American Society for Training & Development's 2007 salary survey shows that top law firm PD people are more handsomely compensated than other "workplace learning and performance" professionals

(as ASTD terms the field). Their survey shows a median salary of \$120,000 for the top-level WLP positions. Our 2007 PD budgets and staffing survey pegged the median for comparable law firm positions at \$175,000.

MCLE Watch

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

Beginning with those attorneys whose compliance period ends on December 31, 2009, the **Oregon** State Bar will discontinue its "elimination of bias" requirement (3 hours every three years), and replace it with an "Access to Justice" requirement of 3 hours every *other* triennial. www.osbar.org.

Effective in March, the **Tennessee** CLE Commission has raised its cap on distance learning credits to 8 hours annually. www.cletn.com/RuleRegs.aspx.

