

Professional Development Quarterly

November 2008

Inside:

7

Chris White on [Exit Interviews](#)

10

Roy Ginsburg on the ROI
and Ethics of [Networking](#)

15

[Book Review](#): Ari Kaplan,
The Opportunity Maker

16

[Learning Lab](#): *A Model for
Skills Training*

18

[Professional Developments](#):
Events, Certificate & Degree
Programs, News, Surveys

21

[MCLE Watch](#): NJ, OK

22

[PDQ Subscription Form](#)

Skills Training for Lawyers (Part 1 of 2)

Warren Newberry and Richard Lee

This Article is the first of a two-part series. In Part 1 we:

1. Explain why lawyering skills training is different from substantive law education and training,
2. Identify the challenges presented by the unique nature of skills training,
3. Introduce the “blended learning” approach as a potential solution to challenges posed by skills training, and
4. Describe a framework for evaluating the effectiveness of different delivery formats to create a skills curriculum using blended learning principles.

Lawyering Skills Training – How Is It Different?

In professional development, education and training can be divided into two categories: substantive law and lawyering skills. Substantive law education and training focuses on legal issues and practice. This includes the basics of firm practice plus recent developments in case law, legislation, statutes, rules, and regulations.

By its very nature, substantive law education is primarily informative. In other words, “Here are the basics of this practice area and here are the latest trends and developments in the law: now go apply them in your practice.”

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 maraeg@profdev.com.

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

Skills training, however, is different. It concerns fundamental skills that enable the effective practice of law. If substantive law is about the *what* of law practice, skills training is about the *how*. Subjects might include time management, client development, legal writing, due diligence investigations, deposition taking, negotiations, litigation, etc.

While every skills curriculum involves the delivery of information, an equally important aspect is the opportunity to practice those skills so they become second nature. In short, to be effective, skills training must go beyond mere instruction. A skills curriculum must present opportunities for repeating and reinforcing the skills concepts.

This fundamental difference in skills training poses a number of challenges for PD professionals. Methods for delivering substantive law education are not necessarily appropriate for delivering skills training. For example, while issues raised by a new court case could be delivered effectively in a panel discussion, this format, without more, would not teach an associate how to become a better writer. A panel discussion on common grammatical and stylistic mistakes, *followed by group workshops or individual coaching sessions*

with each participant, would produce a much better result.

In addition, while the subject matter of a lawyering skills curriculum does not need to be modified as frequently as the subject matter of a substantive law program (leadership skills do not change overnight; case law does), skills training is time-intensive. It requires repeated contact between instructors and individual participants. A partner might be willing to give up a few hours on occasion to speak about business development. It would probably be much more difficult to persuade that same partner to meet frequently with ten different associates individually or in small groups to give further training, answer questions, and make sure those associates were implementing their respective development plans.

Another challenge posed by skills training is that, unlike substantive law education, law firm personnel may not be the most qualified instructors. The practice of law has changed dramatically in the past few years. Skills training has significantly matured and evolved in that same time period. Therefore, it may be more productive to use instructors who are aware of the latest trends and who are expert teachers in their respective skills areas. For example, even if a partner is proficient at generating business, is he or she the best person to teach those skills to associates and junior partners? To possess skills is one thing. To teach those skills is another.

The Blended Learning Model

An educational methodology called “blended learning” addresses the three biggest hurdles standing in the way of effective skills training: 1) time, 2) personnel, and 3) opportunities for repeating and reinforcing concepts.

What is Blended Learning and How Does It Apply to Lawyering Skills Training?

A “blended learning” approach to skills training involves using different delivery

methods, including online and on-site formats, to create programs that accommodate a variety of learning styles. The integration of web-based delivery formats with traditional in-person methods of instruction can produce major savings of time and personnel while simultaneously repeating and reinforcing concepts. Significantly, this can be accomplished without a corresponding loss in overall program quality. The key is being able to recognize what components of skills training can be delivered online versus on-site. This requires an evaluation of a number of factors, including:

- the intended audience,
- the components of the program,
- resource constraints, including the availability of qualified personnel,
- online program hosting (external versus internal),
- program customization, and
- the limitations of the latest delivery formats.

Intended Audience. Learning styles vary from individual to individual and generation to generation. Some people are more auditory; others are more visual. Some prefer self-study; others thrive in group settings. A younger member of a firm might prefer educational opportunities offered over the Web; a senior member might prefer an in-person seminar. Accordingly, a program geared toward more senior members might be less successful if that course relies too heavily on web-based delivery formats, and a younger attorney might grow bored with traditional lectures or talking-heads panels. If a program is to be geared toward a specific demographic within the firm, delivery formats should be chosen accordingly.

Program Components. Learner preferences aside, certain components of courses lend themselves to one delivery format over another. For example, an online course might be used to provide and explain video examples of what to do and what not to do when deposing a witness. Participants in the

online course might be offered an opportunity to practice taking depositions in a follow-up session on-site. While the video portion of this course could be delivered on-site, the hands-on component could not be delivered online. And the video portion could be offered to the participants on their own individual schedules, while the hands-on component might best be offered in group settings.

Resources: Time, Money, and Personnel.

Other factors that influence the selection of an appropriate delivery format relate to resources. Cost and geographic proximity are two of the most important. Most online formats are less expensive than in-person seminars. So an online component will bring down the total cost for the skills training. In a firm with multiple offices, online training allows coverage throughout the firm while an in-person seminar might not be feasible outside of a firm-wide retreat.

As discussed earlier, law firm personnel may not be the most qualified to handle certain aspects of skills training. Certain subjects lie outside the core competencies of most professional development staff and law firm members, and this may be more so when it comes to the development, production, and delivery of online skills training.

A benefit to online delivery is that many of the services associated with online courses can be outsourced. Online delivery requires a significant investment of time and personnel to create and update content. One of the most expensive aspects of online delivery is customer support. With even the most straight-forward technology, some participants will need assistance accessing and using online delivery systems. It requires a large investment in both time and personnel in order to maintain the 24/7 flexibility of online training as well as provide appropriate training and support. Outsourcing to companies that specialize in these areas may result in significant savings and produce better quality and better service.

Online Hosting. Online programming must be delivered via a hosted environment. Some firms have built custom learning management systems that provide program hosting, competency tracking, and MCLE tracking.

Required (www.required.com) is one of the more common, out-of-the-box hosting platforms used by law firms. The Required platform is attractive because it provides a hosting mechanism as well as built-in MCLE tracking, thereby eliminating the time it would take law firm personnel to track online program usage manually.

Many firms host some programs internally but also maintain subscriptions to outside libraries of generic programs offered by organizations such as WestLegalEdcenter, PLI, ALI-ABA, and a variety of state CLE organizations. Programs offered through such libraries are not customized, competency tracking is not an option, and, in many cases, skills-oriented programming is still quite limited. Nevertheless, carefully chosen courses available through these libraries can serve as a nice complement to in-house lawyering skills programming.

Customization. One of the major benefits of a blended learning approach to skills training is that customization can be achieved on more than one level. In many cases, this leads to a dramatic improvement in the effectiveness of more expensive on-site delivery formats. For example, a generic online course on contract drafting with a series of quizzes or drafting exercises can be followed up with a customized on-site seminar. The on-site seminar can address deficiencies identified in the quizzes and drafting exercises.

The key to this approach is working with instructors who are willing and able to offer customized content in more than one format. For this approach to be most effective, the same instructor should be involved in the online course and the follow up session. This avoids inconsistent instruction and content across different formats and allows the

opportunity to negotiate discounted prices for multiple formats purchased from a single provider.

Taken a step further, the online course could be customized to focus on examples of specific contracts regularly used by a particular practice group. Of course, a customized online course will be more expensive than a generic, out-of-the-box version. But, depending upon the firm's educational priorities and the size of its training budget, this more tailored approach is likely to produce a more effective training opportunity.

Blended Learning Means More Than Online and On-Site

Simply offering access to online courses and on-site seminars does not amount to blended learning. Rather, each component must complement the other.

For example, a webinar featuring an instructor talking about deposition skills and offering a few real world examples adds very little to a curriculum that already includes a half-day seminar featuring an instructor talking about deposition skills and offering a few real world examples. In this example, both the online and on-site versions of the deposition course serve the same purpose: they both deliver information. Neither format, however, addresses the essential component of any effective skills course: hands-on practice with expert feedback.

Through practice, key concepts are reinforced. To be successful, a skills program must combine delivery formats that convey information *and* offer opportunities for practice with feedback.

Conveying Information versus Active Participation: A Framework for Evaluating Delivery Formats

While webinars, teleseminars, e-learning courses, and podcasts are sometimes lumped under the same category of "online courses,"

this is not very helpful for purposes of understanding the benefits and limitations of each of those formats.

E-learning itself can be divided into at least two categories: “regular” e-learning and “rapid” e-learning. Regular e-learning typically involves building completely customized courses from the ground up, usually at a cost of tens, if not hundreds, of thousands of dollars. Rapid e-learning involves using standardized authoring software to build courses using a combination of existing and custom or new content in a matter of weeks rather than many months. For purposes of this discussion, when we refer to e-learning, we are referring to rapid e-learning.

Another distinction worth mentioning is the difference between “on-demand” or “pre-recorded” programs and “live” programs. E-learning courses and pre-recorded webinars/webcasts, teleseminars, and podcasts all fall under the “on-demand” category, but this term is not very helpful. Even though those courses have all been pre-recorded, there is a vast difference in the level of participation required of the user; and this latter concern is of far greater importance from an educational standpoint. Therefore, for purposes of this discussion, we will evaluate each of these delivery formats in the context of two learning objectives: conveying information versus active participation.

On-Site Seminars, Virtual Classrooms, and Virtual Coaching Sessions

Traditional on-site seminars, online classrooms, and on-site and online coaching sessions can all be used to convey information and also to foster active participation. Each of these formats allows for one-on-one interaction, question and answer exchanges, and polling in a group setting.

Where dealing with a geographically diverse audience (*i.e.*, multiple offices), online courses are a cost-effective and flexible way to deliver information and also allow for limited participation. For example, “face-to-

face” coaching sessions can be delivered online simply by using a webcam and one of numerous virtual meeting software packages.

Nevertheless, traditional on-site seminars continue to offer the greatest level of participation. As mentioned before, a participant in a virtual classroom would not be able to depose a “witness” as realistically as in a face-to-face setting.

Webinars/Webcasts, Teleseminars, Podcasts

Webinars/webcasts (online distribution of course materials with streaming audio or video broadcast through a computer), teleseminars (call-in audio, usually with course materials available for download online), and podcasts (audio files that can be downloaded to a listening device such as a computer, iPod, or MP3 player) are simply ways to broadcast traditional on-site instruction in an online or electronic format. These formats are useful for communicating information and, where question and answer sessions or polling features are available, providing opportunities for limited participation.

E-Learning

E-learning courses, on the other hand, can be used to communicate information, but are also a means to practice or reinforce a particular skill in a structured environment. By introducing information in bite-size sections and providing opportunities for immediate reinforcement, these courses can make more efficient use of attorneys’ limited time. Additionally, less information is lost in the delay between a seminar, webinar/webcast, teleseminar, or podcast and the moment when an attorney must apply that information in his or her practice.

Furthermore, e-learning courses require a level of consistent participation on the part of the user that is not possible with webinars/webcasts, teleseminars, or podcasts. The user of an e-learning course must remain engaged throughout the program.

Additionally, e-learning courses can be used as an on-going reference tool with quick access to specific sections of a course. This is not possible with many webinars/webcasts, teleseminars, and podcasts.

Finally, e-learning courses can be used as a way to track competencies over time. Many instructional formats do not provide the user with an opportunity to put the concepts into practice, nor do they allow an administrator/instructor to track results.

In short, e-learning courses can serve as a nice bridge between on-site seminars, webinars/webcasts, teleseminars, and podcasts on the one hand and actual practice on the other. This “bridge” is available to attorneys both before and after the on-site seminar, webinar/webcast, teleseminar, or podcast: An e-learning course used before a seminar, webinar, etc. could baseline certain knowledge. An e-learning course used after a seminar, webinar, etc. could serve either as an on-going reference tool or as a way to assess the extent to which the participants understood and retained the information conveyed in the seminar, webinar, etc.

[Authors’ Note: In Part 2 of this article, to be published in the February issue, we will use a case study to illustrate how to design a complete skills course using the blended learning approach.]

Warren Newberry is an intellectual property lawyer and consultant specializing in web-based media. He currently serves as President of LawyerPrep, LLC, a company that develops customized skills training for the legal profession using both online and on-site formats. He has co-founded and served as general counsel and consultant to a number of companies in the software



and media industries. He can be reached at 800-940-4817 ext. 707, or at wnewberry@lawyerprep.com.

Richard Lee is an international consultant in the development and implementation of innovative education and training for the legal profession. He currently serves as Executive Vice President of LawyerPrep, LLC. He is the former Director of California Continuing Education for the Bar (CEB), a former director of professional development at Baker & McKenzie and at Morrison & Foerster, first Director of ALI-ABA In-



House, and co-founder of the Professional Development Consortium (PDC). He can be reached at 800-940-4817 ext. 705, or at rlee@lawyerprep.com.

Check out the expanded, online **Capital CLE Calendar**. Thousands of live, in-person CLE courses, offered by over 100 providers in major metropolitan areas across the country, are indexed by topic and date, continuously updated, and accessible 24/7 on the Web. Viewable, printable, and keyword-searchable in the major browsers.

Go to <http://www.profdev.com/pubs.htm> for more information, or contact us at maraeg@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!!

Exit Interviews: Saying Good-Bye Isn't Easy

Chris White

Anyone departing your firm will always have his or her name associated with the firm – as an alumnus. And, as the legal community is truly a small world, it is likely that your paths will cross again.

It makes good business sense for everyone to leave on a high note, with a well-planned-out and thoughtfully-managed departure process. The exit interview is an important aspect of that process.

What are you trying to accomplish during an exit interview? Is it primarily a punch list to ensure that all administrative tasks have been handled properly (return firm property like cell phones, security badges, etc?) Is it a review session to ensure that all current open matters have been assigned to another attorney and that the responsible attorney has been involved or notified? Is it a debrief on the attorney's experience at your firm?

While most people might think that there is just one exit interview (the punch list or debrief), there should actually be a series of interviews to cover administrative tasks, client-related matters, and the more in-depth gathering of feedback about the attorney's time at the firm.

The first two are easy; the third can be more challenging.

The Administrative Interview

Under administrative tasks is a discussion of when and how to do internal notifications: to the practice group and to all personnel. Your firm may have specific guidelines as to the timing and wording; other firms work with the departing attorney on timing and wording. A second part of the exit interview on administrative matters is to provide the attorneys with a checklist of everything that

needs to be done: client notifications, client transfers, returning laptops, etc.

But, instead of simply handing over a long list, have a meeting in which you first ask what is uppermost on the attorney's mind and how can the firm help him or her make a smooth transition. It could be COBRA, moving furniture, or retirement rollovers.

Once you hear what is most important to the attorney and address those issues, you can enumerate the other items and offer to provide a checklist that summarizes them and, if it is the custom of your firm, to provide a copy of the firm's Departure Policy concerning fiduciary duties, client notices, and document retention.

Most departing attorneys are relieved to get the checklist after hearing about everything that needs to be done. This sets the stage for the debrief later on.

The Client-Related Interview

The second exit interview is with the practice group leader or other billing or supervising attorneys. Again, providing the departure checklist helps the attorney to prepare for this interview: It can help to ensure that all client matters – including pro bono matters – have been transferred internally, that a record has been made of who will now be handling each matter, and that files have been transferred. The attorney and his or her supervisors can determine that docketing has been updated; all final billing is done; and, for partners, a plan is established for collections, client transfer letters have been prepared for partners transferring clients to the next firm, and all the appropriate steps have been taken in notifying your firm's general counsel or risk management counsel.

The Feedback Interview

And now for the more challenging exit interview: the debrief. This is challenging because most exiting employees do not want to burn any bridges. It is difficult for many to figure out where the line is between providing candid feedback and sounding like a complainer.

As mentioned, if you have been helpful in the other aspects of the departure process by assisting the attorney to make sure that he or she has touched base with the appropriate partners and staff, the last exit interview can be a seamless step in the series.

Determine what it is you really want to know, keeping in mind issues that have come up in past exit interviews. Think about the areas that you really want candid feedback on. It could be, for example, the campus interview process, lateral hiring process, the associate work assignment process, training programs, evaluation process, secretarial support, facilities, mentoring, firm internal newsletter, or marketing support.

Start with some softball questions, maybe even a brief discussion about what initially attracted the attorney to the firm or about the firm's culture or the best features of the firm:

- What initially attracted you to our firm? How did we meet (or not meet) your expectations?
- You came here through our campus interviewing program. Any suggestions for how we might improve OCI and our image on your campus?
- (For lateral hires) How did the marketing and business development support play out for you in your early years?

Gradually move into the tougher or more sensitive areas. Sandwich the least difficult questions on either side of the more sensitive questions. You probably already know what

the hot-button issues are, so questions about those should be sprinkled throughout the exit interview:

- We're always looking for ways to improve our training program. Where are our strengths and where could we improve?
- How would you rate the fairness and thoroughness of our current evaluation process? There is always room for improvement no matter how good a system is. How could we improve?
- Who are some of the superstars on the secretarial staff? Paralegals? IT?
- How would you evaluate our internal communications from Management? From your practice group?
- You were a big contributor to our *pro bono* efforts. Any suggestions of how to make the program even better?
- How would you rate the communication among the staff who supported your practice? From your supervisor(s)?
- How would you rate our benefits program?
- What makes for a good mentor? What is the general word on the street about who are some of the stars in our new mentoring program?

One thing that most employers want to know is why exactly the individual is leaving. Unfortunately, that is typically an incredibly sensitive question for most people. If you ask a broad question, and if the individual has felt safe throughout the interview and the entire departure process, you might get to the real answer:

- What factors contributed to your beginning to look for a new job?

One effective question to ask at the end of the interview is if there is anything else that the individual would like share that hasn't already been covered:

- What haven't we covered that you would like to comment on?

Alternatives to the Feedback Interview

Some firms are finding that, no matter how they craft the exit interview, it is difficult to overcome the reluctance to give candid feedback. One approach is to contract with a third party to collect and filter the feedback from exiting attorneys, so that who said what cannot easily be identified.

Another approach is to provide a survey, perhaps quarterly, to everyone who left the firm in that time period, so no one attorney would feel that he or she is easily identifiable. If you are a large enough firm with a good number of departures per year, a quarterly or semiannual survey might be a good approach. Be sure to alert departing attorneys that the survey will be coming and explain the rationale for doing it quarterly.

Either way, the point is to provide a safe avenue for individuals to give candid feedback. Whether it is a written survey, an oral survey through a third party, or an on-site interview by a member of your firm, be sure to indicate up front that it is the overall results and patterns that the firm is looking for.

Using Interview Feedback

How are the results of the feedback interviews used?

That depends on your purpose for obtaining the feedback. Is it to improve retention and pinpoint reasons why your best associates are leaving? Is it a way to determine if the practice support or business development support is adequate? Is it to have enough data about an issue so you can present your case to the Management Committee or Associates Committee? Is it to give direction for a fresh approach to certain approaches or

programs that you feel are outdated? Is it a way to obtain feedback about certain members of the staff or committees?

Whatever your goals, it would be a good strategy to determine what changes in any particular process or program have been made as a result of this type of feedback.

Finally, think carefully about who is managing the departure process and ensure that someone who is well regarded and viewed as fair minded conducts the interviews.

A well-planned and thoughtfully-managed departure process is important for every firm from a risk management perspective. It is just as important from other perspectives as well: for the firm's business relations, community relations, public relations, and human relations.



Chris White is the Chief Legal Personnel Officer at Nixon Peabody LLP, a firm of 700 attorneys, and is resident in their Washington, DC office. She oversees attorney professional development and career management, as well as attorney recruiting. Prior to joining Nixon Peabody, Chris was the first Chief Officer for Professional

Development and Recruitment at Kirkpatrick & Lockhart (now K&L Gates) and was in similar positions at Steptoe & Johnson and WilmerHale. Earlier in her career, she was Assistant Dean at Villanova University School of Law and was the founding principal of White Svihart & Associates (now Shannon and Manch LLP). She can be reached at cwhite@nixonpeabody.com.

Networking ROI: Understanding the Return on Investment for Lawyers (and those who train them)

Roy Ginsburg

Everyone knows that, much like diet and exercise, networking is good for you and that, similarly, there are lots of excuses for avoiding it.

Whether you're a practicing lawyer or are charged with lawyers' professional development, the need to "get out there and network!" engenders powerful attitudinal obstacles. But without pursuing a course that taps networking as a business development tool, both the law firm and the professionals in it are, simply, less than their potential. The more one invests in networking, regardless of one's role in the firm, the more returns there are for oneself and the firm.

Understanding Networking—An Attitude Adjustment

When coaching lawyers or conducting CLEs on business development, I hear a lot of resistance to incorporating networking as a means of building a book of business. Here are the most common excuses:

- I don't have the time.
- I'm a professional; networking is like being a salesperson.
- It is outside my comfort zone.

A better understanding of what networking really is will convince you that most anyone can learn to do it comfortably. A better understanding will also lead to a realization of how indispensable it is.

Let's discuss first what networking is *not*. Networking is *not* showing up at a conference or reception glad-handing and distributing business cards to strangers. Who wouldn't feel uncomfortable doing that?

Networking is a straightforward concept. It's building a network of people for the purpose of mutual assistance.

Put the emphasis on *mutual*. It's not "Please help me find a job or speaker" or "I want your legal business." Rather, it's developing relationships among those who can help one another in professional, as well as personal, ways. In its simplest form, networking presents a platform for exchanging information that is mutually beneficial. It may be about a referral for an excellent legal writing instructor, or even a baby sitter or plumber if the need is expressed.

Further, and this is key to building a network, it's more about giving than receiving. Only when you give (advice, praise, recommendations, etc.) do relationships grow and develop. Once that occurs, it's only a matter of time before you get something back.

It's human nature; people like to reciprocate. Developing trusting and dependable relationships, however, doesn't happen in one meeting. It is a process, and it requires persistence and patience to reap the benefits.

Getting Past the Excuses

No more excuses! Below, I discredit the attitudes that stand in the way of networking progress:

I don't have the time.

Once it's understood what a well-developed network can accomplish, it can actually be a time saver. In the professional development field, for instance, everyone who is part of your network is a potential resource, with access to information, opportunities, or ideas that could otherwise require hours of your

time to gather. With an established network, it's possible the answer to finding an inspiring seminar leader is only a phone call or two away.

And the broader your network, the more likely you will learn about career advancement opportunities. In the event of downsizing, especially, you can hit the ground running with the help of your network.

While the benefits described above apply to attorneys as well, the main reason lawyers should network is for business development. Attorneys have a tendency to overestimate the importance of their technical skills when, in fact, prospective clients are weighing more "human" considerations, such as "Is this someone I get along with?" and "Can I trust this person?"

Think about the successful lawyers you know. Are they the most exceptionally skilled or technically competent legal professionals? If not, then what is it that sets them apart and sparks their success? Undoubtedly, it's the number of people they know and the quality of the relationships they have with them. Building meaningful relationships, over time, is the key to a robust practice; and effective networking is the genesis for developing those relationships.

Here it is in a nutshell: Having an effective network is one of the most critical components of being a successful lawyer. As such, taking the time to network must be a priority.

I'm not a salesperson.

If there's a consistently common objection to networking that I hear, it's "I didn't go to law school to be a salesperson!"

Don't confuse networking with a sales call. Remember, networking is about sharing information and listening for ways to be of mutual assistance.

Letting people you meet know that you work or practice law in a firm that offers a range of services is *information*, not *sales*. Lawyers need to shift their attitude if they think that networking is the same as "selling" legal services. Most people are grateful to know where to find a lawyer when they need advice about estate planning, protecting a company's intellectual property, completing a business transaction, or trying to keep someone out of jail. And all lawyers can be proud of the fact that they earn their living by helping people.

It's out of my comfort zone.

Just as networking is not handing out business cards at receptions, it is also not cold calling complete strangers. Rather, think of it as developing relationships with people with whom you may be acquainted but would like to know better.

Is a cup of coffee or lunch out of your comfort zone? I have coached well over one hundred lawyers from across the nation who practice at firms of all sizes. Rarely have I worked with an attorney who could not carry on a pleasant conversation in a one-on-one setting.

Start with people you already know, professionally or personally, to create a contact list. Think about people who can benefit from an enhanced relationship with you. Here's a starter list of prospects:

- Extended family members
- Friends (and their friends)
- Neighbors (do you ever wonder what to talk about at the annual block party?)
- People you went to college or law school with
- Co-workers you don't know that well
- People from previous jobs
- Members of your church or synagogue
- People from professional or trade/industry organizations
- People from organizations where you volunteer
- Clients

- Opposing counsel
- Industry colleagues

Then what?

It's called a contact list for a reason. Prioritizing the list, contact these people to set up a casual get-together. A professional development person, for example, might consider connecting with someone in a similar role in an accounting firm or other legal administrative professionals, such as a marketing director. Other productive arenas to be involved in are the Professional Development Consortium (PDC) or ACLEA. A lawyer may connect with a college alum who is starting a new business or another lawyer who could be a good referral source.

Be prepared that not everyone will accept your outreach, so don't take it personally. They are either too busy or are too short-sighted to see the benefits of networking. Remember that 70 percent of the time, the best baseball players don't make it to first base when they come to the plate. If you can enhance your relationship with 25 percent of those on the contact list, you're doing fine.

Building a network is a numbers game. It's not about having the best personality or leading the popularity chart. To be successful at it, you must continuously circulate, adding new names to your contact list.

Attend professional conferences. Become active in professional and community organizations where you interact with many individuals and where your contributions to the organization are visible. You might feel more comfortable joining a committee where you can meet and build rapport with a smaller group. Think about building a network within groups whose members can help you professionally, or where prospective clients or referral sources are likely to be found.

Networking doesn't happen in your office: Get out and meet someone new.

Practical Tips for Effective Networking

If I have achieved my goal, I've made the case for the value of networking and that it doesn't have to be an uncomfortable exercise. Here are some general tips to make those networking efforts more effective:

1. **Network systematically.** Make a contract with yourself that you will spend a certain amount of time networking. For example, your contract could be a commitment to have a certain number of coffees, lunches, or association gatherings per month. Keep the commitment realistic. If you set your sights too high, you'll likely get frustrated and stop all of your efforts. The goal is eventually to make networking a seamless habit.
2. **Listen.** Remember the ears-to-mouth ratio. You have two ears and one mouth. Listen at least twice the amount of time you talk. If you don't listen, you will not learn how you can help this person.
3. **Follow up** with regular communication and thoughtful gestures. Email your contacts an article they might find interesting, send a card when a child graduates from college, a plant on a birthday, or make a plan for lunch again later in the year.

Based on my previous experience as in-house counsel, I offer some additional business development tips specifically directed at attorneys:

- **Be enthusiastic.** Few people hire lawyers who don't enjoy what they do. When I hired counsel, I wanted lawyers who truly loved what they did. I was once involved in a First Amendment case and was seeking counsel. I obtained three referrals. On paper, they all had the necessary credentials and experience. I then interviewed all three. One lawyer in particular simply exuded a passion for the First Amendment when we talked. Guess which one I hired?

- **Be confident, not arrogant.** Many lawyers find it difficult to strike the proper balance. Of course, I always wanted to hire lawyers who sounded like they knew what they were doing. Unfortunately, there were many who crossed the line, boasting about themselves or their law firm. I was never impressed, but I was always incredibly bored.
- **Be patient.** How many people do you know who got married after only one date? Then why expect to be hired after one lunch? Remember, networking is a process of building relationships. It may take years of staying in contact before being retained.

The ROI

There's the cliché, "it's not *what* you know that counts, it's *who* you know." Well, in the legal industry, we know for sure that *what* you know is of primary importance. But it doesn't do much good if others don't know you know it.

Investing the time to develop a wide network of informational resources, advisors, and prospects yields a return that exponentially increases over the years. And that's because just about all the contacts you make, at some point in their personal or professional lives, will need legal services. Wouldn't it be great if you popped into their minds? Networking effectively will assure that outcome.



Roy Ginsburg is a frequent CLE lecturer on the best practices and ethics of business development and client service, as well as career management issues for lawyers. His programs have been sponsored by more than fifty bar and other professional associations nationwide. Roy is also an attorney coach and has an active solo

practice counseling clients on legal marketing ethics issues. More information about Roy can be found at www.royginsburg.com. He can be reached at roy@royginsburg.com or 612-812-4500.

Aren't There Ethics Rules Regarding Networking?

I've practiced law in Minnesota for more than 25 years and I'll answer that question as a Minnesotan would: "You betcha."

As you probably know, while each state has its own rules of professional conduct, the overwhelming majority are based on the ABA Model Rules of Professional Conduct. Despite numerous differences from state to state, many of the rules are very similar to what the ABA recommends, including the rules about business development.

While there are no specific rules that have the word "networking" in them, certainly one of the primary goals of networking is business development. All lawyers seem to know the "rule" that attorneys are not supposed to ambulance-chase. But what does that really mean? According to ABA Model Rule 7.3, lawyers cannot "solicit professional employment from a prospective client" in person, by telephone, or by real-time electronic contact, unless that person is a lawyer or that individual has a "family,

close personal, or prior professional relationship with the lawyer.”

Of the three biggest misunderstandings many attorneys have about this rule, the first is that the rule applies only to hospital emergency rooms. In fact, the rule applies in any room in any type of building.

The second common misunderstanding is that it’s appropriate to solicit a “sophisticated” client -- for example, a corporate executive. There is no such exception in the rule. While the origin of the rule was likely intended to apply to environments such as hospitals where “unsophisticated” clients may be present, the rule is not written that way. If a lawyer reads in the newspaper about a company being sued and calls the CEO and asks to be considered as defense counsel, that is unethical unless the CEO falls within the exceptions noted above. If not, Rule 7.3 is violated.

The third frequent mistake lawyers make concerns referrals. Those who are successful at networking frequently receive calls saying, “My friend’s company really needs your help. Call so and so right now. Here’s the phone number.” Many lawyers think that it’s permissible to make the call since, presumably, the potential client has somehow consented to being contacted. The rule, however, contains no such consent exception language. Unless the potential client falls within the rule’s specific exceptions, the rule is violated.

Then what do you say to the person who has been nice enough to provide your name to someone who may become a new client? You say something like “Thank you so much for thinking of me. However, I hope it’s not too much of an inconvenience for you to have your contact call or email me. The ethics rules prohibit me from contacting your friend. I could get disciplined for doing that.”

– Roy Ginsburg

Quote of the Quarter

“An unintended consequence of computer access to the law has been the dramatically increasing isolation of attorneys. Add cell phones and BlackBerrys and we have created the ability to practice law with ever fewer opportunities for face-to-face contact with other lawyers, which in turn equates to sharply declining opportunities to network....

“Live CLE provides a very-much-needed opportunity to network. In fact, it is now one of the principal reasons to attend many CLE programs. Live CLE offers practitioners that which we cannot obtain through any form of remote access or web-based presentation. We can see and talk to each other.”

– Larry Pozner in ACLEA’s *In the Loop*, Fall 2008

Book Review:

Business Development for New Lawyers

Ari L. Kaplan, *The Opportunity Maker: Strategies for Inspiring Your Legal Career Through Creative Networking and Business Development*. 2008, Thomson/West. (\$18.95, 224 pages)

All the successful and interesting people I can think of – in any field – share many of the same characteristics. While they might not do all of the following, they do at least some: They show genuine interest in their work; have avid interests outside of work; publish; serve on professional and/or charitable organizations or associations; mentor others; have, or have had, a mentor; and have lots of contacts – people they help, people who help them, and people to whom they can go for answers, information, or even more contacts. Basically, they do more than just their jobs.

In his book, *The Opportunity Maker: Strategies for Inspiring Your Legal Career Through Creative Networking and Business Development*, Ari Kaplan reminds new and soon-to-be lawyers that their careers are about more than the classes they take and the jobs they get after law school, that the practice of law is also about human relationships. For them to become successful, interesting, and fulfilled lawyers (and human beings), they need to work at networking and self promotion – but in a thoughtful and careful way. Mr. Kaplan points out that law schools don't teach students how to market themselves or grow their future careers; he then sets out to do just that.

The Opportunity Maker begins with inspiration – make the investment in your future – and follows up with many and varied ways to network, ranging from the more traditional lunch or coffee invitation to the newer technologies of blogging and even virtual reality sites. Every strategy is specific and accompanied by a short anecdote; one of my favorites is the story of the law student who

found a wonderful mentor by cold-calling a lawyer who shared his outside interest – competitive power lifting.

Mr. Kaplan suggests countless ways and reasons to contact people. When he suggests joining an organization, starting one, publishing an article, or even starting a television show, he follows up with examples of people who've done so and long lists of sources: organizations in various localities, websites and publications for different specialties, and public access TV stations across the country.

Throughout the book, Mr. Kaplan stresses that networking is about building relationships that last, not about getting something. When a law student or new lawyer contacts someone, he or she should do so to learn from that person or even to offer assistance. If the contacts lead to job offers or clients, that's great; but the point is more to engage with others and your profession. And Mr. Kaplan practices what he preaches: The book is full of quotes and personal stories of people he's reached out to or who have reached out to him.

My only gripe about the book is that there is very little mention, until the end, of how different types of people might use different strategies. As an introvert I was completely exhausted by all the talk in the first part of the book about social networking – the lunches, coffees, parties, meetings, and arranging of panels. Mr. Kaplan's transition to the need for publishing one's writing and the opportunity to network through writing was reassuring, and the last few chapters about customizing your own plans and goals definitely let readers catch their breath and figure out how to move forward.

The Opportunity Maker, while geared to law students and young lawyers, even got me (a

not-so-young non-lawyer) inspired and thinking about the ways I already network and ways I could do more. I think it would be a great book for PD professionals to have available to new and summer associates.

Just be sure to warn the more senior lawyers that they're likely to experience a sudden increase in coffee and lunch invitations.

- Nora Mara



ACLEA's CLE/PD Boot Camp in Washington on November 10th

The Association for Continuing Legal Education is offering a special workshop on Monday, November 10, 2008, at the D.C. Bar Conference Center:

The CLE Boot Camp Plus! is a one-day intensive CLE workshop that focuses on program planning from A to Z, covering content development, marketing, technology, finances, hotel negotiations, and the MCLE application and reporting processes. This workshop features a full afternoon of interactive Law Firm/In-House breakout sessions designed to focus on the special program planning issues unique to the law firm/in-house CLE professional. The CLE Boot Camp Plus! is an opportunity to discuss and problem-solve with some of the most experienced CLE and PD professionals in the industry. Click [here](#) for the full program flyer and registration form, including hotel and location information.



The Learning Lab: tips & tools for creative lawyer training

(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 marag@profdev.com.)

A Classic Model for Skills Training

Any time we want to learn *how to do* something, as opposed simply to learning *about* something, we need to do more than just hear or read an explanation. We have to try it out and gradually get better at it. A good model for producing that kind of learning – of performance skill as opposed to intellectual knowledge – is the “Know/Show/Do/Review” instructional process that has been used for decades in the best trial skills training programs.

This training model was developed by the military in World War II, when thousands of draftees had to be quickly trained for their new posts. It is as useful today as it was then, whether we are conducting a group training session or coaching a subordinate on the job. Here are the component steps:

1. **Know:** *Explain (a) the knowledge base underlying the skill* (in deposition skills training, for example, you might explain the purpose of depositions and where they fit into an overall discovery strategy) and *(b) how the skill is performed* – its component steps, what they should accomplish, how to tell whether they have been performed properly. Usually this is best accomplished with a combination of lecture/discussion, visual aids (process flow-charts, for example), and more in-depth reading material. Unfortunately, many so-called “skills training” programs begin and end with this step.
2. **Show:** *Demonstrate and discuss the performance of the skill.* In the case of observable skills such as taking testimony or negotiating an agreement, this can be done in one or more live or videotaped role plays or by attendance at an actual trial or negotiation, with accompanying discussion and evaluation of the performance. In the case of writing or other internal mental skills, examples of the work product resulting from the performance can be shown, along with a discussion of how they were produced and how well they accomplish their intended purpose. In either case, it’s especially helpful to show both poor performance that illustrates common mistakes and model performance that exemplifies the standard to be achieved.
3. **Do:** *Provide opportunities for the learner to practice the skill,* such as role plays, other practice exercises, rehearsals for real-world performance, or actual performance on the job. Here and in all the preceding steps, it’s best to proceed incrementally, building and solidifying basic skills before moving on to more complex ones. In good trial skills training, for example, participants will make opening statements, take direct testimony, make objections to the other side’s testimony, and so forth, one at a time in separate training modules, before putting all the skills together in planning and conducting a mock trial at the end of the program.
4. **Review:** *Critique the learner’s performance.* The critiquer should observe the practice session without interrupting and take notes of the learner’s specific behaviors and their results. In the critiquing

session, the critiquer should be sure to reinforce what the learner did well besides pointing out what could have been done better. It’s also important not to overwhelm the learner with more information than he or she can use. For best results, the critiquer should focus on only about three major points. The finer points can be saved for future review sessions after the learner builds skill and confidence in the basics.

With observable skills like oral presentations, videotaping the performance can greatly enhance the critique: The tape allows the critiquer to illustrate his or her points in very concrete and powerful fashion. It also permits the learner to observe his or her own performance during the critiquing session and, if given the tape, to review it again afterward.

As we’ve indicated, “Know/Show/Do/Review” can be used to design a group training session or to coach someone on the job. In the latter context, a mentor or supervisor has only to add a few extra steps (typically Steps 1 and 4, “Know” and “Review”) to what he or she and the subordinate are already doing in the course of their regular work to provide a superior learning experience.

“Know/Show/Do/Review” can also be used to evaluate the effectiveness of training offered by outside vendors – to make sure, for example, that there are adequate opportunities for training participants to practice incrementally and to be critiqued individually on the skills being taught (or that the firm follows up the training by providing such opportunities on the job). “Know” or “Know/Show” alone won’t do it.

The “natural trainers” among your lawyers are probably already instinctively using “Know/Show/Do/Review” to bring along the skills of their subordinates and mentees. Teaching those four steps to your other lawyers, and making sure they are the foundation for all your skills training courses, will pay big dividends with just a little extra effort.

– Gaye Mara

Professional Developments

Events

Upcoming PD-related conferences, seminars, and workshops:

Legal Profession:

- 😊 11/10/08, Washington, DC. *The CLE Boot Camp Plus*. Association for Continuing Legal Education, www.aclea.org.
- 😊 12/3/08, Toronto, ON. *2008 Winter Meeting*. National Association for Law Placement, www.nalp.org.
- 😊 12/4-5/08, Washington, DC. *2008 Professional Development Institute*. National Association for Law Placement, www.nalp.org.
- 😊 1/30/09, online. *Webcast: Strategic Outplacement for Associates and Partners*. National Association for Law Placement, www.nalp.org.
- 😊 1/31-2/3/09, Santa Ana Pueblo, NM. *45th Mid-Year Meeting*. Association for Continuing Legal Education, www.aclea.org.
- 😊 2/26-28/09, Washington, DC. *2009 Newer Professionals' Forum*. National Association for Law Placement, www.nalp.org.
- 😊 4/1-4/09, Washington, DC. *2009 Annual Education Conference*. National Association for Law Placement, www.nalp.org.
- 😊 6/5/09, Chicago, IL. *2009 Diversity Summit*. National Association for Law Placement, www.nalp.org.
- 😊 October 2009 (location and date TBA). *The ALI-ABA/ACLEA Critical Issues Summit: "Equipping Our Lawyers: Law School Education, Continuing Legal Education, and Legal Practice in the 21st Century."* ALI-ABA, www.theclesummit.org.
- 😊 12/3-4/09, Washington, DC. *2009 Professional Development Institute*. National Association for Law Placement, www.nalp.org.

General Audience:

- 😊 11/3/08ff, online. **ASTD "Essentials" Workshop Series:**

- *Essentials of Blended Learning*, starts 11/3 or 12/1
- *Essentials of Podcasts, Video, and Writing for the Web*, starts 11/5
- *Essentials of Going Green*, starts 11/18
- *Essentials of E-Learning Authoring Tools*, starts 11/18 or 12/3
- *Essentials of Developing Program Objectives*, starts 12/4

American Society for Training & Development, www.astd.org/essentials.

- 😊 11/3-5/08, Seattle, WA. *Accelerated Learning Training Methods Workshop*. The Center for Accelerated Learning, www.alcenter.com. (Repeated 12/8-10 in Phoenix.)
- 😊 11/3-5/08, New York, NY. *AMA's Myers-Briggs Type Indicator (MBTI) Qualification Program*. American Management Association, www.amaseminars.org. (Repeated in New York City 12/15-17; in Chicago 12/8-10.)
- 😊 11/4-7, Charlotte, NC. **ISPI ProSeries Workshops:**
 - *Introduction to Serious Performance Consulting*
 - *Implementation: Sustaining Initiatives*
 - *A Manager's Guide to Improving Workplace Performance*
 - *Performance Improvement Tools and Techniques: Maximizing Your Client Engagement*.

International Society for Performance Improvement, www.ispi.org. (Repeated 2/17-20 in Las Vegas.)

- 😊 11/5-7/08, New York, NY. *Training the Trainer*. American Management Association, www.amaseminars.org. (Repeated in New York 12/8-10, 2/11-13, 3/9-11, and 4/6-8; in Arlington, VA 3/4-6; in Atlanta 11/12-14 and 2/11-13; in Chicago 12/15-17 and 3/16-18; in Las Vegas 1/14-16.)
- 😊 11/6-7/08, Arlington, VA. *The Telling Ain't Training Conference*. American Society for Training & Development, www.tat.astd.org.
- 😊 11/6-7/08, San Francisco, CA. *Kirkpatrick's Four Levels: Increasing Training Effectiveness Through Evaluation*. American Management Association, www.amaseminars.org. (Repeated 3/2-3 in New

York, 4/6-7 in Atlanta.)

- 😊 11/6-9/08, Alexandria, VA. *FutureForum 2008. Race, Gender and Age Take Center Stage: How Will the Issues of Campaign 2008 Impact Workforce and Workplace Trends?* National Multicultural Institute, www.nmci.org.
- 😊 11/11-14/08, San Jose, CA. *Training Technology in Action Conference & Awards: DevLearn08 – Learning in a Web 2.0 World*. Training Magazine, www.trainingmagevents.com.
- 😊 11/17/08ff, Online. **Clark Training Workshop Series**, Clark Training & Consulting, www.clarktraining.com:

11/17-21/08. *Building Expertise: How to Apply Learning Psychology to Instructional Design*.

12/1-5/08. *E-Learning and the Science of Instruction*.
- 😊 12/1-3/08, San Francisco, CA. *Instructional Design for Trainers*. American Management Association, www.amaseminars.org. (Repeated 3/25-27 in New York, 4/15-17 in Arlington, VA.)
- 😊 12/3-5/08, Orlando, FL. *Training Magazine Institute Certificate Programs*. www.TrainingMag.com/Institute.
- 😊 1/28-30/09, Las Vegas, NV. *TechKnowledge 2009*. American Society for Training & Development, www.TK09.astd.org.
- 😊 1/29-30/09, New York, NY. *The 2009 Executive Coaching Conference*. The Conference Board, www.conference-board.org/coaching.
- 😊 2/18-21/09, San Francisco, CA. *22nd Learning and the Brain Conference: Using Social Brain Research to Enhance Learning, Cognition & Achievement*. Public Information Resources, Inc., www.learningandthebrain.com.
- 😊 4/18-22/09, Orlando, FL. *The 2009 Performance Improvement Conference*. International Society for Performance Improvement, www.ispi.org.
- 😊 5/17-19/09, Cambridge, MA. *Teaching Negotiation in the Organization: Building a World-Class Negotiating Organization*. Harvard Law School Program on Negotiation, www.pon.harvard.edu.
- 😊 5/31 - 6/3/09, Washington, DC. *ASTD 2009 International Conference & Exposition*. American Society for Training & Development, www.astd2009.org.

Certificate and Degree Programs

American Society for Training & Development, Selected Certificate Programs, www.astd.org (See the website for additional topics):

- 😊 11/5-6/08, Fort Worth, TX. *Advanced Designing Learning Certificate Program*. (Repeated 12/18-19 in Alexandria, VA.)
- 😊 11/5-7/08, Lincoln, NE. *Training Certificate Program*. (Repeated 11/12-14 in Las Vegas, 11/17-19 in Miami, 12/8-10 in Chicago, 12/15-17 in New York, 1/25-27 in Las Vegas, 2/11-13 in Alexandria, VA, 3/2-4 in Chicago, 3/11-13 in Orlando.)
- 😊 11/6-7/08, Boston, MA. *Coaching Certificate Program*. (Repeated 12/4-5 in New York, 12/11-12 in Chicago, 1/26-27 in Las Vegas, 3/2-3 in Chicago.)
- 😊 11/6-7/08, Orlando, FL. *E-Learning Instructional Design Certificate Program*. (Repeated 11-12-13 in Minneapolis, 11/18-19 in Cincinnati, 12/3-4 in Phoenix, 12/8-9 in Washington, DC, 12/15-16 in New York City, 1/26-27 in Las Vegas, 2/3-26 online, 2/5-6 in Tampa, 2/18-19 in Houston, 3/4-5 in San Francisco, 3/25-26 in Atlanta.)
- 😊 11/10-12, Orlando, FL. *Analyzing Human Performance Certificate Program*. (Repeated 12/3-5 in Alexandria, 2/4-6 in Dallas.)
- 😊 11/17-18/08, Las Vegas, NV. *Action Learning Certificate Program*. (Repeated 12/8-9 in Orlando.)
- 😊 11/17-18/08, Las Vegas, NV. *Consulting Skills for Trainers Certificate Program*. (Repeated 12/4-5 in New York City, 1/26-27 in Las Vegas.)
- 😊 11/17-19/08, Miami, FL. *Designing Learning Certificate Program*. (Repeated 12/3-5 in Orlando, 12/8-10 in Chicago, 12/15-17 in New York City, 1/25-27 in Las Vegas, 2/18-20 in Alexandria, 3/2-4 in Chicago, 3/30-4/1 in Atlanta.)
- 😊 11/17-19/08, Miami, FL. *Measuring and Evaluating Learning Certificate Program*. (Repeated 12/8-10 in Chicago, 1/25-27 in Las Vegas, 3/11-13 in Orlando.)
- 😊 12/3-17/08, online. *Facilitating Synchronous Learning Certificate Program*. (Repeated 3/3-31 online.)
- 😊 12/4-5/08, New York, NY. *Creating Leadership Development Programs Certificate Program*. (Repeated 12/8-9 in Alexandria, 2/5-6 in Dallas.)

- 😊 12/4-5/08, New York, NY. *Project Management for Trainers Certificate Program*. (Repeated 1/26-27 in Las Vegas, 3/9-10 in Orlando.)
- 😊 12/8-9/08, Chicago, IL. *Career Planning and Talent Management Certificate Program*. (Repeated 2/5-6 in Dallas, 3/9-10 in Orlando.)
- 😊 12/10-11/08, Alexandria, VA. *Advanced E-Learning Instructional Design Certificate Program*. (Repeated 1/26-27 in Las Vegas, 3/12-13 in Orlando.)

Training Live+Online Certificate Programs, Training Magazine, www.trainingliveandonline.com:

- *ROI Fundamentals*, starts 11/3
- *Advanced E-Learning Design*, starts 11/3
- *Second Life Basic Design*, starts 11/4
- *Creating E-Learning with Flash*, starts 11/6
- *PowerPoint for Web-Based Training*, starts 11/6
- *Manager of Learning and Learning Technologies*, 11/12-14
- *Accelerated Learning in the Classroom*, starts 11/18
- *Leading Effective Live Online Events*, starts in December
- *Managing and Communicating the Instructional Design Process*, starts in December
- *Strategic and Systems Thinking: State-of-the-Art Best Practices Research*, starts in December
- *Talent Management and Succession Planning*, starts in December

University of Pennsylvania 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.

www.executiveeducation.wharton.upenn.edu/clo.htm.

George Washington University/Hildebrandt Institute Master of Professional Studies and Graduate Certificate in Law Firm Management. The Master's curriculum is a two-year, 30-credit, blended learning program consisting of two 12-credit segments (Law Firm Management and Law Firm Leadership), and a 6-credit Independent Research Project. Each 12-credit segment begins and ends with an on-campus residency period in Alexandria, VA, with 4 months of online distance learning in between. The 12-credit segment in Law Firm Management may stand alone as a Graduate Certificate.
<http://nearyou.gwu.edu/sfm/index1.html>.

News

Leadership Competencies. Our August issue reported that in May, Harvard's Center for Public Leadership and The Ken Blanchard Companies convened more than 200 leaders from the public and private sectors. Their mission was to develop a set of interview questions to assess the leadership competencies of the Presidential candidates.

A set of 15 questions ultimately came out of that process, under the following four headings:

- Who are you really?
- Who will be at the table with you?
- How will you decide?
- How will you act? And what will you act on?

The full list of questions is published online at <http://howyoulead.org>. They are excellent questions that could well be adapted to an interview for any top leadership position. We might hope that in the next election cycle, they will actually be asked and answered.

Surveys

NALP Diversity Officer Survey. The NALP Diversity Manager Outreach Work Group has surveyed attendees at NALP's 2008 Diversity Summit, which included both legal employer and law school representatives, about their job titles and functions. Two-thirds of the survey respondents are employed by law firms of 500+ lawyers. The survey reveals that in most law-related organizations, the diversity function is part of a "hybrid job" that is responsible for other functions as well – most commonly, recruiting (86% of respondents) and professional development (66%).

Only 28% of the respondents' job titles even include the word "diversity." Moreover, "the most common arrangement – reported by 43% of those who responded – is one in which diversity activities consume less than one-fourth of their working time." (*NALP Bulletin*, October 2008, pp. 17-18.)

AmLaw Technology Survey. The 13th annual technology survey of AmLaw 200 firms shows some interesting technology trends for PD:

- 38% of these mega-firms use videoconferencing, and 15% use online conferencing, "primarily" for in-house training programs.
- 92% of the firms now use Web conference software, up from 77% in 2007.
- There has been a 50% increase in the number of firms using intranet wikis (from 16% in 2007 to 24% in 2008)

Alan Cohen, "Am Law Tech 2008: IT in the Balance," October 9, 2008, www.law.com/tech.

MCLE Watch

The **New Jersey** Supreme Court is considering a mandatory CLE requirement of 24 credit hours every two years, which was recommended in a May report by its Ad Hoc Committee on Continuing Legal Education and discussed in a public comment period that ended September 15. The Committee's Draft Report appears online at www.judiciary.state.nj.us/pressrel/mcle_draft.pdf.

Retirements and Succession Planning. The 2008-09 Global Leadership Forecast survey by Development Dimensions International reports, among other findings, that the U.S. lags the rest of the world in succession planning. (See www.ddiworld.com/thoughtleadership/globalleadershipforecast2008.asp for the full study and an executive summary.) "Many U.S. organizations have still not awakened to the demographic realities facing them when boomers retire or when competition or cultural failures lead to turnover," says Ann Howard, chief scientist at DDI, in a *T+D* article about the survey results.

Meanwhile, in case we want to postpone succession planning even longer, a 2008 survey of recent retirees by the Employee Benefit Research Institute finds that they were not always eager to retire, and that "the availability of flexible work options may be more than enough to keep today's knowledge worker around...."

Both surveys are reported in the September issue of *T+D*, at pages 10-11 and 17, respectively.

Required reports that on July 3 **Oklahoma** raised its cap on credit for "technology-based legal education" from 3 hours to 6, effective for the 2009 compliance year. At this writing, neither the Oklahoma Bar Association (www.okbar.org) nor the Oklahoma State Courts Network (www.oscn.net) has yet updated its online MCLE rules to reflect the change; until they do, see Required's web site, www.required.com, for the details.

