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Building Leadership Development Programs in Law Firms
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Like other concepts that migrated from corporations into law firms, "leadership" made a slow and tentative entrance. Fifteen years ago, teaching leadership to lawyers was a novel and high-risk idea, acceptable only if the agenda was limited to "hard" topics like strategy, not "soft" topics like motivation.

Today, many firms – especially the larger ones – are trying to turn their lawyers into "leaders"; and many consultants, along with a few law schools and business schools, have been eager to help. Along the way, those running law firms have largely abandoned two traditional beliefs that stood in the way of taking leadership development seriously: Good leadership depends on innate traits rather than learned skills, and leading can't be all that difficult for anyone intelligent enough to have become a partner. Those two beliefs were at least partly contradictory, but it was usually considered impolite to point that out.

What's driving all the recent emphasis on leadership? Is it something more than faddishness fueled by hype from consultants? For those who will be designing leadership development programs, the question is more than academic. Because "leadership" is such a huge and vague concept, a "leadership development" initiative is likely to fail unless a firm is clear about why it needs one.

To say that a firm needs more leaders, or that
its lawyers need to develop their leadership
skills, is to say, really, nothing useful. When
you step into territory as large and loosely
mapped as "leadership," it's critical to figure
out what kinds of behavior you are trying to
change, among whom, and why. Because
these questions are so important, this article
will first discuss why "leadership
development" in law firms is more than a fad,
and why it addresses real and pressing
needs, before going on to describe how firms
can meet those needs.[1]

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[1] In this article, I won't even try to define
"leadership" or to distinguish it from "management."
The literature contains dozens of definitions. If you're
familiar with John Kotter's work, you may recall his
distinction between the two concepts: management
involves the skills needed to run complex organizations,
while leadership involves the skills an organization
needs in rapidly changing and unstable circumstances.
In those terms, this article will focus more on
management than on leadership. However, it's a
mistake to begin by trying to define the terms in the
abstract. The key question is what behaviors a firm
needs to develop to be more successful. The label you
then put on the behaviors doesn't really matter, though
"leadership" has more cachet than "management" at the
moment.

The Case for Leadership Development

Leadership has become increasingly
important to law firms for at least three
reasons:

**1. Strategy matters, and its execution
matters even more (or: "Brobeck, Heller,
Thelen – who's next?").** Even before the
recession, being able to define and execute a
strategy really mattered, especially for larger
firms in competitive markets.

Leaving aside the ferocious competition for
clients, firms that don't live in stable niches
have to worry – just as public companies
always have – about maintaining or raising
their profitability, about moving from
declining into growing practices, and about
responding to powerful trends they can do
nothing to control: globalization; the mobility
of partners in more lucrative practices; and
the pressure from increasingly savvy and
outspoken general counsel for greater
efficiency, more predictable costs, and, often,
steeper discounts. All that was true before
the recession; now firms have to deal with
their short-term tactics for surviving the
downturn as well as with the long-term
stresses that will remain when the recession
ends.

In this world, if a firm's leaders make the
wrong strategic decisions, the firm can
collapse or fall permanently behind its peers
in reputation and profitability. To compound
the difficulties, the recession has driven more
firms to realize that they need to pay
attention to their talent-management strategy
as well as their strategy in the client
marketplace, because the traditional model of
hiring lots of highly-paid associates and
sifting out a few partners after several years
is too inefficient and expensive.

To thrive in these dangerous times, firms
need leaders who can think strategically and
– even more difficult – persuade others to
have confidence in the strategy and help

implement it. Especially in larger firms, those skills can't be concentrated only in the two or three people at the top: They need to be scattered throughout the firm, in its practices and offices, because strategy at those levels matters just as much as a firm's overall strategy and can't be effectively dictated from the top.

2. The bigger the organization, the more difficult it is to lead (or: "We have an Alma Alta office? Really?"). With mergers, expansion around a region, a country, or the world, and ambitions fueled by the *American Lawyer* rankings, many firms are now big, complex, geographically-dispersed organizations, even after all the recent lay-offs. The larger and more dispersed an organization, the more difficult it is to hold together and the more likely it is that some parts of the firm will underperform.

Even if law-firm leaders had no other reasons to lie awake at night, the very size of many firms would require a lot of attention to some aspects of leadership: building a sense of common purpose; creating a consistent professional culture across heterogeneous groups; and, of course, communicating effectively with people who aren't just down the hall. I've been struck by how often the explanation for defections from an office or a practice is some version of "The firm just didn't seem to be paying attention to us." Leading large organizations not only requires more skill in those at the top; it also requires reliance on more partners throughout the firm to share leadership functions.

3. Morale and commitment matter (or: "Where's Jean now? Really?"). Even in firms that are less than huge, it's become more difficult to maintain the glue that binds the firm together. Although many firms are still blessed with relatively stable partnerships, across the profession the bonds of institutional loyalty have long since weakened. Partners and groups of partners

move among firms all the time, and many in-house positions are just as lucrative and prestigious as – and often more powerful than – law-firm partnerships. Especially after the recession ends, the demographic trends will probably continue to make things worse. Gen X is smaller than the Boomer generation, which means that the competition for mature, experienced partners will become all the more intense.

As a result of these trends, those running law firms need the skills to bind people together, by creating the commitment, loyalty, and – dare one say it? – enthusiasm that lead them to want to contribute to the firm rather than use it simply as a resumé stop or professional hotel with a great concierge service. And, once again, in larger firms many people – not just one or two at the top – need these skills. Even when a practice group is relatively small and local, leadership is not necessarily easy. In many firms, there are striking differences in effectiveness and morale among small groups or offices.

If we look at associates rather than partners, the situation becomes even more complex. Consider these two familiar facts. First, while AmLaw 200 firms grew dramatically in the decades before the recession, law-school graduating classes did not. Before the recession, the result was a seller's market for talent among laterals as well as entry-level associates. The recession has changed the market dramatically; and, even after it ends, firms will probably be on average smaller and less leveraged than in the past. But those changes are likely only to mitigate for a few years, not to wholly counteract, the demographic trends that underlie the long-term "war for talent." Second, prospects for becoming a partner are so slim in many firms – and, for some associates, partnership is so unattractive – that the lure of partnership doesn't bind most associates to a firm.

In this familiar set of circumstances, the most familiar pre-recession consequence – high attrition rates – may not be the most

important one, even when the economy rebounds and firms begin to grow again. The more dangerous result is "internal" attrition: lack of motivation, commitment, and full-out effort, sometimes consciously, but often unconsciously among associates who think they're doing their best. This lack of engagement leads eventually to excessive out-the-door attrition (except during a recession) but it causes damage long before then.

During the boom decades, that damage was disguised because the large-firm economic model – lots of leverage, lots of work billed by the hour – did not place a premium on getting the best and most efficient work out of every lawyer at every moment. (To the contrary, many would argue.) Even before the recession, that model was under pressure from clients who are increasingly unwilling to pay for undertrained, inefficient associates or teams working on automatic pilot as they rolled up hours. The large firms that emerge from the recession are likely to have to care more about whether each lawyer is contributing as much as he or she can in quality and energy, not just in amount.[2]

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[2] In recent years, research within corporations seems to have demonstrated a correlation between a business unit's profitability and the engagement, motivation, and satisfaction of its employees. See, for example, Marcus Buckingham and Curt Coffman, *First, Break All the Rules* (New York: Simon & Schuster, 1999), and James L. Heskett, et al., "Putting the Service-Profit Chain to Work," in the *Harvard Business Review* (July 2008).

For many years, David Maister in particular has been arguing that the same correlation holds for professional-service firms. However, there is no research yet to back up this claim. In fact, looking at *The American Lawyer* tables of profitability and law-firm satisfaction, that correlation doesn't jump off the pages. It may be that other aspects of the law-firm business model – leverage; high billable-hour expectations; annual increases in billing rates; and, for some firms, premiere cost-is-not-an-object work – overwhelm the contributions that are due to their employees' morale and motivation. In a leaner world after the recession, that may change.

To create that level of performance, a firm needs individual partners who have the mindset and the skills to motivate the range of associates with whom they work, including those who have ambitions quite different from the ambitions that drove the partners themselves when they were associates. In fact, a firm should begin to inculcate this mindset in lawyers long before they become partners. As associates become more senior, they usually begin to manage other associates; in a leveraged practice, in fact, senior associates can have just as much impact on junior associates' performance and morale as can partners.

Behind the skills that enable others to do their best work, and as a prerequisite for developing them, lies a crucial mindset that doesn't come naturally to many lawyers: "How I behave affects how others behave and does so in fundamental ways that are important to our work." That specific mindset is a limited version of a more general mindset, which I'm tempted to say lies at the core of all aspects of leadership: "I am responsible not only for myself, not only for my tasks, not only for my role – but for the whole of which I'm a part." Taken to an extreme, that mindset leads, of course, to constant angst and guilt. But, in healthy moderation, it is key to an organization's ability to fire on all cylinders.

For newer lawyers, the mindset will be reflected less in how they "lead" others than in the behaviors to which the cliché "take ownership" applies. Those behaviors are a very early form of leadership –"leadership for followers," we might call it – but they are an important part of the foundation for the more senior skills.

This discussion of why law firms seem to have "discovered" leadership recently is meant to establish two facts. First, law firms are paying attention to leadership because they need to, not because it's a fad. Second, and more interesting, they face several quite different needs. Those needs differ not only

in the kinds of skills that should be developed to meet them, but also in the slices of the population affected: only partners who lead the firm and its groups and offices? all partners? also senior associates? all lawyers? (And, of course, although this article deals only with leadership programs for practicing lawyers, firms with large administrative staffs face leadership issues on that side of the firm as well.)

"Leadership" is a complex concept, and its aspects should be unpacked and contemplated separately before a firm embarks on a leadership initiative.

That said, and before I do some unpacking in the next section, a firm should decide early on whether its goal is to develop the spectrum of leadership skills across all its lawyers, or to focus on one or two sub-sets of those skills for specific levels of seniority.

For those whose job is professional development, the answer may seem obvious for two reasons. First, all lawyers should be developing some aspects of these skills; second, if a firm waits until lawyers become partners to build their leadership skills, it may be too late.

But the question is a serious one, and it should be answered on the basis of the firm's most pressing strategic needs as well as its appetite for investing in this area. If its practice groups and offices are failing to function as effectively as they should, that points towards one goal. If it needs partners to function less as lone cowboys and more as colleagues invested in one another's success, that points towards another goal. If it needs senior associates and junior partners to do a better job leading case and deal teams, that's yet another goal ... and so on.

It's better to design a limited initiative with a goal that's clearly important to the firm than a broad one the point of which is well-intentioned but murky.

Even if the first step is a limited one, however, over the longer run the goal should be to develop the range of skills across all lawyers – step by step, of course, and with a thoughtful decision about which skills and which audience to tackle first.

This broad approach makes sense not only because it will do more good for more people, but also because specific leadership skills can't simply be inserted successfully into someone's career at a given point (when they have to take on a formal leadership role, for example), without the skills that are prerequisites, so to speak, having been developed previously. The skills form a developmental continuum. And that continuum doesn't end when a lawyer becomes a partner, whether or not he or she ever takes on a formal leadership role.

As Tim Leishman of Firm Leader emphasizes, partners should move from focusing primarily on their individual practice to providing opportunities and work for others, and then on to more expansive leadership roles that help a firm, office, or group to succeed. Some may not be able to travel that path without support and guidance.

What Do You Teach When You Teach "Leadership"?

The content of a specific leadership program depends, of course, on its audience and on the behaviors it's designed to emphasize. However, some common themes run through the content of leadership initiatives, even though all the themes are never compressed into a single program.

   1. *Self-knowledge.* Lawyers – especially the senior generations – are generally not much given to what they tend to think of as "navel-gazing" and "psychobabble." Nevertheless – or, perhaps, precisely for that reason – a starting place should be helping them to take an objective look at their own traits and behaviors and at how those

characteristics affect their ability to manage and lead.   Towards this end, there are several useful methods:

- Behavior and personality assessments such as the Myers-Brigs, DISC, and LIFO, among many others. Using an assessment has several benefits. First, it breaks people of the tendency to regard their own behavior as "normal" and everyone else's as idiosyncratic, and it demonstrates that they reside at an identifiable point on a spectrum of legitimate styles. Second, it helps them to recognize their own managerial or leadership strengths and weaknesses. Third, it helps them to think more clearly about how to work effectively with people who have different styles. And, finally, it has a very useful side effect: When a stylistic difference arises in the course of their work, they will be more willing to deal with it openly before it begins to fester.

- "Upward" or 360-degree reviews, conducted either in preparation for a program or after it as part of its reinforcement or, in some firms, as part of a periodic firm-wide process. At least for the well intentioned, the most powerful motivation for change can be the realization that others don't see them as they thought they were seen. In addition, these reviews allow a firm to provide coaching or training where it's most needed.

  Two warnings, however.

  First, it is tempting but dangerous to draw from them a formulaic "norm" for how partners should manage and lead and to assume that, if a partner's ratings on specific questions diverge noticeably from the average, there's by definition a "problem." In fact, good leaders always have a range of strengths and weaknesses, and the two may be inextricably bound together. In an

upward evaluation, the key question is usually whether an associate wants to work with the partner again, not whether the partner receives "good" ratings across the questionnaire.

I emphasize this point here because it has broader relevance to leadership initiatives: Underlying every aspect of them should be a recognition that leaders can be effective in very different ways. Good leaders have assembled an effective set of strengths and have avoided destructive behaviors, but they will never be equally good at the whole package of leadership skills. If a firm tries to make everyone "good" at every relevant skill, not only will it face a Sisyphean task but it will also discourage first-rate leaders whose profile may diverge from the norm or, even, be somewhat eccentric.

Second, as Sue Manch of Shannon &Manch notes based on her experience running upward-review processes for many law firms, firms get the most benefit from these reviews when they take a developmental rather than a punitive approach. If the results are used primarily to scold or punish under-performers, the reviews won't do much to change behavior across a group and will be universally distrusted by the popula-tion they are intended to enlighten. In contrast, if the results are accompanied by tactful coaching for the "challenged" supervisors and rewards for the best, the firm will, over time, see a good deal of change.

- Self-assessments: questionnaires through which individuals can identify for themselves their strengths and weaknesses, the skills they need to improve, and the strengths they could put to better use.

- Exposure to the research about implicit bias and unconscious preconceptions. Law firms want to be meritocracies, and

most law-firm partners believe they reach unbiased, objective judgments about the associates with whom they work. However, all the research about implicit bias demonstrates that none of us, even the best-intentioned, is free from its effects. Although lawyers may not believe they have implicit biases just because someone tells them they do, they will pay attention to the research data, which is overwhelming.

2. Understanding motivation. Because most lawyers are by training and inclination task-oriented rather than people-oriented, most don't spend much time thinking about how to inspire others to do their best work. Even if they understand what motivates them, they are too quick to assume that the same motivational levers work for everyone else – or that everyone should be entirely self-motivated and that, if they're not, there's nothing to be done about it.

If lawyers are to lead others effectively, they have to become more adroit at getting the best work from the range of personalities and levels of competency they'll encounter. In my conversations with partners whom associates regard as particularly effective leaders, I've been struck by the number who said they woke up one day to the realization that, unless they did a better job of challenging and inspiring a range of associates, they'd never be able to leverage their own time as much as they needed to.

3. Understanding team and group dynamics. Getting the most from a group involves all the skills that motivate individuals, but also other abilities, especially if the group is geographically dispersed or hetero-geneous in other ways. For example, it requires creating and sustaining a common sense of purpose; communicating well in group settings and by email as well as face-to-face with an individual; allocating roles effectively; stepping up to deal with conflicts and under-performance quickly; running meetings productively; and creating a sense

that everyone counts, even those at the bottom of a hierarchy.

4. Learning how to move people to act through influence and persuasion. Although law firms become more hierarchical as they become larger, they are still relatively "flat" in their attitudes and behaviors, compared to many other kinds of organizations. As a consequence, leaders – especially practice leaders who don't have the clout of the firm's top leaders – often have to get things done by persuasion rather than by command. That means learning ways to get others invested in and enthusiastic about a project and, finally, to take ownership of it themselves.

Among practice and office leaders, a common complaint is that they can't get other part-ners to function on business-development or infrastructure projects – or, more dangerous, that few partners actually take the steps they agree to take as part of the group's carefully crafted strategic plan. For the difficult task of moving people – especially people who are busy and value their autonomy – to act when you can't order them around, there are "best practices" that a program can describe.

5. Confronting difficult "people" issues and having difficult conversations. In an informal survey of a firm's practice leaders, they identified two tasks that gave them the most trouble. One was the subject of the previous paragraph. The second was tackling difficult conversations with lawyers, especially partners, who were causing conflict, under-performing, or simply not doing what they had agreed to do.

Having those conversations is often as much a matter of courage as of skill. But, again, there are "best practices" for having a difficult conversation so that it makes matters better, not worse. Some of those methods are described in a book called *Difficult Conversations*, which is based on work done by people involved in the Harvard Program on Negotiation and which has been turned into programs by several

consultants.[3]

6. Developing and executing strategy. In that phrase, the emphasis is on the verbs. Writing a strategy is right up most lawyers' alley, because it plays to their analytical and data-oriented cast of mind. Developing it as part of a group, so that most of the group buys into it, is more difficult. Executing it is even more difficult and demands a broad set of skills that many lawyers don't have.

It requires, for example, translating the strategy into specific, step-by-step goals towards which everyone aligns, like filings towards a magnet, not only because the goal is clear, but because it resonates with those who have to implement it. It requires building energy and commitment and, even, enthusiasm. It requires patience and persistence. And it requires skill in the psychological as well as the managerial side of execution: how much to ask for, when to push, how much autonomy to allow.[4]

Nothing in the previous paragraphs should be taken to understate the difficulty of getting the substance of the strategy right, as demonstrated by the number of law-firm collapses even before the recession. In this task, what lawyers often find most difficult, and what therefore requires the most emphasis in a program, is the trick of perspective that allows them to see their strategy not from "inside" the firm but from the "outside."

That means starting not from the chessboard in front of them – their practice's strengths and weaknesses, its staffing profile, its

clients, and the like – but from the "macro" economic, political, regulatory, and demographic trends that could destroy or reinforce the effect of any tactical moves they make on the chessboard. Successful corporations are accustomed to thinking about strategy in these terms; many law firms are not, although the recession is driving more of them to do so.

7. Self-management. This topic comes last because it may be the most important. Some leaders come by their abilities naturally. Most do not; as a result, they have to exercise a good deal of self-discipline, based on a good deal of self-awareness, to be effective. This self-management takes four forms, all of which should be addressed as part of a firm's overall approach to leadership, though it would be counter-productive to tackle them all in a single program.

- *Managing their affect.* A very good law-firm leader once told me that what he found most difficult about his job was that he could never be seen to be having a bad day. Lawyers who take leadership seriously take responsibility for the effect their moods, stresses, and personality quirks have on other people.

  Those who tend to be low-key, perhaps even dour, have to learn to show enthusiasm and excitement. (Here's a fact that gets people's attention: Research has apparently found that top-performing leaders elicit laughter from their subordinates (intentionally, I assume) much more often than do mediocre leaders.)[5] Those who tend to be flamboyant or "take-charge" have to learn not to suck all the oxygen from the environment. Those who thrive on last-

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[3] Douglas Stone, et al., *Difficult Conversations* (New York: Penguin Books, 2000).

[4] For an excellent discussion of why it's more difficult to execute a strategy in a partnership than in a corporation, see Thomas J. DeLong et al., *When Professionals Have to Lead* (Boston: Harvard Business School Press, 2007).

[5] Research by Fabio Sala cited in Daniel Goleman and Richard Boyatkis, "Social Intelligence and the Biology of Leadership," in the *Harvard Business Review* (September 2008).

minute crises and high-stress situations have to learn not to inflict those often-unconscious preferences on others.

- *Staying organized.* This is an aspect of self-management that counts as managerial hygiene: That is, you don't get many points for being organized, but you can do a lot of damage by being disorganized. Lawyers who manage others are responsible for planning and organizing so they use others' time effectively. That requires a degree of organizational skill that goes beyond the planning needed to keep their own individual work on track.

- *Adapting the managerial and leadership methods to the circumstances.* As more than one study has shown, the best leaders are able to vary their style and tactics to suit the situations and people with whom they are dealing.[6] The concept is simple; the application is impossible unless the leader regards how he or she behaves as being open to self-management and modification.

The Components of a Leadership Initiative

The previous section dealt with the content of leadership development programs. This section deals with their design. Its focus is not on the small-scale pedagogy of a specific training program but on the larger-scale design of an initiative that may involve an array of approaches over time.

Our starting point is a basic fact and its implications: "Leadership" is a set of behaviors behind which lie a set of attitudes or mindsets. Teaching the concept of

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[6] For a study conducted by the Hay Group among law-firm partners, see Susan Snyder and Sara Littauer, "Leadership Flexibility: How Outstanding Partners Get Results," in *Strategies: The Journal of Legal Marketing* (vol. 7, no. 3).

leadership, assuming you can get agreement on what it is, will have almost no effect on leadership behavior in the firm. Changing behavior in a large group is a complex, long-term process, especially if you are working against the grain of embedded habits or previous training. (Law school, for example, inculcates the mindset and traits that lead to individual excellence, not to leadership.) A program or two won't do much good. In fact, a lot of programs probably won't do much good, unless they are supported by other methods of guiding and motivating people to adopt the behaviors on which the firm is focusing.

Ideally, therefore, a firm would wrap around its leadership training program some of those other methods of encouraging leadership behaviors. To some firms, that ambitious an approach may seem unrealistic, and they may be tempted think that they can change behavior on the cheap, with a program here and there. Those responsible for professional development should push, however, for a broader and more systems-oriented approach.

The classic methods of changing behavior in a group include:

- Creating or clarifying expectations, and doing so repeatedly;

- Creating incentives, both positive and negative, and ensuring the incentives don't conflict with each other;

- Providing training (which may involve individual mentoring and coaching as well as formal programs);

- Providing ongoing feedback and reinforcement;

… and, of course, settling in for the long run.

Here are some more specific approaches:

1. Periodic 360-degree or "upward" reviews. These reviews, which I mentioned earlier, allow lawyers to understand how their leadership skills are perceived by those with whom they work. Many firms now conduct upward evaluations in which associates comment on partners' managerial and leadership skills.

Fewer conduct reviews in which fellow partners comment on a partner's peer-to-peer behaviors, or reviews in which members of a practice or office comment on the leadership skills of its head or on the group's morale and effectiveness. But, for firms that need to improve how partners contribute to one another and to the firm as a whole, these other types of reviews can be even more valuable than the classic upward evaluation. They can be conducted informally (for example, through interviews during the partner-compensation process) as well as more formally through mass surveys.

One other form of review is seldom conducted but, in some practices, can be very useful: a review of how a case or deal team is organized and led. If a firm looks at the morale and efficiency of those working on its larger matters, it will usually find striking differences that can be traced back in part to their leaders. For firms whose practice relies on matters staffed by large teams, especially cross-office teams, this aspect of leadership may be one of the most important.

2. Changes to the evaluation, individual planning, and compensation processes. To be effective, these changes don't need to be dramatic, but they do need to be perceptible, consistent with each other, and credibly implemented. They can include, for example:

- Changes to the evaluation criteria and forms for associates or to the compensation criteria and questionnaires for partners, to include questions about the types of leadership that are most relevant to the person being reviewed.

- If the firm has a competency or "benchmark" framework for associate development, changes to it to reflect the importance of leadership skills and experience.

- Changes to the compensation system to allow lawyers to be rewarded for successful leadership, whether at the practice or office level, on committees or ad hoc projects, or in the context of a particularly large and difficult matter.

- If the firm has annual planning processes for lawyers at any level, changes to the forms to ask about plans for taking on leadership roles or developing the leadership abilities appropriate to their seniority.

For many large firms, a specific issue recurs when they are trying to create a succession-planning process to build a pipeline for senior leadership roles. Especially if partners are still building a practice rather than approaching retirement, they are often reluctant to reduce the time they devote to their individual practice. Before they take on a leadership role, they may push for a reduction in their billable-hour or revenue targets, or for an explicit understanding about its effect on their compensation. Even if the firm were to go along with those requests, however, partners might still worry about whether their individual practices would lose too much ground and, perhaps, about whether they'd ever get home to see their families.

Firms have taken different attitudes towards these requests: Some routinely reduce billable-hours targets for practice and office leaders, for example, but many do not.

The issue is important but tricky. On the one hand, a formal leadership role takes time, and the time has to be drawn either from billable or business-development work or from family time, sleep, and the rest of one's life outside the firm. On the other

hand, few law firms have the size that makes them comfortable with the prospect of having some of their most productive partners – partners who have built the credibility to become effective leaders – scale back on their practices. And many firms feel, with justification, that partners should expect to "give back" to the firm at some point in their careers, in return for the platform it has provided for their practices. These firms are reluctant to take steps that imply that leadership roles represent an extra or unusual demand, to be compensated for by contract-like arrangements with those who reluctantly agree to take them on.

The best approach here depends on the firm's culture and history and is a subject for another article. But, if a firm wants to begin its leadership initiative with practice and office leaders, or with those being groomed for these roles, it should confront this issue and decide how to handle it before diving in. There's little point trying to develop the senior leadership skills of those who don't want to lead.

3. Changes to the overall professional-development or career-development program. If a firm needs to increase the number of lawyers who have leadership skills, and to do so for the long run and across the range of those skills, it should work from the bottom up as well as from the top down. Although junior lawyers may find it strange to be regarded as "leaders," it's with them that a foundation should be laid, as I noted earlier. And, as they become more senior and take on more responsibility for managing other lawyers, their development should focus on their "people" skills, not only on their technical and organizational abilities.

Ideally, therefore, the range of leadership skills should be incorporated into a firm's competency framework if it has one, or into its evaluation criteria if it does not, with the competencies or criteria reflecting the skills appropriate to increasing levels of seniority.

In addition, a firm's training curriculum should have a "managerial and leadership" track.   In that track, it can be particularly effective to link programs to "threshold" points in a lawyer's career, points at which they have just been promoted or where, even if there has been no formal promotion, they are becoming senior enough to take on a new level of responsibilities. If a firm conducts retreats at certain points in a lawyer's career (mid-level or senior associate, for example, or new partner), those are obvious forums for leadership programs.

4. A succession-planning process. Most firms still place partners in formal leadership programs without any preparation other than what they are supposed to have absorbed simply by having succeeded in their individual practices.   But some firms are taking a more organized approach, by identifying partners who appear to have the abilities and desire to become group or firm leaders and then giving them the experience and training that prepares them for those roles. If a firm is willing to identify those partners (and the identification can be informal and private), they become a high-value target for leadership programs.

5. Changes to the firm's internal communications. Few firms have a formal internal communications strategy (although they should). In all firms, however, it's possible to infer what the firm cares about from what it chooses to communicate about internally – what the firm's leaders say at partnership meetings, for example, or the typical agenda of a practice-group meeting or the successes publicized on the internal website.

If a firm wants its members to take their leadership responsibilities seriously, then the ongoing flow of internal communication should reflect that emphasis. And part of the flow should be the not-so-occasional phone call from the firm's leaders to congratulate lawyers not only on a new client or a major

victory but also on feats of leadership – bringing a project to a successful conclusion, creating a successful cross-disciplinary team, or running an effective committee.

There are other systemic methods for encouraging change across a group, of course. As a simple guide for thinking about what methods would work best in your firm, the following grid may be useful:

	Clarifying Expectations	Creating Incentives	Providing Training	Providing Feedback & Reinforcement
Junior associates				
Senior associates				
Partners				
Rising leaders, or those in a succession-planning program				
Group & office leaders				

Types of leadership training programs

Leadership training programs come in as many flavors as do definitions of "leadership." Primarily, however, they vary in three ways: their scale and scope, their audience, and the follow-up that is linked to them.

1. Scale and scope. Firms have conducted programs that range in size from miniscule (three hours or less) to gargantuan, when judged against the usual scale of law-firm programs. (In other professional-service organizations, their scale would be nothing out of the ordinary.)   The larger programs themselves range from two days to several days. A couple of firms have conducted multi-day programs with the collaboration of a business-school faculty. A couple of others have invested in multi-month programs, involving several group sessions and individual follow-up through coaching or guided projects.

Although longer isn't necessarily better – and, of course, not all firms will be willing to plunge into these waters rather than dipping a toe into them – there are at least a couple of reasons for starting with a program that's at least a couple of days long:

• A firm embarking on a leadership initiative is, almost by definition, setting out to change attitude and behavior on a large scale and over the long term. If that's the goal, it helps to start with a program large enough and splashy enough to demonstrate that the firm is serious.

• Because a leadership program sets out to change behaviors that are complex and not easily learnable, the participants need to chew over; argue about; and, more generally, internalize what they're hearing. All that "processing" takes time and involves formats – case studies, for example – that shouldn't be rushed through.

- A longer program can also be a more interesting program. The length eliminates the need to rush through the program's "substance," with a heavy reliance on lecture, and allows for a more varied, entertaining, and pedagogically useful range of formats: case studies, assessment instruments and self-assessments, breakout discussions of a problem or scenario, and videotaped vignettes, among other formats.

2. Audience. In theory, as I've noted, the initial audience should be dictated by a firm's specific goals: Develop some partners into effective leaders of practices and offices? Develop all partners into better motivators and managers of associates? Get all partners to think more broadly about their role in the firm, not just their individual practices? Develop a broader set of non-technical skills among associates?

In practice, a firm that is prepared to invest heavily in a leadership initiative is often envisioning a broad and somewhat amorphous long-term change. As I said earlier, the change might be best defined as getting all its lawyers to take more responsibility for the success of the groups of which they are a part – whether the group is as small as a working team or as large as the firm. If that's the case, then the choice of initial audience should send a signal about the firm's seriousness, just as should the scale of the initial program.

That doesn't necessarily mean starting with the firm's top leadership. The starting place may be with a group that represents a high-return investment: practice or office leaders, or partners in the pool of candidates to assume leadership positions, or younger partners who represent the firm's future.

3. Follow-up. Because the program's goal is to change mindset and behavior, there should be ongoing reinforcement after it ends. One ambitious and particularly effective form of reinforcement is to extend

the "program" over several months. Those months allow not only for a series of programs but also for individualized coaching, "action learning" (that is, projects on which the participants report back), and 360-degree or "upward" assessments. This model is more familiar for business-development programs, but it is also being used for leadership programs. Other easier but less effective forms of reinforcement include shorter "refresher" sessions or simply the periodic circulation of articles or other readings.

The paragraphs above assume that a program is being conducted for a firm's own lawyers, whether it takes place inside the firm or off-site at, say, a business-school campus. For firms that aren't yet ready for a major internal initiative, it's worth noting the number of public programs that are now available, including a long-standing executive-education program at Harvard Business School for professional-service-firm leaders; a newer program run by Harvard Law School for law-firm leaders; programs by the Center for Creative Leadership; and a program conducted by Hildebrandt at George Washington University, drawing on its faculty as well as on the Columbia Business School faculty.

There are also more specialized leadership programs, such as the Leadership Academy for Women, conducted by the Project for Attorney Retention in conjunction with UC Hastings College of the Law, and an annual leadership program conducted by the Federation of Defense and Corporate Counsel and based on a set of leadership competencies designed by Shannon &Manch.

Even if a firm is conducting its own internal programs, it may still find it worthwhile to send some partners to those more intensive external programs, in part for the networking opportunities.

For the PDQ's readers, advice about the details of designing in-house skills training

programs is superfluous. However, leadership and managerial skills are different from other skills that more often find a place in a law-firm curriculum: They are more complex, more personality- and emotion-based, and more situational (that is, the relevant skills can vary a lot from situation to situation). That difference has implications that warrant a couple of comments:

- It's tempting to focus too much on the easy stuff, the simpler and more easily "seen" skills that are part of the overall skill set: giving feedback, for example, or having difficult conversations. As important as these building-block skills are, the mindsets that lie behind good leadership, and the more complex and amorphous skills such as motivating individuals and groups, are ultimately more important.

- As a corollary of the first point, programs that focus on mindset and complex, amorphous skills should do more than allow disagreement; they should be structured to force it – but not as a battle of abstractions or opinions. The debate should be about how people would handle concrete situations, captured in vignettes or hypotheticals.

  That's important in part because it raises the odds that the participants will begin to internalize their own version of the mindset or skill at stake and in part because it will demonstrate that, although there are better and worse answers to difficult managerial situations, there's seldom only one solution. Mostly, however, the debate is important because it begins to inculcate the primary method by which sophisticated professionals are likely to improve their leadership skills: the habit of stepping back and reflecting on their tactics and behaviors, rather than operating solely from instinct and habit.

- The participants should be given some guidance about how to work on their skills after the program. The good news is that they should have plenty of opportunity to "practice"; the bad news is that their good intentions aren't likely to bear fruit unless they are given some focus. To that dilemma, Tim Leishman applies the concept of "deliberate practice": Each participant chooses two or three specific skills to focus on over a defined period – a task that seems defined, practicable, and likely to produce results.

  A related concept is also useful: "self-coaching," which involves stepping back at periodic but defined intervals to reflect on how you've handled a specific skill or task recently, judged against how you wanted to handle it or now think you should have handled it. Neither of these methods guarantees improvement, but they raise the odds of it.

- Finally, for managerial and leadership programs, especially those for senior audiences, it's particularly important to get buy-in before the program begins. If the participants walk into the room believing that the program will address problems they face, rather than lecture at them about what someone else thinks they should do, it will get off to a much better start. One way to generate that buy-in is to ask the participants ahead of time what leadership and managerial problems or tasks they find most difficult, or to enlist them in creating "hypotheticals" or case studies built around situations they frequently encounter.

* * * *

For those of you in the professional-development field who have embarked or will embark on a leadership-development

initiative, I know of no other project that is as perpetually challenging and interesting and, ultimately, rewarding. It can engage you with lawyers at all levels of the firm, force you to think through some difficult pedagogical issues, and produce results that make a real difference to the firm.

If you're interested in further reading in this area, I would turn to:

- The books of David Maister, most of which are relevant but especially *Managing the Professional Service Firm, First Among Equals: How to Manage a Group of Professionals* (with Patrick McKenna), and *Practice What You Preach: What Managers Must Do to Create a High-Performance Culture*;

- *When Professionals Have to Lead*, Thomas J. DeLong et al. (Boston: Harvard Business School Press, 2007); and

- *Leadership Development in the Legal Profession*, Lindsey Muir and Paul Kearns (London: Ark Group, in association with Managing Partner, 2008).

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Spring 2009 Survey Report:
Law Firm Diversity Programs
Gaye Mara

This report updates the results of our 2005 survey of law office diversity programs. As in 2005, we wanted to learn about:

1. The status and goals of the respondents' diversity programs,
2. What methods they are using to accomplish their goals,
3. What major forces are driving their efforts, and
4. What results they have achieved.

Also as in 2005, we invited the respondents to share their comments, lessons learned, and success stories for the benefit of others.

Our 2009 survey differed from the earlier one in two respects:

• This year's survey was sent only to private law firms, whereas the 2005 survey went to corporate and government law offices as well as law firms. (In 2005 firms made up 29 of the 31 respondents, and we learned that the only thing worse than comparing apples to oranges is comparing a whole lot of apples to a very few oranges.)

• As a result of comments from 2005 respondents about the importance of the program leader, we added a new section asking who leads and manages the program and how much of their time is dedicated to it.

Ultimately, however, the most striking difference between the current and past surveys was a 60% drop-off in participation, along with more late responses and fewer illustrative comments.

Concerned about what might be happening to diversity programs in this economy, I

called a few colleagues for their insights on the situation. Their consensus was that "the programs are still there," as one put it, but that staff and budget cutbacks have forced a focus on core functions and away from such discretionary tasks as survey responses. One colleague also mentioned "survey fatigue" – our survey hit her desk at the same time as two others.

So the good news is that firms are still committed to diversity despite the down economy. The bad news is that our survey data is of no more than anecdotal value. Indeed, we would expect the commitment and programs of the responding firms to be better than average, given that they had the interest and resources to respond in the present circumstances.

We have included their comments describing the approaches they have found successful. In upcoming issues we will try to further expand the knowledge base by profiling individual diversity programs that present new and useful ideas.

We are grateful to everyone who responded – both for responding and for hanging in with your diversity efforts through hard times.

I. Profile of Respondents

Location. The 12 private law firms responding to the 2009 survey are all headquartered in the United States. All are multi-office firms; half are international firms, with the largest of them having more than 20 offices in up to 6 countries. Overall, the respondents average 11 offices in 3 countries.

Size. The responding firms range in size from under 200 lawyers to over 1,000.[1] Average size is 520 lawyers. In total the respondents employ 6,245 lawyers.

Respondent Subsets

In compiling the survey responses, we split out the data for two different subsets of respondents to see what noteworthy similarities and differences might emerge:

1. The first subset is by size, with exactly half the respondents in each group:
   • larger firms (500+ lawyers) vs
   • smaller firms (<500 lawyers).

2. The second subset is by target personnel – that is, by the categories of personnel the responding firms are seeking to diversify:
   • legal personnel only, targeted by two of the twelve firms, vs.
   • all personnel, targeted by the remaining ten firms.

II. Status and Longevity of Diversity Programs

All of this year's respondents report that they have a diversity program in place (only 71% of the 2005 respondents did). The 2009 programs range in age from less than 1 year to more than 10, with a median program age of 5-10 years. In 2005, while the range was equally broad, the median program age was quite young: only 1-3 years. The difference may reflect the maturation of diversity programs, which in 2005 were very much a work in progress: Over one-third of the 2005 respondents either did not yet have a program or had one that had been in place less than a year. Or it may reflect the particular characteristics of this year's much smaller respondent pool.

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[1]We note that the four firms that responded to both the 2005 and 2009 surveys report employing an average of 3.5% fewer lawyers now than they did in 2005.

Differences by size. While all the firms in both size categories have diversity programs in place, the larger firms (500+ lawyers) started down the path earlier: The youngest of their programs is at least 5 years old, and the oldest over 10 years old. At the smaller firms (500+ lawyers), one-third of the programs are less than 5 years old, and none is over 10.

Differences by target personnel. No notable differences appear here. Programs at the firms that are targeting only their legal staffs for diversity sit in the middle of the age range (between 3 and 10 years old), while the programs that address all staffs span the full age range, from less than 1 year to over 10 years.

III. Program Leadership

In 2005 we did not ask who developed and led firms' diversity programs, but several respondents raised aspects of that issue as being important. So this year we added some questions about program leadership: Who are the leaders, where do they sit in the firm hierarchy, and what are their time commitments and backgrounds?

Outside consultants

42% of the responding firms employed consultants to help *develop* the program, and one-third (33%) have *continued* using them after implementing the program. More of the larger (500+) firms used consultants: 67% in developing the program (vs. 17% at the <500 firms) and 50% after program implementation (again vs. 17%).

Comparing the respondents based on their target personnel, the use of consultants in *developing* the program was similar. But the only firms that *continued* using the assistance of consultants after the program was in place were those that were targeting all personnel for diversity.

Firm personnel

All of this year's respondents (100%) have a diversity committee; 17% have *only* a committee responsible for the program. The great majority of responding firms have a practicing lawyer (75%) or a member of the firm's management staff (67%) heading up the program in addition to a committee; 58% have both. More of the larger (500+) firms have a practicing attorney leading the program (100%, vs. 50% for the <500 firms) and a diversity director or other member of the management staff as well (83% vs. 50%).

Reporting relationships. All but one of the designated program leaders report directly to the top levels of the firm hierarchy: to the firm's Executive Committee (50%), to the Managing Partner (58%), or to both (25%). In one case the program leader reports indirectly to the "Chair of the Firm," in a relationship described as follows:

> "The Chair of the Firm is responsible for implementation of our diversity goals and initiatives, and he partners with our Director of Diversity, … who reports to our Managing Director of Talent Development…."

Committees. We inquired about committee composition and demographics. They break down as shown in Table 1 below.

Several respondents further explained the nomenclature, structure, and functions of their committees, as follows:

> "The firm has a 27-member Diversity Committee and 10 targeted Diversity Task Forces … [including] a task force that addresses staff diversity issues and another that addresses diversity issues for LGBT lawyers…."

> "Our Diversity Advisory Board, of which our Director of Diversity is a member,

provides advice to [the] firm on the many issues related to the Firm's recruitment, retention and promotion of underrepresented individuals. . . . We also have a Women's Advisory Board, which advises Firm Leadership on matters relating to our women lawyers."

> "Our Diversity Committee has three co-chairs, all of whom are partners. Two are minorities and one is a female."

> "Although our Diversity Committee does not include staff, we have a new Staff Diversity Task Force, which is affiliated with the Committee. Both administrative and support staff serve as members of this task force."

Table 1. Diversity Committee Membership (12 firms)	
Staffs represented	**% of respondents including them**
Partners	100%
Administrative staff	83%
Associates/counsel	67%
Legal staff	25%
Support staff	25%
Committee demographics	**All-respondent average**
Non-minority	57%
Female	53%
Male	47%
Minority	43%

Practicing attorneys. The majority of practicing attorneys who lead the respondents' diversity programs are white male partners. Their demographics are shown below in Table 2.

Table 2. Practicing Attorney Leaders (9 firms)	
Partners	89%
Associates/counsel	11%
Non-minority	67%
Male	67%
Female	33%
Minority	33%

Time commitments and billable credit.
A third of the firms whose programs are led by practicing attorneys could not provide the percentage of time they spent on the program. As for the rest, the time commitment ranged from 5% to 70%, averaging 27%. Looking at firms by size, the attorney leaders' average time commitment is higher at the smaller (<500 attorneys) firms: 38%, compared to 22% at the larger (500+ attorneys) firms.

Except for one firm which gives "partial" billable credit to the practicing attorney who leads its diversity program, no respondent gives billable credit either to their practicing attorney leaders or to the timekeepers on their diversity committees. One firm, however, pointed out that diversity contributions are recognized and rewarded in other ways, and two said that nonbillable credit is awarded for diversity work.

Diversity managers. The majority of management personnel who lead the respondents' diversity programs (75%) carry responsibility for other areas – most often, recruitment and professional development combined (63%) – in addition to diversity. Only 25% of the diversity managers are dedicated full-time to the diversity effort.

All of the full-time diversity management positions carry the title "Director of Diversity" and are in large (500+ attorneys) firms that are targeting all personnel for diversity. Of the positions that combine diversity with other responsibilities, 80% do not include the word "diversity" in their titles.

The most frequent background and qualifications for the respondents' diversity management positions are:

- diversity experience (63%),
- a law degree (50%),
- law practice experience (50%), and
- extensive law firm administrative experience (25%).

At the larger (500+ attorneys] firms, 80% of the diversity managers have previous diversity experience; only 33% at the smaller [<500 attorneys) firms do. At the firms which are targeting all personnel for diversity, 83% of the diversity managers have previous diversity experience; none (0%) of those at the firms targeting only the legal staffs have such experience. Furthermore, the manager positions at the latter firms all carry responsibility for diversity, recruitment, and professional development combined.

IV. Goals and Objectives of the Diversity Program

Our survey asked about three types of objectives: (1) the broad goals of the program, (2) the target personnel categories, and (3) the target demographic attributes.

Program Goals

We asked respondents to identify the top three goals of their programs. Their goals are ranked in Table 3 below (the ranking "5t" designates a tie for 5th place) and compared to the 2005 results, which are italicized and in parentheses.

One firm summed up the goals of its program as follows:

Table 3. Top Diversity Goals, 2009 *(2005)*

Top Program Goals	All Respondents (12 firms) *(27)*[2]	Firms 500+ attorneys (6 firms)	Firms <500 attorneys (6 firms)	All personnel (10 firms)	Legal staff only (2 firms)
1.*(1)* Increasing recruitment and retention	100% *(96%)*	100%	100%	100%	100%
2.*(3)* Strengthening employees' diversity awareness and skills	67% *(44%)*	83%	50%	80%	0%
3.*(2)* Integrating nontraditional personnel into the firm's leadership	42% *(48%)*	83%	0%	40%	50%
4.*(6)* Improving employees' satisfaction and working relationships	33% *(19%)*	17%	50%	40%	0%
5t.*(4)* Competing more effectively for clients	25% *(44%)*	17%	33%	10%	100%
5t.*(5)* Increasing the abilities, connections, and perspectives available to the firm	25% *(37%)*	0%	50%	20%	50%
7.*(7)* Raising firm productivity	8% *(7%)*	0%	17%	10%	0%
8.*(8)* Enhancing the firm's public image[3]	0% *(0%)*	0%	0%	0%	0%

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[2]Not all of the 31 respondents in 2005 had programs in place. The number in parentheses, in this and the following tables, is the number of respondents who answered the question.

[3] "Enhancing the firm's public image" properly should not be ranked at all, since it was an available option that no respondent selected, either this year or in 2005. But we consider that fact worth noting.

"For the diversity initiative, firm management has set the following overarching goals: (i) publicizing the firm to members of the minority legal community; (ii) encouraging their application for associate and partner positions within the firm; and (iii) ensuring that once here, they are provided appropriate work assignments and mentoring and client networking opportunities that ultimately will allow them to rise to positions of substantial responsibility…. All efforts of the Diversity Committee are in furtherance of these goals."

Target Personnel Categories

In 2005, most of the respondents' diversity programs focused only on their legal staffs – only 30% included management and support staffs in the program. Table 4 shows the comparisons, for all respondents and for larger and smaller firms. Note that most 2009 respondents are targeting all staffs – legal, administrative, and support – for diversity, whereas in 2005 the great majority of programs focused on the lawyers, with a bare majority including other legal staff.

Table 4. Target Personnel Categories, 2009 *(2005)*			
Personnel Category	**All Respondents (12 firms)** *(27)*	**Firms 500+ attorneys (6 firms)**	**Firms <500 attorneys (6 firms)**
1t.*(1)* Associates and counsel	100% *(100%)*	100%	100%
1t.*(2)* Partners	100% *(96%)*	100%	100%
3.*(3)* Other legal staff	92% *(52%)*	100%	83%
4t.*(4t)* Managers/ administrators	83% *(30%)*	83%	83%
4t.*(4t)* Support staff	83% *(30%)*	83%	83%
Average number of staffs targeted for diversity	**4.7** *(3.1)*	**4.8**	**4.5**

Target Demographic Attributes

We asked the respondents which under-represented groups their programs seek to increase on their target staffs.

Just as in 2005, 100% of this year's respondents want to diversify their target staffs by race. New this year, gender has joined race at the top of respondents' lists – 100% are pursuing gender diversity, compared to 89% in 2005. Sexual orientation has also moved higher on the list, from 67% to 92%. Overall, this year's respondents are targeting a greater variety of demographic attributes (7.75 on average) than the 2005

respondents (5.7). One-fourth of this year's responding firms say they want to diversify *all staffs* on *all 11 of the target attributes*.

The breakdowns are shown below in Table 5, (1) for all respondents and separately for (2) the larger vs. smaller firms and (3) the firms focusing on diversifying only their legal personnel vs. those targeting all staffs for diversity.

Note that both the larger firms (500+ attorneys) and those who are targeting all staffs for diversity, are emphasizing a broader range of demographic attributes on average than their counterparts. In

Table 5. Targeted Demographic Attributes, 2009 *(2005)*					
Attributes	**All Respondents (12 firms) *(27)***	**Firms 500+ attys (6 firms)**	**Firms <500 attys (6 firms)**	**All personnel (10 firms)**	**Legal staff only (2 firms)**
1t.*(1)* Race and/or color	100% *(100%)*	100%	100%	100%	100%
1t.*(2)* Gender	100% *(89%)*	100%	100%	100%	100%
3. *(5)* Sexual orientation	92% *(67%)*	100%	83%	90%	100%
4. *(3)* National origin	83% *(89%)*	83%	83%	90%	50%
5t. *(4)* Diverse cultural backgrounds	75% *(78%)*	100%	50%	80%	50%
5t. *(6t)* Disability	75% *(44%)*	83%	67%	90%	0%
7t. *(6t)* Religion	58% *(44%)*	50%	67%	70%	0%
7t. *(8)* Age (over 40)	58% *(26%)*	67%	50%	70%	0%
9. *(9)* Diverse career backgrounds	50% *(19%)*	67%	33%	50%	50%
10. *(10t)* Economically disadvantaged	42% *(7%)*	50%	33%	50%	0%
11. *(10t)* Language proficiency	33% *(7%)*	33%	33%	40%	0%
Average number of target attributes	**7.75 (5.7)**	**8.5**	**7.0**	**8.4**	**4.5**

particular, the firms that are focusing solely on the legal staff have also adopted a markedly narrower focus in terms of the demographic attributes they want to diversify. The same was true in 2005.

Two firms offered further explanations:

"Our firm values 'diversity' in the broadest sense of the word. In addition to the categories already identified in response to this question, a variety of cultures, experiences, political affiliations, practice styles, etc., are represented in each of our offices."

"[The firm's] Diversity Action Committee is charged with assuring that diversity is achieved throughout the entire range of our activities – including attracting, retaining, and promoting individuals of exceptional ability and talent from both genders and a broad range of racial, ethnic, social, economic, religious, and personal backgrounds."

V. Strategies for Achieving Program Objectives

We asked the respondents what methods they are using to further the goals of the program, in three areas:

1. *Nontraditional personnel* – that is, the methods employed with and for the personnel who possess the target attributes the program seeks to increase.

2. *Other personnel* – methods employed with and for other personnel in the organization to gain their understanding and support.

3. *The organization as a whole* – organization-wide initiatives intended to involve, influence, and benefit all personnel.

Nontraditional personnel. As shown in Table 4 below, the top three approaches with the firm's nontraditional personnel, in 2005

and again this year, are

- *Targeted recruitment efforts,*
- *Support for affinity groups*, and
- *Targeted training and development*

Targeted advancement, now used by 58% of the responding firms (compared to 37% in 2005), has moved ahead of *Targeted assignments and/or supervision* as the fourth most used approach.

While larger and smaller firms are using the same average number of strategies, they are emphasizing somewhat different ones. More of the smaller firms are using *Targeted assignments* and *Targeted advancement* than the larger ones. The larger firms are making more use of *Targeted training and development*.

As in 2005, the firms that are focusing on the legal staff only are using fewer of the strategies: this time around, only the top two – *recruitment* and *affinity groups*.

Other approaches respondents told us they are using include:

"[P]eriodic firmwide minority luncheon meetings where members of the firm meet and discuss issues of concern, similar meetings for female attorneys throughout the year, ... [and] a biennial multi-day minority lawyer retreat..."

"Annual diversity retreat of diverse attorneys and firm management."

"Minority Mentoring Conference Calls ... [which] quickly help identify issues of concern so that they can be brought to the appropriate person's attention for action."

Other firm personnel. Three-quarters of this year's respondents are providing diversity education and training to all of their firm leadership, lawyers, and staff. In 2005, the respondents placed an even greater

emphasis on lawyer training, slightly less on leader training, and much less on staff training. More of the larger firms are providing lawyer and staff training; more of the smaller ones are training their leaders.

Even more markedly than in 2005, this year's firms that are focused on legal staff only are using very few of the "Other personnel" strategies.

The breakdowns for both groups of personnel are charted in Table 6 below.

Firm-wide approaches. We asked the respondents what diversity strategies they are using for the firm as a whole. Their selections are ranked in Table 7 below and compared to our 2005 results.

Overall, this year's responding firms are using slightly more of the approaches than did the 2005 respondents. And again, as with the personnel strategies charted in Table 6, the larger firms are using somewhat more of the firm-wide strategies than are the smaller ones, while the firms that are targeting the legal staff only for diversity are using decidedly fewer strategies than the firms targeting all personnel.

The top firm-wide strategy in 2005 and again this year, used in both years by 100% of the respondents, was *Leadership involvement and example. Community service activities*, also used by 100% of the 2009 respondents, has moved from third place in 2005 to a tie for first.

Note that the larger firms are putting much more emphasis on *Improving internal communications* than the smaller ones, no doubt because communication challenges rise along with organization size.

A few firms volunteered copious additional details about their many creative firm-wide initiatives:

"Diversity initiatives include … separate online newsletters that highlight both minority and female attorneys, and the underwriting of events to further inclusiveness in the legal profession such as the MCCA Annual Diversity Conference."

"In addition to our internally-focused initiatives, we support and interact with a number of external organizations that are focused on diversifying the legal profession."

"In order to achieve [our] diversity goals, the Diversity Action Committee has implemented a Diversity Initiative Development Plan that lays the framework for guiding the firm's diversity efforts, monitoring those efforts on a continuous basis, and adjusting the firm's activities as necessary. Key elements of the plan include:

- Increasing awareness of the importance of diversity for the firm's future success
- Achieving business development opportunities through diversity planning
- Increasing the recruitment and retention of women and minority attorneys and partners
- Ensuring the firm is a welcoming environment for everyone."

"Increasing internal communication about our diversity efforts and raising diversity awareness are among the areas on which we are specifically focused, and we have found our internal website to be a particularly useful and cost-effective tool for achieving both of these objectives. One example of this is the series we recently started on the front page of the Firm's internal website highlighting various diversity-related events, dates, and celebrations

Table 6. Diversity Approaches with Nontraditional and Other Firm Personnel, 2009 *(2005)*					
Method	**All Respondents (12 firms) *(27)***	**Firms 500+ attys (6 firms)**	**Firms <500 attys (6 firms)**	**All personnel (10 firms)**	**Legal staff only (2 firms)**
Nontraditional personnel					
1t.*(1)* Recruitment	100% *(100%)*	100%	100%	100%	100%
1t.*(2)* Affinity groups	100% *(89%)*	100%	100%	100%	100%
3. *(3)* Training	75% *(67%)*	83%	67%	90%	0%
4. *(5)* Advancement	58% *(37%)*	50%	67%	70%	0%
5. *(4)* Assignments	50% *(48%)*	33%	67%	60%	0%
Average approaches used	**4.0 *(3.4)***	**4.0**	**4.0**	**4.4**	**2.0**
Other firm personnel					
1t.*(1)* Lawyer training	75% *(85%)*	83%	67%	90%	0%
1t.*(2)* Firm leader training	75% *(74%)*	67%	83%	80%	50%
1t.*(3)* Staff training	75% *(44%)*	83%	67%	90%	0%
4*(4)* Incentives/accountability	25% *(37%)*	33%	17%	30%	0%
Average approaches used	**2.5 *(2.4)***	**2.7**	**2.3**	**2.9**	**0.5**

Table 7. Diversity Approaches for the Firm as a Whole, 2009 *(2005)*					
Method	All Respondents (12 firms) *(27)*	Firms 500+ attys (6 firms)	Firms <500 attys (6 firms)	All personnel (10 firms)	Legal staff only (2 firms)
1t.*(1)* Leadership involvement and example	100% *(93%)*	100%	100%	100%	100%
1t.*(3)* Community service activities	100% *(81%)*	100%	100%	100%	100%
3t.*(2)* Developing an inclusive culture	83% *(89%)*	83%	83%	90%	50%
3t.*(5t)* Serving diverse clients	83% *(67%)*	83%	83%	90%	50%
5.*(4)* Improving internal communications	67% *(78%)*	100%	33%	70%	50%
6t.*(5t)* Strengthening management and supervision skills	58% *(67%)*	50%	67%	70%	0%
6t.*(7)* Strengthening human resource programs	58% *(48%)*	67%	50%	70%	0%
8.*(8)* Purchasing from diverse suppliers	42% *(19%)*	50%	33%	50%	0%
Average number of approaches used	**5.9 *(5.4)***	**6.3**	**5.5**	**6.4**	**3.5**

throughout the world. We launched the series ... with weekly educational articles on various African American trailblazers in honor of Black History Month, and we are continuing the series this month with salutes to Women's History Month. We have received overwhelmingly positive feedback about the series thus far, and we will continue it throughout the year."

"[Our firm] has implemented three pipeline initiatives:

"1) The firm expanded our traditional college intern program to specifically recruit for diverse college students who are interested in pursuing a career in law. We have five diverse college interns this summer who are working in our practice areas, participating in training programs, law school tours and receiving mentoring by our attorneys in the hope of supporting their development and ultimate decision to attend law school.

"2) [The firm] is an annual sponsor of the "Law Day" program for ... a [local] public charter high school.... Through the Law Day program, students entering high school ... are introduced to legal topics and problem solving. [The school's] unique 'law-related' approach to education regularly integrates issues of justice, law and government into the curriculum.

"3) Through [a specialty] Bar Association Foundation, [the firm] provides an annual $20,000 scholarship to a graduating high school senior ... who is interested in pursuing a career in [our specialty]."

VI. Factors Working in Favor of Diversity

We asked the respondents what factors have worked in favor of diversity in their firms. Their answers are charted in Table 6 below.

Many of the rankings have shifted with this year's group. Even more striking, all but one of the factors is cited by a higher proportion of the 2009 respondents, in some cases much higher, than in 2005 as being a driver for their diversity efforts. On average, this year's responding firms cited 9.3 of the factors as promoting the success of their programs, compared to 6.3 in 2005.

Things worth noting about some of the success factors:

- *Client expectations* has moved to the top of list of diversity drivers – not a surprise in this economy.

- It's a welcome development to see *Strong professional development program* move up to a tie for 2nd place, from its former position in 6th.

- The highest percentage increase was for *Strong staff support*, cited by 67% of this year's respondents but only 19% in 2005. That may flow from the fact that most of the 2009 respondents include staff in the program, whereas most of the 2005 respondents did not.

- The only percentage decrease was for *Strong diversity chair or committee*; a negligible 6% decline was enough to drop it from 3rd place to 8th. But note that at the larger firms, the diversity leaders continue to be a consistent force.

One respondent praised its new firm leader as a success factor:

"A major success story for the firm was the selection of [name] as the firm's managing partner in 2006. He has made diversity an even higher priority for the firm since his arrival."

Table 6. Factors Supporting Success of the Diversity Effort, 2009 *(2005)*					
Success Factors	**All Respondents (12 firms) *(26)***	**Firms 500+ attys (6 firms)**	**Firms <500 attys (6 firms)**	**All personnel (10 firms)**	**Legal staff only (2 firms)**
1.*(2)* Client expectations	100% (77%)	100%	100%	100%	100%
2t.*(1)* Strong commitment from top leadership	92% *(81%)*	100%	83%	100%	50%
2t.*(6t)* Strong professional development program	92% *(50%)*	100%	83%	100%	50%
4.*(3t)* Strong recruitment program	83% *(73%)*	83%	83%	90%	50%
5t.*(5)* Open, inclusive firm culture	75% *(58%)*	83%	67%	80%	50%
5t.*(6t)* Publication of firm demographics	75% *(50%)*	83%	67%	90%	0%
5t.*(9)* Candidate or law school expectations	75% *(38%)*	100%	50%	80%	50%
8t.*(3t)* Strong diversity chair or committee	67% *(73%)*	100%	33%	70%	50%
8t.*(8)* Well-regarded nontraditional personnel	67% *(42%)*	83%	50%	70%	50%
8t.*(10t)* Strong partner support	67% *(35%)*	83%	50%	70%	50%
8t.*(10t)* Strong associate support	67% *(35%)*	83%	50%	70%	50%
8t.*(12)* Strong staff support	67% *(19%)*	100%	33%	70%	50%
Average number of factors cited	**9.3 (6.3)**	**11.0**	**7.5**	**9.9**	**6.0**

Table 7. Rating the Successes of the Diversity Program, 2009 *(2005)*					
Accomplishment	**All Respondents (12 firms) *(26)***	**Firms 500+ attys (6 firms)**	**Firms <500 attys (6 firms)**	**Used consultant (5 firms)**	**No consultant (7 firms)**
Integration into the social life of the firm	2.5 *(2.5)*	2.7	2.3	3.0	2.1
Recruitment	2.3 *(2.1)*	2.3	2.2	2.4	2.1
Integration across the firm's practice and client relationships	2.2 *(2.1)*	2.3	2.0	2.6	1.9
Retention	2.0 *(1.8)*	2.0	2.0	2.0	2.0
Diversifying the leadership of the firm	2.0 *(1.6)*	2.0	2.0	2.2	1.9
Average rating overall	**2.2 *(2.0)***	**2.3**	**2.1**	**2.4**	**2.0**

VII. Success of the Program

We asked the respondents to rate the success of their programs at achieving five over-arching diversity goals, on a 3-point scale on which 3=High, 2=Moderate, and 1=Low. Their average ratings are charted above in Table 7.

Interestingly, while the list ranks in the same order in 2009 as it did in 2005, the average ratings overall are uniformly higher. Perhaps programs are improving as we become wiser, or perhaps the members of this year's smaller respondent pool have programs of higher than average quality. The most improved rating (although respondents still rate their success as "moderate") is for *Diversifying the leadership of the firm* – a significant accomplishment indeed.

Again this year, respondents indicate that their greatest success has been at *Integrating nontraditional personnel into the social life of the firm.* And the larger firms have been somewhat more successful at that than the smaller ones. The larger firms also appear to be a little more satisfied overall.

We omitted a comparison of the ratings for the "All personnel" and "Legal staff only" subsets for two reasons: (1) There was very little difference between them, and (2) The two "Legal staff only" firms gave almost opposite ratings – one above average and the other with the lowest of all the ratings – and an average of them would have been meaningless.

Looking for possible reasons for that discrepancy, we noticed that the more satisfied firm used a consultant to develop its program and the least satisfied one did not. We then split the ratings of the five firms who used consultants from those of the seven who did not. Those results are reported in the two right-hand columns in Table 7.

As you can see, the firms who brought in consultants are more satisfied on average than those who did not. The differences are greatest with respect to their ability to integrate their nontraditional personnel into both the firm's social life and its law practice. They are somewhat more satisfied as well with their success at recruiting and at diversifying the leadership of the firm. Apparently, however, the use of consultants has not made a difference in retention.

Conclusion

As mentioned at the beginning of this report, the limited participation in this year's survey makes it risky to extrapolate any trends from the results.

What is striking, however, is how much more expansive are the diversity approaches of the 2009 respondents, compared to those of four years ago:

- *Target demographics.* This year's group is unanimous in seeking diversity on the basis of both race and gender, and nearly unanimous in welcoming diverse sexual orientations (92%, compared to 67% in 2005). The average 2009 respondent is targeting 8 attributes overall, compared to 6 in 2005. (See Table 5.)

- *Target staffs.* The great majority (83%, compared to only 30% in 2005) also seek to promote diversity among all personnel, not just the legal staff. (See Table 4.)

- *Approaches used.* The 2009 respondents are using more different approaches to promote diversity. (See Tables 6 and 7.)

- *Supporting factors.* Every success factor listed in Table 8 is cited by at least 50% of the 2009 respondents as working in favor of their firms' programs. In 2005 only 7 of the 12 factors were working for half or more of survey participants.

These results remind us there is a difference between diversity and inclusion. *Diversity* as most of us think of it is a quantitative concept: It's about proportional representation. *Inclusion*, on the other hand, is qualitative: It's about the quality of people's interactions and relationships, and about valuing everyone's potential to contribute.

It seems to us that this year's survey participants have moved from diversity to inclusion. To us, that is the whole point of a diversity program.

We hope, but cannot say for certain, that that truly is a trend.

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Giving Reinforcing Feedback

There are two basic types of feedback: *reinforcing* ("Keep right on doing what you're doing") and *redirective* ("Please do something different"). Both kinds help to shape and improve everyday job performance and result in better work product. We can therefore expect all supervisors to seize every opportunity to give feedback to their subordinates – right?

You know the answer to that one: Most lawyers and other supervisors neglect giving feedback of any kind. When they do give it, it tends to be of the redirective kind – to fix a problem.

But it is as or more important to provide reinforcing feedback – to subordinates generally and to new associates in particular – for the things they do right. There are three reasons for this:

1. They may not realize they did it right and stop doing it. This is not as unusual as you might think; sometimes new employees may do the right thing, but because their execution was not skillful, or because of other factors unrelated to their performance, it doesn't turn out right and they mistakenly conclude it was the wrong thing to do.

2. It will boost their morale and their working relationship with the supervisor.

3. They will be more open to redirective feedback later on from a supervisor they know is supportive.

Our "SPIF" feedback model[4] lays out the basic components of both types of feedback:

- **S**ituation: Give the situation or other context for the performance on which you are giving feedback.
- **P**erformance: Describe the performance or behavior on which you are giving feedback.
- **I**mpact: Describe the consequences of the performance or behavior.
- **F**uture: Suggest what the person should do in similar situations in the future: Keep doing the same thing, stop doing it, or do something new or different – and if so, what?

Here's how the SPIF model might play out in the form of reinforcing feedback:

"In your memo on the Cummins case [Situation], the way you summed up the financial data in a pie chart [Performance] really lets the client see the allocations at a glance [Impact]. I would be glad to have more graphics like this to illustrate appropriate points in all your memos [Future]."

– Gaye Mara

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[4]See our earlier Learning Lab column, "SPIF Up Performance with Feedback" (May 2006 PDQ, p. 17)

Evaluating Associates Within a Competency Framework
Evelyn Gaye Mara

Scott A. Westfahl. *You Get What You Measure: Lawyer Development Frameworks & Effective Performance Evaluations.* Washington, DC: National Association for Law Placement, 2008. (120 pages; $60 NALP members, $95 nonmembers)

In recent years a number of books have presented us with competency models for law firm associates. Now comes Scott Westfahl, Director of Professional Development at Goodwin Procter and former McKinsey & Company PD director, to explain how to set up an associate evaluation program within such a framework.

The book's core message is that the most effective associate performance evaluation systems are integrated with a firm's other human resource programs, and all of them should be grounded in a competency model – that is, in a clear definition of what associates should be able to do to promote the firm's success and how well they should be doing it at progressive stages of their careers.

Once defined, competencies provide a clear, unified basis for a firm's criteria for hiring and retention; its training and development objectives; and its standards for assignments, evaluations, compensation, and advancement. A competency model also gives associates a map for planning and tracking their own career development.

That is no longer a new message, but it can't be repeated often enough and it benefits from Westfahl's lucid advocacy.

The book touches only briefly on how to develop a competency model and refers the reader to other sources for more in-depth treatment – fair enough, since the subject is a book in itself. It does, however, provide good contextual guidance for the front and back ends of the process – that is, how to make the business case to the firm for establishing a competency framework and later, once the framework has been developed, how to present it to associates (including a sample slide presentation).

Westfahl usefully expands the traditional skill-based model of competencies by adding to it the concept of *contributions to the firm* – that is, besides defining the legal and professional skills associates are expected to develop, a firm should also define its expectations for things like billable hours, pro bono work, and participation in firm-building activities such as recruiting, training, marketing, committee work, etc. The discussion is well illustrated by two sample competency models, one for "Performance [Skill-Based] Guidelines" and a second for "Contribution Guidelines," for associates at the junior, mid-, and senior levels: 1-2 years, 3-4 years, and 5+ years, respectively.

Westfahl then proceeds to a satisfyingly in-depth discussion and detailed illustrations of a competency-based performance appraisal system, beginning with how to translate the competency model into evaluation criteria. The sample evaluation forms (27 pages in all) for junior, mid-level, and senior associates that accompany this discussion are a thought-provoking masterpiece.

The book moves on through how to collect the evaluation inputs (including a discussion of available technology applications), what to do with the information once you've collected it, how to deliver the message to associates (and how to train those who deliver it), how to make sure associates hear the message as intended, documentation and retention policies, and related "next steps" such as strengthening supervisors' skills and attitudes, systematizing ongoing project feedback, and adding upward and self-evaluations to the program. All are copiously illustrated with helpful examples.

You Get What You Measure is a superb model of what a "how-to" book should be: a show-and-tell, with the emphasis on *show*. The writing is graceful and crystal clear yet blessedly concise, and well over half the book consists of sample forms, sample slide presentations, and lists and charts laying out alternative options, including comparisons of their pros and cons.

Westfahl and NALP should also be congratulated for the book's attractive formatting and stellar

copy-editing. One of my ongoing pet peeves is ubiquitous editing by SpellCheck, which overlooks wrong or missing words and leaves the reader confused about what the author meant to say. Clearly, intelligent humans carefully read every word in this book and made sure all of them were as good as they could be.

My few quibbles are mostly small ones:

- I found the profusion of exclamation points in the early chapters annoying and distracting. It felt as though the serious and substantive message here was being delivered to me by a cheerleading squad. It was a relief when they left the scene.

- Some useful concepts are presented in the sample slide show in Chapter 5 for training those who will deliver associates' reviews. But there was no suggestion that opportunities for practice and feedback be incorporated in the training, as they should be for any complex and important skill. (This may, however, reflect a pragmatic recognition that partners won't want to take the time for it.)

- Only generic skills (*e.g.,* writing, analysis) that cut across law practice specialties are included in the discussion and examples of competency models and evaluation criteria. How do substantive legal skills fit into the picture? The book doesn't say.

Overall, *You Get What You Measure* is an outstanding contribution to the growing body of competency and performance appraisal literature for law firms. And it is my fervent hope that Scott Westfahl, who clearly has mastered other topics beyond this one, has more books in him!

Gaye Mara is co-author, with Stephen R. Chitwood and Anita F. Gottlieb, of *A Business Skills Curriculum for Law Firm Associates* (Association of Legal Administrators, 2001), an associate competency model and training plan developed in a two-year project with 45 participating law firms.

Quote of the Quarter

"I am trained as an economist. We love learning because it is a perfect good. In economics, [goods can have] negative externalities – pollution is probably the most famous one....

"The really cool thing about learning is that it only has positive externalities. What does that mean? So you're a learning professional; why do you have your job? Because your company basically believes that developing people is good for the company. It improves the bottom line. It also turns out that there's a really strong correlation between training and development and income. Countries that invest more in their people are more prosperous. The reason that this is all so important is that if we get this right, we help companies, countries, communities, and individuals live better lives. Therefore, we should feel a huge impetus to do something about it, and do it now."

 – Doug Lynch, Vice Dean, University of Pennsylvania Graduate School of Education, in the April issue of *T+D*

Professional Developments
Events

Upcoming PD-related conferences, seminars, and workshops:

Legal Profession:

* 6/5/09, Chicago, IL. *2009 Diversity Summit, Implementing an Advanced Client-Driven Diversity Strategy: Tactics for Success.* National Association for Law Placement/Association for Law Firm Diversity Professionals, www.nalp.org.

* 6/24-25/09, Los Angeles, CA. *LegalTech West Coast.* Incisive Media/ALM Events, www.legaltechshow.com.

* 6/25-26/09, Washington, DC. *2009 Lawyer Development Institute: Developing Superior Law Firm Leaders.* National Association for Law Placement/ALI-ABA. www.nalp.org.

* 7/25-28/09, Salt Lake City, UT. *45th Annual Meeting.* Association for Continuing Legal Education, www.aclea.org.

* 10/15-17/09, Scottsdale, AZ. *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:

* 5/3-6/09, San Diego, CA. *Training Leadership Summit 2009.* www.trainingsummit.com.

* 5/4-8/09, online. *e-Learning and the Science of Instruction.* Clark Training, www.clarktraining.com.

* 5/5-19/09, online. *Podcasts, Video, and Writing for the Web.* American Society for Training & Development, www.astd.org/onlineprograms.

* 5/5-19/09, online. *Web 2.0: Developing Learning Communities.* American Society for Training & Development, www.astd.org/onlineprograms.

* 5/6-8/09, Miami, FL. *2009 Great Place to Work Conference.* www.greatplacetowork-conference.com.

* 5/11-13/09, online. *Performance-Based Job Aids.* American Society for Training & Development, www.astd.org/onlineprograms.

* 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.

* 5/19-21/09, Chicago, IL. *Corporate University Summit.* www.cusummit.com.

* 5/31 - 6/3/09, Washington, DC. *ASTD 2009 International Conference & Exposition.* American Society for Training & Development, www.astd2009.org.

* 6/9-30/09, online. *Managing External Vendors Online Workshop.* American Society for Training & Development, www.astd.org/onlineprograms.

* 6/10-24/09, online. *Energizing Virtual Presentations.* American Society for Training & Development, www.astd.org/onlineprograms.

* 6/11-12/09, Frisco, TX. *theHRshow [HR Technology Expo].* http://thehrshow2009.com

* 6/11-25/09, online. *Adult Learning.* American Society for Training & Development, www.astd.org/onlineprograms.

* 6/13-20/09, Salt Lake City, UT. *e-Learning DevCon (e-Learning Development Conference) 2009.* www.elearningdevcon.com.

* 6/18-19/09, Harrisburg, PA. *Games and Simulations for Performance.* Learning and Entertainment Evolution Forum,

- www.LEEF2009.net.
- ❀ 6/28-7/1/09, New Orleans, LA. *Society for Human Resource Management Annual Conference & Exposition.* www.shrm.org.
- ❀ 7/13/09, online. *Adobe Captivate 3: Production Tips and Tricks.* American Society for Training & Development, www.astd.org/onlineprograms.
- ❀ 7/14-28/09, online. *Emotional Intelligence.* American Society for Training & Development, www.astd.org/onlineprograms.
- ❀ 7/15-16/09, Chicago, IL. *Telling Ain't Training Conference.* American Society for Training & Development, www.astd.org.
- ❀ 7/15-31/09, Portland, OR. *33rd Annual Summer Institute for Intercultural Communication.* Intercultural Communication Institute, www.intercultural.org.
- ❀ 7/27-31/09, online. *Essentials of Scenario-Based E-Learning: Guided Discovery E-Learning.* American Society for Training & Development, www.astd.org/essentials.
- ❀ 8/2-4/09, Chicago, IL. *Corporate Learning Exchange.* www.cl-exchange.com.
- ❀ 9/7-11/09, online. *Performance-Based Job Aids.* American Society for Training & Development, www.astd.org/onlineprograms.
- ❀ 9/9-23/09, online. *Learning Transfer.* American Society for Training & Development, www.astd.org/onlineprograms.
- ❀ 9/16-18/09, Phoenix, AZ. *Needs Assessment for Performance Technologists: Tools and Techniques.* Clark Training, www.clarktraining.com.
- ❀ 10/13/09, online. *Adobe Captivate 3: Production Tips and Tricks.* American Society for Training & Development, www.astd.org/onlineprograms.
- ❀ 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.
- ❀ 11/6-20/09, online. *Game Design.* American Society for Training & Development, www.astd.org/onlineprograms.

- ❀ 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.
- ❀ 12/14/09, online. *Adobe Captivate 3: Production Tips and Tricks.* American Society for Training & Development, www.astd.org/onlineprograms.
- ❀ 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 Certification Programs, www.clarktraining.com:

1. e-Learning:

- Needs Assessment for Performance Technologists: Tools and Techniques (on-site in Phoenix, AZ, 9/16-18)
- How to Plan, Develop, and Evaluate e-Learning (live on-site in Phoenix, 10/27-30)
- e-Learning and the Science of Instruction (virtual class, 3 hours/day, 11/30 - 12/4)

2. Instructional Systems Design

- Needs Assessment for Performance Technologists: Tools and Techniques (on-site in Phoenix, AZ, 9/16-18)
- How to Plan, Develop, and Evaluate Training (live on-site in Phoenix, 10/20-23 OR online self-study)
- Building Expertise (virtual class, 3 hours/day, 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 9/14
- Creating Engaging E-Learning with Power Point: Better than Bullet Points, starts 5/18
- Advanced E-Learning Design, starts 10/19
- Manager of Learning and Learning Technologies, starts 5/1
- Producing Great Audio and Video Podcasts, starts 6/2 or 11/3
- Managing the Training Function for Bottom Line Results, starts 11/6
- Kirkpatrick Four-Level Evaluation, starts 10/6

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
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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.
nearyou.gwu.edu/sfm/index1.html.

News

In April the Association of Corporate Counsel issued the ACC Value Challenge, "based on the concept that firms can greatly improve the value of what they do, reduce their costs to corporate clients and still maintain strong profitability." It suggests that clients and firms have heart-to-heart talks about how to accomplish this. One of the recommended questions for discussion is "How can we get junior lawyers better trained,

priced at more reasonable levels, practicing law more on the front line, and less likely to leave?" There's more information and an online "Briefing Package" for downloading by companies and firms at www.acc.com/advocacy/valuechallenge/.

True to her promise on retiring, former Supreme Court Justice **Sandra Day O'Connor** has set up a new web site to engage young people in learning about civics and the courts. www.ourcourts.org

Surveys

A 2008 ASTD survey of **executive development programs** found that:

• The likelihood of an organization having an ED program increases with size and geographic scope: 88% of organizations with $10 billion or more in revenue, and 72% of global firms, have them.
• ED programs typically include 2 percent or less of an organization's personnel. Over half the organizations studied selected program participants through "identification of high-potential employees by managers," performance evaluations, and "inclusion in succession planning."
• Half the programs spend over $7,000, and 13 percent over $25,000, per participant. Over half the program funds are spent on outsourced activities (48 percent) and tuition reimbursement (14 percent).
• The top 6 delivery methods, all used by 50% or more of the organizations surveyed to a "high" or "very high" degree, are classroom sessions, coaching, action learning, 360-degree feedback, experiential learning, and off-site retreats.
• C-level support is considered critical to program success, and 71% of the responding organizations have a high degree of it.

T+D, September 2008, at 44-45.

MCLE Watch

The **New Jersey** Supreme Court will hold a hearing on Tuesday, May 19, in Trenton on the new CLE requirements recommended by its Ad Hoc Committee on Continuing Legal Education. The details are available online at

http://www.judiciary.state.nj.us/notices/2009/n090505d.pdf. Requests to speak at the hearing must be submitted by Wednesday, May 13; they may be submitted by email to SupremeCT.Mailbox@judiciary.state.nj.us