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10 Ways to Keep Your Diversity Efforts Going Strong in a Weak Economy

Vernā Myers

From the moment it was clear that this is no ordinary economic downturn, my clients started wringing their hands. Everywhere I went, diversity directors and attorneys of color were sadly predicting the “death of diversity” and other initiatives to improve how law firms develop and nurture their attorneys.

The worry is this: If the economy is hurting, firms are hurting. In hard times, firms focus on business only: serving clients and making money. Diversity initiatives are seen as nice but not necessary -- and are therefore the first to go when things get bad.

I understand how firms come to think this way, but I believe it is incredibly shortsighted. The truth is that diversity and inclusion initiatives are not ancillary but absolutely crucial to sustaining the quality of any firm’s most precious asset: its employees.

After almost 20 years in this business, it has never been clearer to me that diversity and inclusion are here to stay and are increasingly critical to an organization’s success – and not just for those firms that have expanded to new regions of the country and the world. A growing number of firms are recognizing that making diversity and inclusion work actually makes them better at the core work of problem-solving for their clients.

It’s not surprising. In his recent book, *The Difference*, University of Michigan professor Scott Page demonstrates, using a formal, mathematical framework, that a group of people who have different skills and perspectives find better solutions to problems

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and make more accurate predictions than a group with homogeneous skills and perspectives -- even if the members of the second group score higher on individual ability tests. What's more -- as clients find themselves with more diverse staffs, customers, and businesses -- they are demanding that their law firms improve their own staff diversity and develop greater sensibilities around human differences so they can be more effective advocates.

And all of these developments are magnified by one historic fact: Barack Obama is now President of the United States. The campaign itself invited dialogue about difference. Although many Americans, including the press, were ill-prepared to work through the inherent issues of race, religion, gender, and class, many found ways to talk seriously about these highly-charged questions in ways they never had before. And the revolution in thinking is far from over. New issues, insights, and conversations are bound to emerge as Americans, many for the first time, get used to the idea of having a black man as their leader.

More broadly, this election revealed a whole new network of people gaining access to

power; I was amazed at how many men and women of color were leading players in the Democratic party and counted among Obama's close advisors. We also saw a new generation of voters flex their muscles in this historic election -- and their values and perspectives are also emerging in law firms. These young people are the future: future attorneys, future partners, and future clients as well.

In this context, no firm can afford to make diversity a budget victim -- because no firm can afford to wake up, when the market comes back, looking and thinking the way it did 20 years ago. A culture of inclusion is precious but perishable. Here are ten practical steps smart firms can take to keep diversity efforts flourishing, even in an economic drought:

1. **COMMUNICATE.** John Kotter, author of *Leading Change* and one of the most respected authorities on organizational change, puts it this way: When you are trying to change the culture of an organization, you can never over-communicate.

At many firms, a small group of really dedicated people work hard to foster diversity and inclusion. They sponsor activities, attend conferences, and address issues of concern to associates of all backgrounds. But what they often don't do as successfully is communicate to "the masses" within the firm what they are doing and why. In addition, even leading partners are often not conversant with the firm's vision of diversity and inclusion. As Kotter argues, if leaders can't explain their organization's vision for change in five minutes, the vision is too vague or too complicated and therefore unlikely to be realized.

When there's lots of money around, firms may publish flashy brochures to communicate their commitment to diversity. A down economy is a perfect time for the good old-fashioned low-cost

alternative of actual human conversation. Firm leaders and diversity committee members can turn regularly scheduled department, partner, and associate meetings into venues for talking about the firm's diversity and inclusion vision, its successes, and areas that still need work.

The fact that things are not as busy can also mean more time for one-on-one conversations and mentoring with practice group leaders, department leaders, office heads, associate committees, recruitment personnel, marketing directors, and attorneys and staff at every level. This can also be a very productive time to engage in the hard conversations about any unresolved inclusion issues for individuals, work groups, or the firm as whole.

How do people get comfortable talking about difficult issues? By engaging more regularly in just such conversations, in a safe, low-stakes, non-crisis environment, in furtherance of a well-articulated goal and vision.

2. **CONNECT.** Even firms that have well-established diversity and inclusion initiatives often fail to take the crucial step of regularly connecting the dots between diversity and inclusion and the firm's reputation, financial success, relevance, and longevity. For diversity and inclusion efforts to succeed, people in the organization have to see how all the work and time invested are connected to their well-being or to the competitive advantage of the firm. If people think of diversity and inclusion as merely the "right thing to do" or as an act of altruism, these efforts are the first items on the chopping block when times get hard.

To change the mindset, firm leaders need to make explicit the connection between a culture of inclusion and competitive advantage for the firm. They need to explain out loud and in many different

settings – not just at "diversity" meetings – how diversity and inclusion can enhance service to clients by generating new and innovative solutions, attracting talented staff, stemming unwanted attrition, infusing the workplace with energy and positive morale, and helping the firm adapt more quickly to new trends, needs, and perspectives. When a leader can say "We won this beauty contest, we brought in this successful lateral, we won this case, we kept this brilliant attorney, we won this award, we solved this issue *because of what we have learned and done as a part of our diversity initiative,*" more people will feel invested in the initiative's success.

3. **CONCENTRATE.** All too many diversity and inclusion efforts are what I call "cocktail party diversity." All the effort centers on events: fairs, receptions, speakers, retreats, etc.

The harder, more valuable work of diversity, however, is concentrating on the systems, structures, and processes (formal and informal) that reinforce cultural norms – transforming the way things are done on a day-to-day basis. Unless firms focus on those areas, all the receptions in the world are not going to grow diversity.

The good news is that concentrating on assessing and improving professional and career development structures doesn't need to cost very much. Some firms clarify benchmarks for associates or go more deeply and articulate competencies (not just substantive skills) needed to excel in different stages in an associate or partner's career.

It is a great time to examine and improve your evaluation processes, too. One firm might use electronic surveys to poll mentors and mentees about their experiences, so it can strengthen its mentoring programs; another might use this time for in-depth studies about who

is most successful in the firm and what attributes they possess, so these findings can become part of the hiring and evaluation process.

4. **COALITIONS.** One way to motivate and sustain those working on diversity and inclusion is to expand the number of people supporting the vision. So many diversity and professional development people burn out in frustration because the firm expects that they will somehow singlehandedly do all the work of transforming the culture. Worse yet, the burden often falls to the few racial minorities and the GLBT and women attorneys in the firm.

If large retreats and training programs are now off the table for cost, diversity committees and affinity groups can focus on building their coalitions, expanding the number of people working actively to accomplish the firm's diversity goals. They can find creative ways to reach out to those who rarely get asked to help on these issues -- white straight males, staff who are not lawyers, partners not in the leadership -- and who often feel excluded and even resentful of the firm's diversity focus.

A firm might decide to reach out to law school administrators, affinity groups in law schools, and community organizations. It costs very little to invite law school directors or deans, MCCA personnel, bar presidents, or executive directors of a diversity-related organization into the firm to talk about how to build a culture of inclusion and how to create stronger coalitions. Affinity groups can also help the firm save money by looking closely at the outside events and groups that the firm has been supporting and whittling the list to include only activities of organizations with which the firm can have a meaningful and symbiotic relationship.

Firms seeking to increase business in new regions may also find it useful to

strengthen and better integrate diversity efforts in offices outside the U.S. and in smaller U. S. offices -- especially when those offices often have a lone racial minority or LGBT attorney or very few women partners.

5. **CULTIVATE.** The care and feeding of associates and junior partners is pivotal to a firm's success. Yet it is the very thing that firms struggle with the most; and, when it comes to supporting the success of attorneys of color and women, the struggle seems to intensify. When there is less work to go around, the problem is compounded further still. Partners may start hoarding work or sharing it with a smaller group of attorneys.

The dynamic is painfully common: Although there may be several attorneys capable of doing well with an assignment, partners feeling the economic pinch may tend to choose the associates with whom they feel the most confident and comfortable. In such situations, "difference" of any kind can become a significant unconscious barrier.

What follows is a query about why "So and so's" hours are so low and the "conclusion" that there must be a performance problem. (The truth is that it is often a *preference* problem, not a performance problem.) Before too long, "So and so" actually isn't as good because he or she has been denied the work challenges it takes to grow and rise.

If firms are going to emerge from this crisis having at least maintained their current diversity, they must seize this opportunity to look carefully at how women and people of color are doing.

Unfortunately or fortunately, most firms have so few people of color that it is absolutely possible to assess how each individual is progressing, to find ways to support his or her continued development, and thereby to send a message

about the firm's enthusiasm and commitment. Make sure that these individuals have opportunities for meaningful assignments, access to clients, and regular feedback.

With increasing numbers of women in the junior classes, you might not be able to provide this kind of one-on-one focus for every female attorney. You may want to focus instead on more senior women, women in certain departments where advancement has proven difficult, and/or the group of women working alternative work schedules.

6. **CONSULT.** Your firm may not have the budget to conduct the firm-wide awareness workshop series facilitated by outside consultants that you were planning, but that doesn't mean you can't find less expensive ways to gain value from your consulting team. Really good consultants advise their clients on how to make their diversity efforts more effective.

Sometimes a one-day check-up or a conversation a few hours a month with a consultant can revive a struggling mentor program; diffuse a conflict that has been unattended for months; avoid pitfalls; infuse a diversity committee with the focus, energy, and skills to take the firm's efforts to the next level; and point the firm to resources that can help (videos, articles, exercises).

Consultants can also do focused workshops with specific individuals, groups, or offices that need immediate attention and wait until there is more money in the budget to roll the program out to the rest of the office or firm. Also, firms can make use of webcast, video-conferences, and on-line trainings with their outside consultants.

7. **COACH.** Lots of corporations use coaching in ways that law firms have only started to think about.

Coaching usually happens one-on-one or in small groups. The coach's role is to assess an individual's strengths and challenges, increase that person's self-awareness, and create a plan for gaining the skills, opportunities, and resources to make a successful change. Highly skilled mentors may do many of these things, but most law firm mentors aren't able to because they simply are not trained as coaches, do not have time to give the attention required, and may not have the "big picture" perspective to direct the individual well.

With so few people of color and senior women in most firms, it is important to push for innovative approaches to make their advancement more likely. A firm might identify valuable, well-regarded associates of color and women to receive coaching -- perhaps those beyond the 5th year, or women with alternative work arrangements, or those in particular departments or offices. In addition, coaching for certain majority attorneys can help them appreciate the impact of their behavior and work and communication styles on women, attorneys of color, and LGBT attorneys and increase their ability to build more inclusive and respectful work environments for everyone.

Coaching is usually limited to a fixed number of sessions, but they may be usefully divided among several attorneys. Coaching does usually require paying an outside consultant or hiring in-house coaches, but this intervention is much cheaper than losing really talented individuals the firm has spent lots of time and money to recruit and train.

8. **CLIENTS.** Most firms know that clients care about diversity, but their approach to satisfying client demand in this area is reactive -- addressing it only when the client asks the question. When there is a RFP, a report card, or a pitch, firms will happily talk about their diversity efforts,

but they rarely take a proactive approach to working with clients on this issue.

It costs nothing to actively introduce clients to the talented attorneys of color, women attorneys, and LGBT attorneys who are available to work with them. A downturn can also be a great time to identify your clients who are signed on the “Call to Action” diversity pledge and begin reaching out to and meeting with them. While you talk about your own diversity efforts, be sure to ask about creative strategies that may be working for them.

9. **COORDINATE.** Many, many diversity efforts suffer – and even fail – because they are not coordinated with a firm’s other professional development efforts such as feedback and evaluation initiatives, mentoring, competencies work, and leadership development. At the same time, even fewer firms actually integrate diversity and inclusion into their important business systems, such as compensation, work allocation, partner promotion, etc.

A low-cost but tremendously effective intervention is for those in charge of recruitment, professional development, partnership promotion, associates committee, pro bono work, and so on, to start working on ways to coordinate these systems. The potential savings in time, energy, and expense can be significant, not to mention the pleasure of knowing that the firm is not working at cross-purposes with itself.

For example, when firms have trainings on leadership, mentoring, and feedback, they can make sure to explore the impact and value of difference on all these subjects.

10. **COUNT.** When we do diversity assessments for law firms, we usually ask for a number of statistics in areas like hiring, retention, partner promotions, and

client diversity requests. Some firms are right on top of every number, but others appear to be undone by our requests, especially when it comes to a true attrition analysis.

Similarly, when we work with diversity committees on strategic action plans, we often ask for data on the current state of things: *You want to improve the number of senior women through lateral hiring; what percentage of your lateral hires have been women in the last five years? Your assessment reveals that attorneys of color feel they don’t have access to real opportunities because they are included on RFPs to satisfy client requests but are not staffed on actual assignments; do you have a way to track what happens once deals are won? Does anyone know the retention rates of attorneys of color vs. white attorneys? And so on.*

It takes no money from the diversity budget to start counting and to begin to pull out information like this to get a clearer view of your current reality and to track the effectiveness of your diversity initiative. Diversity and Marketing Directors can use this as a moment to evaluate the number and extent of client diversity requests and the results of client pitches and outreach efforts.

All this information can help those working on diversity tell whether or not what they are doing is working. It is also imperative for making the business case for diversity.

A financial crisis makes us all feel like hunkering down. It may require scaling back plans for growth and may demand some delay. But no crisis should have the power to cause any of us – as firms or individuals -- to lose our bearings and give up on our core values: the beliefs and practices that guide, sustain, and distinguish us and make our work worth doing.

Diversity is a component of the values of excellence, fairness, and teamwork that most firms articulate; therefore, despite the current economic strain, diversity has to become more embedded in the way firms proceed, not less.

Firms who give up on diversity now will, when the economy returns, lose their good people promptly and won't be able to attract the talented people looking for a new home. They will miss opportunities for business because they lack the diversity of thought and skill to best represent clients. And they will have missed a transformative opportunity to become comfortable and conversant with the deeper and more difficult issues of race, gender, class, sexual orientation, and generation that the country – and clients -- will be working through for many years to come.

Most important, as a profession, we cannot afford to fall further behind than we already are in capitalizing on the value of diversity and inclusion.



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VMCG has collaborated with over 70 legal clients to effect sustainable organizational change. Prior to establishing VMCG, Vernā was the first Executive Director of The Boston Law Firm Group, a consortium of firms committed to increasing racial/ethnic diversity; served as Deputy Chief of Staff for the Attorney General of Massachusetts, where she executed a comprehensive diversity and inclusion initiative; and practiced corporate and real estate law in Boston. Vernā graduated from Harvard Law School and received a Bachelor of Arts, magna cum laude, from Barnard College, Columbia University. For more information on the Vernā Myers Consulting Group call 617-559-9800 or visit at www.vernamyersconsulting.com.

Classic Quotes

“Learning is the ultimate antioxidant.”

– Bill Wigginhorn, founder of Motorola University

“Diversity is being invited to the party. Inclusion is being asked to dance.”

– Vernā Myers, Vernā Myers Consulting Group

Holding Your Own in Meetings, as Leader or Participant

Dottie Palazzo

One of the biggest problems in business today is meetings. There are too many. They last too long. They often don't accomplish their purpose. Actually, meetings are the source of a lot of workplace complaining.

But, if you are a new manager, your conduct at a meeting is one of the first opportunities your colleagues have to see you in action and to judge your leadership skills. It is important to your future that you learn how to do meetings well – both as a leader and as a participant – and with an appearance of comfort.

Leading a meeting used to scare me. But since it was an unavoidable task, I set out to learn how to do it. The best resource I found was an article entitled “Holding Your Own in Meetings, but Working as a Team” by Dianna Booher in the August 1994 issue of *Training & Development* magazine. I consider that article my bible and refer to it often. I have even passed it on to others on occasion.

Here is what I learned from that article and from my own experience with meetings.

Tips for Meeting Leaders

1. Before the meeting

The first question to ask yourself is whether you even need a meeting. Some reasons for calling a meeting are:

- To present information quickly without writing it;
- To get input from others;
- To gain buy-in; or
- To motivate or energize.

If you are uncertain, consider whether the business could be accomplished in a short

conference call or other means of communication. If so, go with the alternative option. People will appreciate that you are not wasting their time on useless and unnecessary meetings. Remember, though, that conference calls or other electronic communications are still a form of meeting.

As the leader, you must carefully plan ahead. Your preparation or lack thereof will have a big impact on the outcome and on your reputation among your colleagues. Consider your goals and whom you should invite to or require at the meeting.

Prepare and circulate an agenda sufficiently in advance so that participants can use it to prepare themselves for the meeting. Review minutes of prior meetings and your notes from them to determine the business or outstanding issues that need to be covered. If assignments were made, send emails to those participants reminding them. Get these reports or summaries of them if they're available ahead of time and include them in the agenda you circulate. If additional information came in after the last meeting, include a short summary or copy of it so participants can be up to date and ready to get right to business.

About the agenda. Begin with the most important issues and work backward. Use active verbs and include a one-sentence summary of each issue. Make a notation of what you expect to accomplish, such as “for discussion only” or “for decision.”

2. During the meeting

As leader, at the beginning of the meeting state your role, what authority the group has, and what you expect from the participants. Remember that you are the leader, and act accordingly. In some situations you may be pursuing your own agenda, in which case

you may have chosen the guest list and will want to control the course of the meeting. In other situations the leader's job is to facilitate the discussion and allow the participants to come to a consensus. That is a harder job than pursuing your own agenda because you have to direct the discussion while allowing the participants to express their opinions, controlling the process, moving it forward, and maintaining your position as leader.

If the group gets bogged down or starts spinning its wheels, step in and create movement. Go back and redefine the problem. Recap the discussion and ask, "Where do we go from here?" Remind them of the purpose and goals of the meeting and ask "Which way do you want to go?"

Don't let the discussion drift: lead them forward. If the group gets off track, you need to bring them back, again by asking questions or reminding them of the purpose. You have to be careful here not to offend or cut people off too abruptly, but you still have to be firm.

I have facilitated committee meetings in which factions of the group had opposing opinions and goals. Trying to keep the discussion moving to consensus or even to an amicable agreement to disagree is exhausting.

In these situations you cannot abdicate your position as leader. If you do, the stronger faction will attack the weaker one and run away with the discussion. Stick to a neutral position to maintain your authority over all factions. Listen carefully and work with them by searching for any threads of agreement, trying to formulate a position they can all accept. You are a peace broker or arbitrator with the patience of Job working them toward a common goal, whatever that turns out to be.

Those are the hardest meetings to lead but the most fulfilling. If you can walk out of that meeting with everyone respecting your efforts, you've won.

How does the leader stay out in front?

When you are the leader, the actions you take and even your body language are important because they give a message to the participants. Where you sit makes a difference in how you interact with the participants and how they interact with you. People seated across the table from each other communicate differently than those seated to the left or right of each other.

As the leader you need to be comfortable in the setting. Look around the room and seat yourself in a position that best serves your personal needs and your needs as the leader. Don't feel selfish or self-conscious in doing so because your job is to lead the meeting. You are entitled to seek whatever helps you perform that job.

You may think that appearing informal makes people feel at ease. But it may also convey the message that you are disorganized. That is not the message you want to give. Your job as leader of the meeting is important. Sit erect. Organize your materials and props. Look alert and thoughtful. Your body image is perceived by some to reflect your mind.

Some participants are reluctant to participate. You can get them moving by asking for a show of hands on an issue, tossing out an open-ended question, or making eye contact to encourage someone new to respond. If you know that a participant tends to be quiet, you might ask that person in advance to play a specific role, like devil's advocate. But be careful not to intimidate or embarrass.

Knowing how to stop a filibuster is equally important. If subtle methods like breaking eye contact or turning your attention to your papers don't work, you can interrupt the person with a statement such as, "I think we understand your viewpoint. Let's hear from someone else." Another suggestion from Diana Booher's article is to use a prop, for example a broken record, that you push

across the table into the offending person's area. I haven't tried that, but she claims that it will cause laughter and break the tension.

As the leader, you need to be an advocate for all participants in your meeting. You need to maintain an even playing field so that everyone gets heard; so that all ideas and opinions are respected, whether they are accepted or not; and so that no members are treated unfairly. Listen carefully and observe the facial expressions and body language of the participants in order to measure how the meeting is going and what actions you might need to take.

Managing the people and the process is kind of tricky. One very simple guideline is that remaining seated encourages spontaneity and discussion while standing conveys authority and gives importance to the issues. When someone rises, the dynamic changes from informal discussion to formal situation. Use that tip if you need to in order to maintain your position as leader. Don't abdicate your position by hesitation because someone else will gladly step up and replace you. If that inadvertently happens, just stand up, speak up firmly, and regain control.

Stay on time. You can always use that excuse in moving things along or pulling the discussion back to business. Don't go overtime unless there is agreement among the participants to do so. That is why the most important issues go to the top of the agenda. You can always set another meeting date and adjourn. Participants will appreciate your punctuality.

At the end of the meeting, ask for questions or if there are any other matters which need to be addressed. Then thank everyone for coming and for their contributions. If the meeting went really well and the business was completed on time, you could give them a reward, like a candy bar, caffeine break, or a pretty gel pen.

3. The meeting is over. What do you do now?

Immediately after the meeting organize your notes and prepare minutes or a summary of the meeting. As if all the above wasn't enough, you also need to keep notes of what transpired. I have read suggestions that the leader should appoint a scribe to take notes. I tried that once and, at the end of the meeting, found she hadn't understood and I had to do my minutes from memory. Now I prepare a separate agenda for myself with notes about ideas I expect or questions we need to answer, leaving lots of space for notes.

The minutes should include names of participants, a summary of issues covered, decisions made, and future assignments or outstanding matters. They should also contain information on any future meetings. Send a copy of the minutes to each participant. Attach your original notes to your copy of the minutes for future reference in preparing for the next meeting.

4. Leading teleconferences

At the beginning of this article I mentioned teleconference meetings as an alternative to a live meeting. Most of the guidelines above also apply to a teleconference meeting. The downside of a teleconference meeting is that you can't see the participants. So you have to listen carefully to measure their attitudes, if they are with you, if you are moving them too quickly, or if they need more time. That isn't as easy as looking at them and seeing them roll their eyes, fidget, or look at their watches.

The good side is they can't see you roll your eyes, fidget, or look at your watch. They also can't see that your shoes are off, you didn't comb your hair, and your lipstick needs repair.

I led a lot of teleconference meetings while on the Board of the Professional Development

Consortium. The biggest benefit is that your eyes and hands are available to take copious notes. And, since I can still remember shorthand from my past life as a secretary, I could really do a job with those notes. On one occasion after I sent out the minutes of a teleconference meeting, one of my friends called me and said, “I had no idea that while we were talking you were writing down everything we said.”

Tips for Meeting Participants

1. Before the meeting

Prepare for the meeting:

- Take time to read over the agenda and supporting materials in advance so you are prepared to participate.
- You probably have your own notes from prior meetings or a file of materials on the project. Make yourself familiar with those materials as well.
- If you were to bring information to the meeting, make sure that assignment is completed and your report is organized before the meeting begins.
- You might also want to provide the leader with a brief summary of your report prior to the meeting to allow the leader to be prepared for your report. The leader may include your summary with the agenda to allow the participants to think about the issue before you begin your detailed report.

2. During the meeting

The same as for the leader, your appearance and demeanor can enhance or distract from your message or your acceptance in the group. In particular, **participants don't pout**. Even if you don't want to be there, be there. Listen. Don't fidget and look at your watch.

If you have a lengthy comment, you can retain the floor by indicating that you have a

certain number of points to make -- for example, four. Proceed to present your points, enumerating each as you go. Then if you pause for a breath at the end of your third point, everyone knows you still have the floor until you have completed your fourth point.

3. After the meeting

Follow through on your assignments and other commitments. If you're asked to review the minutes, do so promptly – it's a job that only gets worse the longer you put it off.

Conclusion

With any luck you won't have to participate in unnecessary meetings. Then you just have to do your part to make sure the necessary meetings are professional and productive. If you practice the steps outlined above at every meeting, then you and everyone who works with you will have confidence in you as a manager.

And a final word to the wise: Don't go overboard with any of this stuff, including in your note taking. Just do what seems appropriate and works for each situation.



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A Strategic Approach to Skills Training for Lawyers (Part 2 of 2)

Warren Newberry and Richard Lee

In the first installment of this two-part series, we identified challenges posed by the unique nature of skills training. We emphasized that, unlike substantive law education and training, effective lawyer skills training requires repetition and reinforcement over time. We then introduced blended learning as a potential solution to these challenges and provided a framework for evaluating the effectiveness of different delivery formats, both online and on-site.

In this installment, we use a hypothetical scenario to walk you through the process of designing a skills training program using blended learning principles. Specifically, we explain how you might use the blended learning approach to develop a communication skills program that addresses two topics most law firms view as essential to the bottom line: business development and professionalism.

Scarce Resources Require a Strategic Approach to Skills Training

Even in a good economy, the primary challenge to delivering an extended training curriculum is cost. In a severe recession, while the cost factor assumes greater importance, so does the positive correlation between effective skills training and a firm's bottom line. This requires a strategic approach to skills training, both in obtaining buy-in from the firm's decision makers and in delivering programming.

Firms will not weather this economic storm if their attorneys lack the skills to generate business, manage professional relationships, and communicate effectively. Now more than ever, the challenge for professional development administrators is to deliver skills training with measurable results while

controlling costs. The blended learning approach to skills training is attractive in this environment because programming can be implemented in stages, using a variety of cost-effective formats, while maintaining a high degree of repetition and reinforcement.

A Framework for Evaluating Content and Delivery Formats

As we discussed in part one, "blended learning" means more than simply offering programming in both online and on-site formats. Rather, the content and delivery methods must complement each other. Moreover, conveying information and providing opportunities for practice with feedback are equally important components of any skills training program. Using this framework helps us to choose among available delivery formats and define the order in which our skills content will be delivered. With these considerations in mind, we turn to our hypothetical scenario.

The Hypothetical

In light of current market conditions, the firm's Executive Committee has decided to make significant adjustments to the professional development budget. The Committee has identified new business development and professionalism as two areas that are high priorities for the firm in the coming year. You are charged with identifying skills that are central to those two topics. You are to trim expenses wherever possible. In the area of skills training, the firm has traditionally devoted much of its budget to "lunch-and-learns" using in-house talent and occasional on-site seminars featuring outside consultants. You are requested to explore new ways to make the delivery of skills training more efficient and

flexible in order to reduce the number of interruptions to the attorneys' work schedules.

Step One: Identify Skill Sets that are Central to Business Development and Professionalism

Business development and professionalism both encompass a wide range of skills, all of which can be characterized as important to a firm's bottom line and all of which can be defined broadly as involving some form of communication. Communication skills include traditional skills such as legal writing. They also include a wide range of presentation skills, including inter-cultural and inter-gender communication. And finally, communication skills include cutting-edge skills which employ the latest technology to manage relationships and workflow.

Each of these communication skill sets can be delivered in more than one kind of format. Since online delivery is often less expensive than on-site training, significant savings can be realized through the integration of online formats with on-site training. For these reasons, development of communication skills is an area that is ideal for implementing cost-efficient blended learning principles in an economic recession.

Step Two: Measure Personality Types and Learning Styles

Before you can determine the appropriate delivery format for each skill set, it would be helpful to learn more about your audience. Not every attorney shares the same personality type and learning style as his or her colleagues. This means that a delivery format might be ideal for one kind of personality type and learning style, but not for another. Consequently, you should try to include a variety of delivery formats whenever possible. This is a basic tenet of blended learning. While it is unrealistic to

create customized training programs with content and delivery methods tailored to dozens or even hundreds of individuals, a well-designed program will be sensitive to these learning differences.¹

Interestingly, the process of collecting data on personality types and learning styles presents an opportunity for communications training. In fact, the entire process of evaluating the learning needs of the firm's attorneys can be completed in conjunction with interactive training sessions. This combination has the effect of:

- reducing interruptions to attorneys' work schedules because you can collect data and provide training in the same sessions;
- lessening the workload of the professional development staff by encouraging attorneys to engage in peer and self-evaluation as part of the training; and
- creating an opportunity to collect data on the personality types and learning styles of the firm's attorneys, which data can be used in designing other skills programs.

Most important, this is a results-oriented approach to skills training. You can justify this program to the firm's decision makers on the basis that understanding how to communicate more effectively with other members of the firm reduces conflict and increases morale. Moreover, the ability to tailor one's communications to fit the personality types of existing and potential clients creates better relationships and improves the firm's reputation for professionalism. It also helps your lawyers

¹ For example, while learning, some personality types like to be informed, others entertained, others inspired, and still others challenged. Ideally, training programs should be designed to reach all personality types and learning styles by addressing each of these elements. For a more in-depth discussion of personality types and learning styles, please see *People Types and Tiger Stripes*, by Gordon Lawrence.

and others work together more efficiently and effectively.

When you incorporate blended learning principles with this approach, you capture additional savings. For example, video recordings of people with distinct personality types can be used to illustrate the characteristics that explain why and how people communicate and process information differently. The video portion of the program can be delivered online in an on-demand format, thereby enabling participants to coordinate training around their work schedules. The online portion can be followed up by interactive small group sessions in which participants have the opportunity to practice their new communication skills. These sessions might be facilitated by an outside expert or by someone within the firm who has a background in personality type indicators.

Once you know the distribution of personality types and learning styles across the firm, the use of certain delivery methods in skills training programs can be increased or scaled back depending upon the audience.

Step Three: Determine Appropriate Delivery Formats for Each Skill Set

Now that you have a clear picture of the various learning styles represented throughout the firm, the next step is to evaluate potential delivery methods against specific skill sets. In the following sections, we will examine specific skill sets relevant to (1) Legal Writing, (2) Presentation Skills/ Inter-Cultural and Inter-Gender Communication, and (3) Workflow and Relationship Management.

1. Legal Writing

Legal writing proficiency bears directly on professionalism and, indirectly, on one's ability to generate new clients. With respect to professionalism, the ability to write well

influences how one is perceived by opposing counsel, judges, colleagues at the firm, supervisors, and existing and future clients.

Broadly defined, legal writing encompasses many forms of written communication, including pleadings, briefs, contract provisions, reports, emails among members of the firm, client letters and opinions, etc. Accordingly, your training should focus more generally on elements of style, grammar, organization, and audience, as well as best practices relevant to specific forms of communication.

While writing ability alone will not generate new clients, it helps. A tried and true method of increasing one's visibility within a community is to publish articles, blogs, editorials, etc. The easiest way to advertise that you are an expert on a particular subject is to write about it.

Again, each of these forms of communication calls for different approaches. Having identified specific skill sets and elaborated upon the connection between legal writing and our two priorities, business development and professionalism, you can turn your attention to delivery methods.

Good legal writers are not made in a day, so a coaching component is absolutely crucial. This component is easily the most expensive part of any legal writing program. You can realize significant savings by assigning mentors from within the firm who are responsible for periodic reviews of work product, as well as detailed feedback. Or you can use an outside coach to train the mentors.

In some cases, you may wish to engage an outside coach to spend more time working with a particular attorney or small group of attorneys. Outside consultants can be used at a relatively low cost to provide coaching services remotely, using email, phone, video-conferencing, and web-based collaboration tools. Outsourcing this function works well when dealing with general subjects (style, grammar, organization, and audience), but

not as well when dealing with specific forms of communication (pleadings, briefs, contracts, reports, client letters, and emails) where best practices might apply only to a particular practice group within the firm.

Your goal is a cost-effective approach using a blend of delivery methods. Accordingly, you might start with a seminar on general subjects such as style, grammar, organization, and audience, followed by a training session on firm and practice group-specific conventions that apply to different forms of written communication. The illustration and information-sharing components of these live sessions might be delivered online via webcast from a single office, which would reduce travel costs for the instructor but still allow for Q&A.

Regardless, each of these live sessions should include opportunities for audience participation in the form of small group breakout sessions in which participants are able to critique and discuss anonymous work product. Ideally, breakout sessions would be led by those attorneys within the firm who serve as writing mentors. This would be most effective with some coordination between the main instructor and the mentors in order to maintain consistency throughout the curriculum.

If possible, the materials for these live sessions should be available online after the sessions have ended. One way to complement the online materials would be to offer short e-learning modules that enable users to test their knowledge of grammar and style, review the process of drafting a provision, setting up an email to a client, or writing a blog entry. Over time, progress can be monitored using the mentor system outlined above, relying on outside coaches as needed.

2. Presentation Skills/Inter-Cultural and Inter-Gender Communication

First impressions are formed within seconds, which means that attorneys do not have a lot

of time to instill a sense of trust and believability in potential clients. Similarly, if an attorney represents the firm as a speaker or presenter, it is imperative that the attorney be able to project confidence and maintain the audience's interest.

A golden rule of presenting is "know your audience." In order to trust you, your audience will need to know that you understand them. In this age of globalization, many law firms still are not nearly as diverse as their clients, and these differences can harm relationships if not addressed with sensitivity. The ability to communicate across genders and cultures is therefore an essential skill required of lawyers today, whether dealing with clients or with the firm's satellite office in Asia or elsewhere in the world.

Similar to legal writing, training in presentation skills and inter-cultural and inter-gender communication requires a coaching element to be effective. However, unlike legal writing, a significant portion of the illustration component can be delivered in much more dynamic fashion—through video demonstrations. This is an important observation because it means you can cut down on costs *and* interruptions to the attorneys' work schedules because videos can be watched and evaluated on-demand.

Watching an on-demand webcast of someone talking about legal writing reduces travel costs, but it is still inherently a passive activity. The online component has produced savings but added no interactivity. In contrast, watching a video of a presenter with the goal of evaluating the presenter's performance engages the viewer on a much deeper level.

A perfect medium for on-demand video delivery is e-learning. You can embed the video in the e-learning module and provide context before and after the video. In this way, you can use on-demand e-learning to introduce concepts and best practices, and then schedule a block of small group

coaching sessions where instructors can work individually with participants, recording their presentations, and offering constructive suggestions.

To further reduce travel costs and interruptions to work demands, you also might consider recording the participants in-house and then sending the videos to an outside instructor for evaluation and comment.

3. Workflow and Relationship Management

A common criticism of lawyers is that they do not respond promptly to clients, which implies a lack of professionalism and attention to clients' needs. In many ways, email, customer relationship management ("CRM") applications, smart phones, and PDAs are both a boon and a curse. On the one hand, they allow for efficient communication between lawyers and clients. On the other, they allow for too-efficient and too-immediate communication between lawyers and clients. In other words, expectations are higher. Consequently, lawyers must learn to manage phone calls, emails, and other interruptions so that they maintain productivity without compromising appropriate responsiveness.

Online delivery formats are ideal for teaching lawyers how to use email and other software applications effectively. For example, a variety of software applications can record

video of computer desktops, which means that you can set up email and navigate through different applications while recording your movements. Most of these software applications also record narration and offer editing tools. Once a video illustration has been created, that video can be embedded in an e-learning module. Quizzes, learning games, and context for the video may be added, as well.

In this way, you can use an e-learning module to provide training in how to use email and CRM applications to maximize efficiency. Of course, email is only one of many possible interruptions, so a program on managing workflow and relationship management must include a strategy for dealing with multiple sources of interruptions throughout the day. Topics such as PDAs and procedures for communicating with other members of the firm, clients, etc., can also be addressed in an e-learning module, or delivered through a webcast or on-site seminar.

The most cost-effective delivery method would be through an on-demand e-learning module because it reduces travel time and allows for fewer interruptions to the work schedule. Significantly, it also offers much greater interactivity than an on-demand webcast. In comparison, while a live webcast reduces travel costs, it also results in the same work interruptions as a live, on-site seminar.

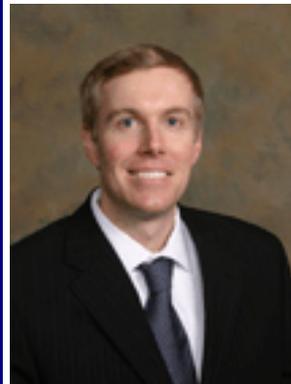
Conclusion

Every delivery method has strengths and weaknesses. Sometimes cost will be the deciding factor, other times it will be the level of interactivity or participation. Thankfully, there are a variety of delivery formats available; and, in most cases, managing costs and enhancing participation do not have to be mutually exclusive.

Legal writing is an area in which the bulk of training must be done live, with human to human contact. Nevertheless, there are opportunities even within legal writing to introduce different formats that achieve high levels of engagement without incurring great expense. In contrast, workflow and relationship management is a topic where training can be done almost entirely online, and the online component is likely to be far more engaging and effective than a live, on-site seminar. Most other skills topics, like presentation skills, fall somewhere in-between.

We cannot emphasize enough the importance of variety in skills training. To be sure, opportunities to practice a skill are useless if that skill has not been illustrated properly. And, while it is impossible to satisfy every learning style in a single course, we hope that we have provided some examples of ways in which using a blend of formats can achieve your firm's learning objectives and at the same time reduce professional development expenses.

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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.

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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.)

Accommodating All Learning Styles

We've known for some time that learning styles vary from one person to another. Those differences in style are usefully identified by the Myers-Briggs Type Indicator (MBTI), which is based on a model of human thought processes developed by the Swiss psychologist Carl Jung.

Although popularly referred to as a "personality test," the MBTI has little to do with the outward expression of "personality." Instead, it is an assessment of one's preferred cognitive style and, as such, relates directly to how each of us best learns new knowledge and skills.

The best trainers engage all eight MBTI preferences in their training. In that way, they make the content accessible to each individual learner in their audiences, regardless of his or her preferred learning style.² At the same time, they provide *all* learners with more complete command of the content.

The chart below provides a summary description of each of the eight MBTI styles – two each on four cognitive dimensions – along with some suggestions for integrating them into your training sessions.

– Gaye Mara

²An MBTI study of a national sample of ABA members was conducted in the summer of 1992 by Larry Richard (now with Hildebrandt, Inc.). It indicated that among lawyers, the most common preferences are for Introversion, Intuition, Thinking, and Judging. ("The Lawyer Types: How Your Personality Affects Your Practice," *ABA Journal*, July 1993, pp. 74-78.)

Teaching to the Eight Learning Styles

<p>Dimension: <i>Direction of Focus</i></p>	<p>Preferences: <i>Extraversion</i> (oriented to the outer world of people, things, activities, experiences) vs. <i>Introversion</i> (oriented to the inner world of thoughts, reflections, feelings)</p>
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Training Tips: *Extraverts* are inclined to think out loud, and to refine their thinking as they talk their way through it, whereas *Introvers* are more likely to think things through before speaking. *Introvers*' input, when it comes, is typically of very high quality; but they can get left out of classroom discussions as *Extraverts* grab the ball and run with it. To enhance the participation and quality of input from both types in live training sessions, (a) provide some preparatory material in advance of every session, and (b) structure classroom discussions to allow the participants some time to think before providing input and to equalize the input from everyone (see, for example, our August 2008 column on Nominal Group Technique, "Controlled Creative Brainstorming").

<p>Dimension: <i>The Perceiving Function</i> (taking in new information)</p>	<p>Preferences: <i>Sensing</i> (best at perceiving current reality and practical details via sensory data; invested in "what's real" and "what works") vs. <i>Intuition</i> (best at perceiving abstract concepts and future possibilities via flashes of intuition; invested in "what could be")</p>
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Training Tips: Present every general concept in tandem with specific, real-world examples that illustrate its validity. Pair each general principle with a chance to apply and practice it. Shift back and forth between the "big picture" and the specifics; don't spend too much time on either level at the expense of the other.

<p>Dimension: <i>The Judging Function</i> (evaluating new information and reaching decisions about it)</p>	<p>Preferences: <i>Thinking</i> (prefers an objective, logical approach to decisions; analytical) vs. <i>Feeling</i> (prefers a values-based, often people-oriented, approach to decisions; empathetic)</p>
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Training Tips: At the outset of a training session, explain why the subject matters, giving both objective and values-based reasons. In presenting content and responding to participants' input, maintain high objective standards of excellence while showing personal warmth and respect for all participants.

<p>Dimension: <i>Orientation to the outer world</i></p>	<p>Preferences: <i>Judging</i> (likes to predict, plan, and manage external reality) vs. <i>Perceiving</i> (likes to fully experience external reality and "go with the flow")</p>
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Training Tips: In program announcements, include the schedule (beginning, break, and ending times) and the agenda, and stick to them in presenting the course. Also provide opportunities to explore and experience the subject matter, such as practice exercises, small group discussions or projects, case studies, hypothetical scenarios, etc.

Professional Developments Events

Upcoming PD-related conferences, seminars, and workshops:

Legal Profession:

- ❄ 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:

- ❄ 2/6-11/09, Atlanta, GA. *Training 2009 Conference & Expo*. Training Magazine, www.TrainingConference.com.
- ❄ 2/10-12/09, Phoenix, AZ. *Needs Assessment for Performance Technologists: Tools and Techniques*. Clark Training, www.clarktraining.com.
- ❄ 2/11-12/09, Atlanta, GA. *The 2009 Enterprise Learning Strategies Conference*. The Conference Board, www.conference-board.org/els.
- ❄ 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.
- ❄ 2/25-27/09, Saratoga Springs, NY. *Performance Support Lab & Seminar: Learning*

at the Moment of Need. Elliott Masie, www.masie.com.

- ❄ 3/4-5/09, Washington, DC. *The 2009 Global Business & Education Conference*. The Conference Board, www.conference-board.org/businessandeducation.
- ❄ 3/11-13/09, Saratoga Springs, NY. *Social Learning Lab & Seminar*. Elliott Masie, www.masie.com/social.
- ❄ 3/24-27/09, Phoenix, AZ. *How to Plan, Develop, and Evaluate Training*. Clark Training, www.clarktraining.com.
- ❄ 3/31 - 4/3/09, Phoenix, AZ. *How to Plan Design and Evaluate e-Learning*. Clark Training, www.clarktraining.com.
- ❄ 4/18-22/09, Orlando, FL. *The 2009 Performance Improvement Conference*. International Society for Performance Improvement, www.ispi.org.
- ❄ 4/27 - 5/1/09, online. *Building Expertise: How to Apply Learning Psychology to Instructional Design*. Clark Training, www.clarktraining.com.
- ❄ 5/4-8/09, online. *e-Learning and the Science of Instruction*. Clark Training, www.clarktraining.com.
- ❄ 5/14-15/09, Phoenix, AZ. *Designing Scenario-Based Learning*. Clark Training, www.clarktraining.com.
- ❄ 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.
- ❄ 7/15-16/09, Chicago, IL. *Telling Ain't Training Conference*. American Society for Training & Development, www.astd.org.
- ❄ 9/16-18/09, Phoenix, AZ. *Needs Assessment for Performance Technologists: Tools and Techniques*. Clark Training, www.clarktraining.com.

- * 10/20-23/09, Phoenix, AZ. *How to Plan, Develop, and Evaluate Training*. Clark Training, www.clarktraining.com.
- * 10/27-30/09, Phoenix, AZ. *How to Plan Design and Evaluate e-Learning*. Clark Training, www.clarktraining.com.
- * 11/16-20/09, online. *Building Expertise: How to Apply Learning Psychology to Instructional Design*. Clark Training, www.clarktraining.com.
- * 11/30 - 12/4/09, online. *e-Learning and the Science of Instruction*. Clark Training, www.clarktraining.com.
- * 1/26-29/10, Las Vegas, NV. *ASTD TechKnowledge 2010 Conference & Exposition*. American Society for Training & Development, www.astd.org.

Certificate and Degree Programs

American Society for Training & Development, Certificate Programs, www.astd.org (See the website for online and/or on-site dates and locations for each topic):

- Action Learning Certificate (2 days)
- Advanced Designing Learning Certificate (2 days)
- Advanced E-Learning Instructional Design Certificate (2-days)
- Analyzing Human Performance Certificate (3 days)
- Blended Learning Certificate (2 days)
- Business Essentials Certificate: Strategy, Finance, Marketing (3 days)
- Career Planning and Talent Management Certificate (2 days)
- Coaching Certificate (2 days)
- Consulting Skills for Trainers Certificate (2 days)
- Creating Leadership Development Programs Certificate (2 days)
- Creating New Supervisor Training Programs Certificate (2 days)
- Designing Learning Certificate (3 days)
- E-learning Instructional Design Certificate (2 days)
- Essentials of Adobe Captivate 3: Production Tips and Tricks (1 day, online only)
- Essentials of Adult Learning (2 week online program)
- Essentials of Coaching SMEs to Facilitate Learning (2 week online program)
- Essentials of Copyright Law for Workplace Learning Professionals (2 week online program)
- Essentials of Developing Program Objectives (2 week online program)
- Essentials of E-learning Authoring Tools (2 week online program)
- Essentials of E-learning Strategy Development (2 week online program)
- Essentials of Efficiency in Learning (5 day online program)
- Essentials of Game Design (2 week online program)
- Essentials of Personality and Leadership Assessment Tools (2 week online program)
- Essentials of Podcasts, Video, and Writing for the Web (2 week online program)
- Essentials of Scenario-Based E-learning: Guided Discovery E-learning (5 day online program)
- Facilitating for Excellence Certificate (1 day)
- Facilitating Organizational Change Certificate (2 days)
- Facilitating Synchronous Learning Certificate (4 week online program)
- HPI (Human Performance Improvement) Basics Certificate (4 week online program)
- HPI in the Workplace Certificate (3 days)
- Learning for Multiple Generations Certificate (2 days)
- Managing External Vendors Workshop (3 week online program)
- Managing Organizational Knowledge Certificate (2 days)
- Managing the Learning Function Certificate (3 days)
- Measuring and Evaluating Learning Certificate (3 days)
- Presentation Skills Certificate (2 days)
- Project Management for Trainers Certificate (2 days)
- Rapid Learning Techniques Certificate (2 days)
- ROI Basics Certificate (3 week online program)
- ROI Skill Building Certificate (2 days)
- Selecting HPI Solutions Certificate (3 days)
- Test Design and Delivery Certificate (2 days)
- Training Certificate (3 days)
- Training Certificate Plus! (4 days)

CLARK Performance-Based e-Learning Certification Program, www.clarktraining.com:

- Needs Assessment for Performance Technologists: Tools and Techniques (on-site in Phoenix, AZ, 2/10-12 or 9/16-18)

- How to Plan, Develop, and Evaluate e-Learning (live on-site in Phoenix, 3/31 - 4/3 or 10/27-30)
- e-Learning and the Science of Instruction (virtual class, 3 hours/day, 5/4-8 or 11/30 - 12/4)

CLARK Performance-Based ISD (Instructional Systems Design) Certification Program,
www.clarktraining.com:

- Needs Assessment for Performance Technologists: Tools and Techniques (on-site in Phoenix, AZ, 2/10-12 or 9/16-18)
- How to Plan, Develop, and Evaluate Training (live on-site in Phoenix, 3/24-27 or 10/20-23, OR online self-study)
- Building Expertise (virtual class, 3 hours/day, 4/27-5/1 or 11/16-20)

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

- *Designing and Managing Leadership Development*, starts 11/12
- *E-Learning Design*, starts 3/23 or 9/14
- *Creating E-Learning with Flash*, starts 3/5
- *Creating Engaging E-Learning with Power Point: Better than Bullet Points*, starts 5/18
- *Advanced E-Learning Design*, starts 4/27 or 10/19
- *Training Instructor Certificate: Accelerated Learning in the Classroom*, starts 4/21
- *Manager of Learning and Learning Technologies*, starts 5/1
- *Leading Effective Live Online Events*, starts 1/6
- *Producing Great Audio and Video Podcasts*, starts 3/3, 6/2, or 11/3
- *Managing the Training Function for Bottom Line Results*, starts 4/24 or 11/6
- *ROI Fundamentals*, starts 3/4
- *Kirkpatrick Four-Level Evaluation*, starts 4/7 or 10/6
- *Building Business Acumen for Trainers: Skills to Empower the Learning Function*, starts 3/17
- *Reinventing Strategic Planning*, starts 3/30

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.

Applications for Fall 2009 are due June 1.

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

Fortune's 100 Best Places to Work, 2009.

Congratulations to the five law firms on Fortune's latest list, the top four of them repeaters for at least the fourth year in a row:

- Arnold & Porter (21)
- Bingham McCutchen (30)
- Alston & Bird (36)
- Perkins Coie (82)
- Orrick Herrington & Sutcliffe (87)

Orrick is new to the list this year; Nixon Peabody is absent after three years as a repeat winner. Relative to last year, the law firms have moved a

little lower down the rankings, averaging out at 51st place this year (compared to 42nd in 2008).

This year's results are published in the February 2 issue of *Fortune* magazine. Winners are chosen based on (a) responses by 400 or more randomly selected employees to a 57-question survey (the "Great Place to Work Trust Index") created by the Great Place to Work Institute (worth 2/3rds of the total score), and (b) responses by management to a Culture Audit, also developed by the Institute (1/3rd).

To be eligible for consideration, an organization must be at least 7 years old and have more than 1,000 U.S. employees. An online nomination form is available at www.greatplacetowork.com; the application deadline is March 31, 2009.

Pay Cuts Instead of Layoffs? A December 31 article by *Washington Post* business columnist Steven Pearlstein observes that, in the current recession, numerous law firms have shed partners and associates and rescinded employment offers to new and summer associates. He goes on to comment,

"The more interesting question, however, is why the firms haven't gone further and significantly reduced the pay of all associates, as well as the number of hours they are expected to work.... That way, firms could avoid further layoffs and perhaps even continue to hire a modest number of new associates. More significant, the plan might actually put an end to the arms race in associate pay and allow associates to get a life."

Steven Pearlstein, "Labor Pains Are Not Easily Shared." *Washington Post*, 12/31/08, page D1.

Surveys

According to the **NALP 2008 Survey of Legal Career Professionals**, the median annual salary for a director-level PD professional is \$197,500, \$105,000 for a manager, and \$62,500 for a coordinator/administrator. Median experience in the field for directors is 8 years, and 70.2% of directors have a JD. Comparable figures for managers are 5 years experience and 54.7% JDs; for coordinators/administrators, 4 years' experience and 24% JDs. (December 2008 *NALP Bulletin*)

Resources

The **ASTD Handbook for Workplace Learning Professionals**, published late last year by the American Society for Training & Development, looks like a useful and comprehensive guide and desk reference for PD professionals. Its 1,000+ pages and accompanying CD cover learning needs assessments, course design and delivery, technology tools, evaluating impact, and managing the learning/performance function. It's available in hardcover for \$139.95, or \$99.95 for the PDF download. Elaine Biech, Editor, *ASTD Handbook for Workplace Learning Professionals*, Berrett-Koehler, 2008.

MCLE Watch

On November 10, the **New Jersey** Supreme Court's Ad Hoc Committee on Continuing Legal Education issued its final report. The Committee's recommendations include the following:

- A mandatory CLE requirement of 24 hours every two years, including 4 hours of ethics/professionalism, should be implemented no sooner than 2010.
- Attorneys should be divided into four compliance groups by date of birth, with two groups reporting each year, the first on June

30 and the second on December 31.

- "The use of alternative learning formats should be limited to 12 credit hours per cycle for formats that are not 'live' or 'interactive' as defined by the MCLE regulator." (p. 2)
- Law firms and other in-house providers should be eligible for "approved service provider" status and presumptive approval of their in-house courses. That status should be renewed every 2 years for a \$100 application fee.
- The existing "Skills and Methods" course

requirement for new admittees should be discontinued. New lawyers should simply be subject to the same CLE requirements as the rest.

Interested parties may comment in writing on the recommendations by February 17th, either by mail or online. Instructions for submitting comments are posted at www.judiciary.state.nj.us/notices/2008/n081201a.htm, along with a link to the Committee's full report.

Index to PDQ Articles and Survey Reports, 2003-2008

Administration and Staffing of PD

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