

Professional Development Quarterly

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Implementing Diversity Initiatives: The Importance of Engagement and Empowerment *Kenneth Imo*

Introduction

Law firms often tout leadership commitment and the existence of a diversity committee as the driving forces behind their diversity and inclusion efforts. The existence and involvement of this foundational support is essential, but it is not enough. Because diversity initiatives seek to enhance – and in some instances, change – a firm’s culture, many players must have significant and continuing roles in the firm’s diversity program.

This essay provides steps that internal law firm diversity professionals can take to garner support and active participation as they implement diversity initiatives. The steps are:

1. focusing on the agenda and moving it forward,
2. identifying initiatives,
3. identifying participants,
4. fostering buy-in, and
5. facilitating the process.

Because a firm’s unique culture determines its diversity initiatives, this essay will not recommend specific initiatives. However, it will reference specific initiatives at WilmerHale to demonstrate how we engage and empower others to contribute to the firm’s diversity program.

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In an hour-long informational meeting that I scheduled early in my tenure at the firm, the partner spent the first 20 minutes peppering me with hypothetical questions about when to expect a visit from me (*i.e.*, will I visit only when there's a "problem" with a minority lawyer?). The meeting was both uncomfortable and educational. It was uncomfortable because I realized that this partner (and probably other people in the firm) had a limited perspective of the firm's diversity initiatives and my role. I learned that, in addition to the responsibilities mentioned in the position description, my job also requires me to be an ambassador – both externally and internally – for the firm's diversity program and its initiatives. I must always be prepared to articulate and represent the firm's diversity agenda, which is much broader than addressing individual issues.

1. Whose diversity agenda is it, anyway?

The answer to this question is obvious: diversity is the agenda of the firm's leadership. However, many people assume that diversity committee chairs or diversity professionals "own" diversity. They, along with many others, assist the firm in creating, implementing, and monitoring initiatives; but diversity does not "belong" to any one individual. Remembering and, in some cases, reiterating this is important because how leadership addresses its diversity agenda directly influences your role and, just as important, how your role is perceived.

Let's face it, how leadership handles diversity may be unclear to you – and quite different from the information you read on the website to prepare for your interview. However, don't be discouraged: This is something you can learn. You should not be perceived as having a personal agenda; your credibility and, more importantly, the credibility of the firm's diversity program are always on the line. I quickly became aware of the significance of credibility – mine and the firm's diversity program – in a conversation with a very influential senior partner.

2. What are the initiatives?

Identifying your firm's diversity initiatives is a logical first step, especially if you are a new diversity professional or new to the firm and replacing someone. This step helps you determine why you were *really* hired, it helps you set priorities based on the existence (or non-existence) and success (or failure) of initiatives, and it gives you an understanding of your firm's values and culture.

There are a few ways to proceed. By now, you have probably researched your internal and external web sites to see what your firm says about its diversity program. Better resources, however, are internal memoranda or other documents about previous or current initiatives. If that information doesn't exist, you should speak about your firm's diversity efforts with people in your department, members of the diversity committee, or the people who interviewed you. The better your understanding of your firm's initiatives, the easier it will be to identify where to focus your efforts and whom to involve.

3. Who should be involved?

It's good to start with identifying the players: people who are involved or should be involved in the firm's diversity program. Identifying people who *are* involved is the easy part. Identifying people who *should be* involved is more difficult because this may be determined by the specific initiative. Many of the people you should engage early are obvious because they directly influence certain aspects of the firm's diversity program. They include members of the management, hiring, and diversity committees; department and practice group chairs and vice chairs; lawyers and staff responsible for the work assignment process; and administrators responsible for professional development, recruiting, and marketing. A few less obvious people are those with institutional knowledge – lawyers and staff who have been around a long time.

The list of people with whom to speak is long and probably a little intimidating; but it's a process. These conversations will occur (and recur) over several weeks and months. Conversations with minority and non-minority lawyers and administrators of varying levels of seniority are great opportunities to meet people and gain an understanding of the firm's culture. At a minimum you will also learn about involvement in the firm's diversity program, individual interests in diversity, initiatives that have and have not worked, expectations of you and how you can be helpful, and other people with whom to speak (the less obvious folks). Some meetings will provide more information – and work for you – than others, but you will find that each meeting is time well spent.

These meetings also give you an opportunity to establish productive professional relationships, to build your credibility by being visibly engaged, and to demonstrate the importance of collaboration and communication – all of which are important because they lay the foundation for fostering

buy-in, which is critical for empowering others to act. Even the best initiatives gain little, if any, traction without buy-in. And, even if they gain traction, they can be easily stalled without buy-in.

4. How do you foster buy-in?

Fostering buy-in is a combination of the steps mentioned above. The tricky part is identifying those people who may potentially be affected for any reason, including feeling excluded from participating in an area where their input could be useful. For example, in planning an outreach program to law schools that focuses on substantive programs for law students (*e.g.*, a panel discussion on how to be an effective summer associate), you might include a core group – the diversity chairs, maybe some members of the diversity committee, and the diversity professional – and members of professional development who are likely responsible for creating similar internal programs. Because it's a program that deals with law students, however, it's also necessary to include the firm's recruiters. Exclusion, although unintentional, of a subject matter expert in an initiative that directly impacts his or her sphere of influence can be the death blow to any well-intentioned idea. Your goal is to prevent this from happening.

The next step in fostering buy-in is to communicate effectively the necessity of others' involvement: it demonstrates awareness of your limitations (you can't do it all) and a willingness to collaborate by inviting others to contribute in areas of their expertise. However, their participation shouldn't be limited to their functional responsibilities. You should make them fully a part of the team by explaining how the initiative furthers the firm's agenda, by making them aware of other participants and their roles, and by soliciting their ideas and welcoming their input. Getting buy-in is time-consuming, and it can be difficult; however, it is absolutely necessary.

5. How do you facilitate the process?

Finally, you have to keep up with the moving pieces – facilitate the process. You can do this by creating a time line and a list of contact persons for each initiative, by maintaining a “to-do” list to help you focus on your efforts, by keeping minutes of diversity committee meetings, and by regularly communicating progress to keep others informed and to sustain momentum. The beauty of engaging and empowering others to act is that they become invested in and excited about the firm’s diversity program and its initiatives.

For example, WilmerHale has a large diversity committee comprised of minority and non-minority lawyers and administrators of varying levels of seniority. Keeping a committee of this size functioning (and interested) can be difficult, so we created the following smaller subcommittees – affinity group, business development, communications, recruitment/outreach, and retention. Each subcommittee includes subject matter experts for support, and subcommittee members are responsible for creating objectives, which are the full committee’s annual goals. When the committee is engaged and empowered, individual members are personally invested in the role the committee plays in furthering the firm’s diversity agenda.

Conclusion

Creating, implementing, and monitoring diversity initiatives is a continuous process that demands group effort. Garnering support and meaningful participation by engaging and empowering others requires persistence and patience and, quite frankly, a willingness to embrace trial and error. The steps described here have been useful at WilmerHale and could be useful in implementing initiatives that suit the unique culture of your firm.



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Showing the Value of Training

Gaye Mara

Training is the largest and most costly component of most in-house PD programs. At a time when firms are looking hard at every expenditure, PD is increasingly pressed to show training's value to the organization.

Donald Kirkpatrick's evaluation model, first published in 1959,¹ remains the gold standard for evaluating training. According to Kirkpatrick, training should be evaluated on the following four levels:²

Level 1: Reaction – that is, what the participants thought of the training. That information is typically collected on written evaluation forms, dubbed “smile sheets” in the training industry, at the conclusion of the course. PDQ surveys have consistently shown that virtually all law offices collect participant evaluations of their in-house seminars and workshops. And also that in virtually all of them that is where evaluation ends.

Level 2: Learning – whether participants in fact learned what the training was intended

¹First published in a series of four articles in the *Journal of the ASTD* in 1959-1960 and compiled in *Evaluating training programs: A collection of articles from the journal of the American Society for Training and Development*, Donald L. Kirkpatrick (ASTD, out of print).

²Subsequent authors have suggested adding a Level 5 to Kirkpatrick's model, in the form of either

- a dollar value for the program's return on investment to the organization (Jack J. Phillips), or
- beyond the organization, the program's contributions to society (Roger A. Kaufman).

In a presentation at the 2009 ASTD International Conference, “New Metrics for the New World of Learning & Development,” Allison Rossett suggested a possible “Level 0” for attendance.

to teach. A major obstacle to testing in law offices is the lawyers' strong resistance to it. In corporate America, according to results from the Benchmarking Forum of the American Society for Training & Development, 34% of courses are evaluated at Level 2, typically through post-testing.

Level 3: Behavior – whether participants apply what they learned on the job and, as a result, improve their job performance. Here corporate American starts falling off the bus, too: Only 13% of courses are evaluated at this level by members of ASTD's Benchmarking Forum, and only 3% at the next one, Level 4.

Level 4: Results – whether the training results in improved business outcomes (presumably, intended outcomes that were the reason for putting on the training in the first place). For example, whether client relations training improves client retention and referrals.

The Great Divide

“There's many a slip 'twixt the cup and the lip” says an old English proverb. That is never truer than with the transfer of training to the job. So what if attendees liked and learned from the training (Levels 1 and 2)? If they don't use it on the job (Level 3) and if ultimately it makes no difference to the firm (Level 4), then the firm has gotten nothing for its investment.

As the Kirkpatricks (now a family business) point out in a white paper circulated to attendees at the 2009 ASTD International Conference, when we evaluate only at Levels 1 and 2,

[W]e are basically shouting, “Look how much

this is costing you!” and, thus, have a bulls eye painted on our backs. If, on the other hand, we ... include [Level] 3 and [Level] 4 metrics, particularly for mission critical programs, we are saying just as loudly, “Look how much value we are bringing.”³

The Kirkpatrick, Rossett, and others have pointed out that there’s a great divide between Levels 1 and 2 (what happens in a training program) and Levels 3 and 4 (what happens back on the job). To bridge that divide and ensure that what is taught in training gets used in performing work, we must do three things:

1. Tie training as closely as possible to work;
2. Get the support of supervisors and others for using and solidifying the new learning on the job;
3. Collect reliable data on the impact of training.

This is far superior to the “spray and pray” approach – putting training out there and then praying that it has some effect.

1. Tying training to work

This is the area over which you have the most control, and you should make the most of it. All of the following will promote “transfer of training” to the job:

- **Collect and teach best practices.** The best performers have developed for themselves especially effective and/or efficient ways to perform common tasks – things like case binders, task or process checklists, etc. Identify your top performers and find out how they do it. Then teach it, or have them teach it, to

³Jim Kirkpatrick and Wendy Kayser Kirkpatrick, “The Kirkpatrick Four Levels: A Fresh Look After 50 Years, 1959-2009,” p. 6. Available at www.managesmarter.com/managesmarter/images/pdfs/trg_20090417_kirkpatrickwhitepaper.pdf.

others. (I have found that lawyers who are retiring or moving to new careers are especially willing to share their techniques so as to leave a legacy.)

- **Use firm experiences or materials, or hypotheticals closely resembling them, in all in-house training programs.** Use firm documents as examples in writing and drafting workshops. In other types of programs, have participants work through realistic scenarios – of client idiosyncrasies, factual twists, ethical dilemmas, legal complexities – that will prepare them for what they are likely to face in practice. The best outside trainers also seek to incorporate firm content in their training when they come in-house; help them do it.
- **In skills training, give plenty of practice and feedback.** Skills are learned by doing them, not by talking or thinking about them, and by doing them *a lot*. Any good skills-training program builds in enough practice and individual critiquing to solidify a basic level of competence. Otherwise people who try to apply the skills after they leave the training will realize they don’t actually know how (or, not realizing that, will do it wrong and cite your course as their authority!).
- **Create job aids.** Give the participants take-aways they can refer to after the training that will help them on the job: Worksheets, checklists, decision tables, look-up tables of important information, spreadsheets with built-in formulas, annotated model documents, and so on. Some of these will have surfaced in your best practices investigation.⁴
- **Provide individual coaching.** Expert

⁴For more on job aids, see “Job Aids: Improving Performance Without Training,” at pp. 7-8 of the August 2002 issue.

private coaching can deal explicitly with people's most important job challenges and significantly impact their performance. The topics on which coaches can provide useful guidance include writing, drafting, and editing; oral presentations; managing subordinates, teams, and projects; practice group and firm leadership; developing, retaining, and working with clients; etc. When a client matter⁵ is worked on in a coaching session, the time may even be billable.

2. Getting on-the-job support after the training

The support of supervisors is key to training transfer. Research in all types of organizations has shown that participants' supervisors are by far the most common impediment to using new learning on the job.

You have a head start on getting support from supervisors if you consulted them in the needs assessment for the training. Now you have provided the training they asked for, and it's up to them to see that it is used. Assuming that your training has addressed – as it should have – what they agreed are critically important knowledge and/or skills at the appropriate career juncture, it's reasonable to expect there will be opportunities to apply the new learning without having to make any special arrangements.

If such opportunities are not present and you are fortunate enough to have an organized, well-managed assignment program for associates, arrange in advance of their training for some projects in which they can immediately apply it. In the case of more senior lawyers, or in the absence of an organized assignment program, you or they

should seek out appropriate assignments, client-generated or pro bono, in which to use the new knowledge and skills.

In putting together each course, consider other ways the learning can be used and reinforced after the course is over. For example, a practice group could solidify its members oral skills after training by inviting regular presentations at practice group meetings, with followup feedback by experienced presenters. Taking a leadership role in a professional or industry association is a great way to consolidate newly-acquired leadership skills.

3. Producing good data on training results

Here's my advice on how to produce evaluation data at each of the four levels, based on my own experiences:

Level 1, Reaction. When I was in-house at a law firm, like everyone else I collected and compiled written Level 1 evaluations for every course. To reinforce the training-work linkage, I would always ask some variant of two questions, about how well the training related to the participants' work and about what they had learned that they could use on the job. Sometimes that gave me great quotes to use in my reports along with the ratings.

But mostly I used Level 1 evaluations to keep tabs on instructor performance and as a sort of ongoing needs assessment to alert me as to which courses might need tweaking, or elimination, or a related or more advanced follow-on course.

Level 2, Learning. I pretty much skipped over Level 2 when I was in-house, because any attempt to do training post-tests would have provoked an uproar. My other excuse was that Level 3 data, on the subsequent improvement in attendees' performance, is just as good and even more persuasive than the training "stuck."

⁵Our lawyers created confidentiality agreements for coaches to sign to avoid waiver of attorney-client privilege.

If you, too, are in a test-hostile environment, one way to finesse the issue is to build pre- and post-tests into the course itself, have the participants privately take and self-score them at the beginning and end, and then have them report anonymously on their evaluation forms how much their scores improved after the program vs. before. This also lets them appreciate immediately how much they learned.

In e-learning courses, it's easy to build in "knowledge checks" – which also help participants know how well they have mastered the content – at the end of each unit and compile the results.

Level 3, Individual Performance.⁶

Performance appraisal data is ideal for Level 3 evaluations. See if course participants' later appraisals show improvement in the competency addressed by the training. Or compare the change in ratings of people who took the course vs. those who didn't.

If you have a good competency-based system in which training addresses critical competencies, and those same competencies are then evaluated by your performance appraisal system, showing the Level 3 impact of training is a pretty straightforward proposition.

If the appraisals don't help or you need more information, survey the participants' supervisors at some appropriate interval after the training.

You can also survey the participants themselves, or just keep in touch to see how they're doing after the training. They are only too glad to tell you when training has really helped them.

Two of my proudest PD successes were lawyers who, through individual coaching

and great personal determination, converted a weakness into a strength. One was a lateral associate, a delightful person and a superb lawyer in every other respect, who worked for months with our writing coach to cure his stilted writing style. The other was a partner who, although her client relationships were stellar, received very poor evaluations for her first public CLE presentation to generate more business. After a series of sessions with our presentations coach, she was delighted to find herself the top-rated speaker at the next bar convention.

Both of their stories were especially good news because our coaching program had a high cost per training hour and was a regular target for budget-cutting. It was saved by the superior results it achieved and the enthusiastic support of those who had participated in it.

Level 4, Organizational Results. As noted earlier, even corporate America evaluates only 3% of training at Level 4. For one thing, it is very hard to do. The biggest reason for that is that so many factors besides training affect organizational outcomes – how do you separate all the threads and trace them back to the source? Another problem is that we may not have the necessary data available.

But if training has truly met an organizational need, there will be some way to demonstrate its impact: perhaps reduced write-offs of associate time after a research and writing course, or reduced associate attrition the year after a supervision skills course, or increased client satisfaction in client surveys, reduced error rate or time to completion, etc.

Decide what data will be useful before you set up the program, and make sure the tracking mechanisms are in place to show the difference with and without training.

Don't try to evaluate more than a small number of programs (but hopefully more than 3%!), and only the most important and

⁶I've substituted my own preferred terms for Levels 3 and 4 in place of Kirkpatrick's original choice of words (*Behavior* and *Results*, respectively).

expensive programs, at Level 4. If you have really good Level 3 data, in most cases people will intuit the connection between individual performance and organizational results without wanting you to prove it.

Conclusion

Study after study has shown that employees learn the most from the work they do, that even the best organizational training program accounts for no more than 20% of their job-related learning. Moreover, formal instruction is expensive in both time and money.

If we are going to take our fellow employees away from work to do training, we have a

duty to ensure the training has made contributions, to those employees and the organization, that justify its cost and that would not have happened without the training.



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Conference Report: 2009 International Conference & Exposition, American Society for Training & Development *Gaye Mara and Nora Mara*

Walking into the May meeting of our local PD group, Gaye chatted with a subscriber about the upcoming ASTD Conference here in Washington. The subscriber said that, since the conference was local, she would have liked to send five of her staff but this year had no budget to do so. A subscriber in another city, who otherwise might have attended, had told us earlier that her PD budget has been cut to zero this year.

For all of you who were not able to make it, here are our conference highlights and general impressions.

Conference overview

We encountered only a single law office representative at the entire conference. The overall conference attendance of 8,000 appeared to have significantly disappointed ASTD's expectations as well: Meeting rooms for both the general and concurrent sessions were over half empty.

Despite the reduced attendance, this was still a huge conference. While most participants were from the U.S., 31 recognized international delegations representing every continent were also in attendance, along with individual participants from additional countries. (There was a particularly large

East Asian contingent, and ASTD offered simultaneous Korean and Japanese translation for the general sessions and selected concurrent sessions.) There was also a strong government and military representation, no doubt because of the Federal City location. For out-of-towners there were 24 official conference hotels.

The host venue, the sparkling new Washington, DC Convention Center, was more than equal to the crowds, with four levels spreading across four city blocks and more than 60 meeting rooms ranging in size from cozy to cavernous. The below-ground exhibition space extended an additional block.

At the general sessions four huge video screens, two at the front and two in the middle of the enormous meeting hall, enabled the audience to see the speaker and his/her slides and other media. Real-time live captioning on the screens assisted those with impaired hearing or limited English.

With over two dozen concurrent sessions in each of the remaining time slots, our biggest challenge was deciding which to attend. To mitigate the difficulty, ASTD introduced at this year's conference daily "Micro Sessions" at which three or more presenters gave 20-minute abbreviated versions of their concurrent sessions. And, as at NALP Conferences, some concurrent sessions were repeated in subsequent time slots. Moreover, the schedule and session descriptions were published well in advance on the ASTD web site. Even better, audio recordings of and/or handouts from the sessions were made available on the site for 30 days after the conference.

Also new this year were facilitated "Global Focus Discussions" to share ideas and best practices from around the world on selected topics, and an expanded Public Sector Program to serve the large government/military attendance.

Conference theme and subject matter

While the official theme, "Engagement," placed a suitably broad umbrella over the educational content of the conference, what we heard running through many of the sessions was an emphasis on Generation Y (a/k/a the Millennials, the Echo Boomers, or the Net Generation, with birth years somewhere within the range – not all commentators agree – of 1977-2002), and on the related issues of collaborative and creative work environments, self-directed and informal learning, and learning and social networking technology.

The opening plenary by ASTD President Tony Bingham was focused on exactly those issues. Instant polling during his talk showed that (a) 80% of the conference attendees were members of earlier generations (47% Boomers, 33% Generation X); and (b) only 8% of their organizations are regularly using collaborative technologies like wikis and blogs, while a staggering 34% do not permit them to be used at all. His challenge to the audience: Given that Gen Yers (and many of the rest of us) use technology to get what they need from one another instead of from traditional institutions, how can the organizational training function support that kind of decentralized informal learning, exercise quality control over it, and capture it for the organization?

Over the four days of the conference, almost 300 different educational sessions offered answers to the questions raised in the opening plenary, as well as to many others. There were nine subject-matter tracks corresponding to the nine areas of expertise identified in ASTD's new competency model for professionals in Workplace Learning and Performance (ASTD's preferred new term for training and development – perhaps one day we'll see a name change to ASWLP). The sessions were also categorized by learning approach (*e.g.*, case study, experiential/interactive learning, hot topic) and target audience (*e.g.*, external consultant, learning

executive, new practitioner), and the conference web site could be searched to produce a list of sessions based on any of those categories, as well as on presenter name or session date and time.

Here are the sessions that most interested and enlightened us:

- Allison Rossett’s engaging and thought-provoking survey of current training trends and how to evaluate training effectiveness regardless of delivery medium.
- An “Excellence in Practice Award Winner” presentation by U.S. Navy trainers on how they identified key failure points, revamped their screening process, and devised a preparatory course for entry-level divers in order to raise graduation and retention rates.
- A three-part series, one session a day for three days, by Fort Hill Company on learning transfer: how to manage the before, during, and after-training experience to ensure that what is learned is retained and applied on the job.
- An experiential workshop on using the techniques of Appreciative Inquiry (identifying what’s working and building on it, instead of identifying what’s not and eliminating it) to promote diversity and inclusion. As experienced, it seemed an excellent way to build positive energy and defuse defensive attitudes.
- A case study of a mentoring program for leadership development at Leumi Bank in Israel. In addition to describing their program and its goals and rationales, presenters had attendees participate in some of the specific problem-solving techniques they had found particularly successful, like Appreciative Inquiry and the Perspective Model.
- An enjoyable interactive session, led by Carol Willet of the U.S. GAO and Steve Sugar of the Game Group, that used team games and competitions to engage participants and to demonstrate innovative methods for teaching leaders within an organization.
- A case study on using 360° evaluations and feedback with management teams as a group (instead of using them privately with individual managers) at Wells Fargo Bank to assess their leadership competencies and to establish peer collaboration and accountability for strengthening the competencies.
- A “Global Focus Discussion” of best practices for evaluating learning, facilitated by a Penn State professor and a consultant from India and participated in by attendees from South America, Africa, and Asia.
- A “research poster” session on “The Role of Personally Transformative Learning in Leadership Development,” as studied by Rachel Ciporen for her Ed.D. dissertation. Her very encouraging findings indicate that leaders can change how they “think, behave, relate to others, and view themselves.”
- The closing plenary by Annie Griffiths Belt, longtime National Geographic photographer, on how to build connections with strangers even when you don’t share their culture or speak their language. Her world travels furnished moving stories and gorgeous photos.

Things we could have done without

A very few presenters who:

- Hectored us to use engaging, interactive teaching methods but did not practice what they preached.

- Were big names who seemed to be riding on their past successes and just going through the motions. Ken Blanchard led a pleasant, rambling, and disappointing discussion on how best to develop one's employees; it was loaded with bromides and personal stories but gave us nothing useful to take away.
- Teased us with how much they knew and then pitched their product or service as the only way to access it. A prime offender in the latter regard was Renee Mauborgne, general session speaker and author of the business best-seller *Blue Ocean Strategy*, who spent most of her talk introducing case studies of smashing innovative breakthroughs and then told us the "how to" was too complicated to get into and could be found in her book. (Unsurprisingly, a book sale and book-signing session immediately followed her presentation.)

The food, what little there was of it. The food at law-related conferences is vastly better and more plentiful. Even coffee and snacks were hard to come by: The line at the one Starbucks in the conference center was always long, and other vendors closed in the early afternoon so it was difficult to find a snack between the later sessions.

Other conference highlights:

An incredibly slick registration process and conference materials, including name badges with personal emergency contact information on the reverse side.

A one-on-one demo at the exhibit of Consulting Psychologists Press, publisher of the Myers-Briggs Type Indicator and MBTI-related materials. CPP's new online "Think Box" puts an impressive array of learning resources, based on either or both of one's

type assessment and the professional competencies one wishes to strengthen, at the participant's fingertips. Individual and group subscriptions are available.

The Exposition in general, which was an entirely new experience for us in its size and sophistication. Some vendor displays occupied a floor area of over 500 square feet, were staffed by half a dozen people, and incorporated such things as mini-classrooms, multiple computer workstations, print and disc libraries, and more.

As always, conversations with other conference attendees outside the formal sessions:

- An engineer in the printing factory of the Mormon Church, who amazed us with his description of how he is developing blended learning, step by step and on his own initiative, for new operators of their printing machines, including on-line resources, hands-on training, and a mentor program.
- Legal writing trainer Ross Guberman, who has likewise amazed us by earning his CPLP certification (Certified Professional in Learning and Performance) from ASTD, a tremendous accomplishment.
- A consultant from Kuala Lumpur, who conducts 360° assessments and executive coaching programs for companies across South Asia and the Middle East. Other instruments he likes to use are the Myers-Briggs and the Profile XT from a company in Waco, Texas.
- An in-house bank trainer from Canberra, who colorfully described her own capital city and the ways in which Washington reminded her of it.

Looking ahead

The next ASTD International Conference will be held in Chicago in May 2010. We probably

won't make it. If you do, we would love to hear from you about your experience.



The Learning Lab: Tips & Tools for Creative Lawyer Training

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

Learning While Billing: The Small Case Program

The small case program can be a win-win for both associate development and firm profitability.

The programs with which I am familiar involve a high volume of relatively small claims against a regular client of the firm – for example, an HMO or insurance company – that have gone to litigation or arbitration. The client needs legal representation in these cases, but the financial stakes involved do not justify paying partners to handle them.

A **partner** may:

- create the client account(s) for the cases,
- serve as the clearinghouse for intake and assignment of the cases, and
- provide limited supervision and feedback.

The “first chair” on each representation is typically a **mid-level associate** who has developed basic skills and is ready to take on more advanced, hands-on responsibility. The associates may:

- interact with the client,
- develop case strategy,

- draft the documents and pleadings, and
- appear in the court or other forum on behalf of the client.

The **billing arrangement** may call for:

- the regular associate and partner billing rates (with an agreed ceiling on partner time), or
- a single, “blended” rate for all time on the cases that is a little higher than the associates’ standard rate, so that the firm makes some additional profit so long as most of the time on the cases is by associates, or
- a negotiated discounted rate.

Pro bono cases can also provide associates with early experience running a client matter. One advantage of a small case program, however, is that the associates get experience handling business issues for business clients of the firm. A second is that these cases generate some revenue for the firm.

– Gaye Mara

Succession Planning and Knowledge Transfer

Randall B. Christison

[Editor's Note: This article was first published in our November 2003 issue.]

The Attorney General's Office of California faced a problem: Of its 1,100 lawyers, 200 were on the verge of retirement. Large numbers of our career lawyers hired in the 1960s and 1970s were all reaching retirement age at the same time. We in the Office recognized that the wisdom, knowledge, and institutional memory these lawyers possess is irreplaceable, and their departures could have serious consequences.

Recognizing this problem, I developed the following knowledge transfer plan. Underlying the plan is our assumption that although this talent, knowledge, and experience are irreplaceable, some of the talent is teachable, and some of the knowledge and experience is transferable to the next generation. The developing field of knowledge management provides us guidance in making these transfers, and forms the base for the plan. I offer it for the consideration of other law offices, public and private, which may be facing a similar wave of departures as the "Baby Boom" generation moves into retirement, or which may simply be exploring better knowledge management strategies.

Overview of the Plan

1. *Project Leader.* Appoint a senior lawyer, one whose reputation within the office is of the highest caliber and who is willing and able to run the project. It will likely be a full-time job.
2. *Identification.* Identify those who: (1) are within five years of retirement, and (2) have knowledge and experience worthy of transfer. (What is "worthy" is discussed later, under "Gap Analysis.")
3. *Analysis.* Of those who have significant knowledge and experience, analyze what specific areas of knowledge and what relevant experiences each identified lawyer has.
4. *Transfer Plan.* Develop for each area of knowledge and for each class of experience a plan for transferring the experience and knowledge. Necessarily included in the transfer plan is identifying those lawyers who should be the transferees. (The major transfer strategies are described below.) The retiring lawyers are necessarily members of the planning effort.
5. *Report.* The responsible practice group head or other managing lawyer should report to the project leader the following:
 - Names of identified lawyers.
 - Knowledge areas.
 - Names of transferee lawyers.
 - A brief description of the method of transfer for each area.
 - Experiences which should be had by the transferee lawyers.
 - A brief description of how the experiences will be gained by the remaining lawyers.
 - Execution timetable.
6. *Execution.* From here on it is a matter of carrying out the plan, ensuring it stays on track and that it is modified and improved as needed. Periodic meetings among the affected managers and project leader on lessons learned would be very useful.

Knowledge and Its Transfer

The essence of knowledge transfer rests upon the nature of knowledge. “Knowledge,” a term not easily defined, is best understood as part of a hierarchy: data, information (data that makes a difference), and knowledge (“a fluid mix of trained experience, values, contextual information, and expert insight that provides a framework for evaluating and incorporating new experiences and information. It originates and is applied in the minds of knowers.”⁷)

Lawyers are the archetype of knowledge workers, and it is our knowledge, developed over time – through experience, mentoring, training – that makes us valuable. “Because knowledge is intuitive, it is difficult to structure, can be hard to capture on machines and is a challenge to transfer.”⁸

Data	=	Unorganized Facts
Information	=	Data + Context
Knowledge	=	Information + Judgment

1. Explicit Knowledge

Knowledge comes in two broad forms,

⁷Davenport, Thomas H., and Laurence Prusak, *Working Knowledge: How Organizations Manage What They Know*. Boston: Harvard Business School Press, 1998, p. 5.

⁸Plunkett, Patrick T., *Managing Knowledge @ Work: An Overview of Knowledge Management*. Knowledge Management Working Group of the Federal Chief Information Officers Council, August 2001, p. 9. <http://www.km.gov/documents/gsa/KM@Work.doc>. A useful and pragmatic overview of knowledge management and transfer is contained in the State of New York’s Report of the Knowledge Management-Transfer Work Group (November 2002), <http://www.cs.state.ny.us/successionplanning/#workgroups>.

explicit and tacit. Explicit knowledge is what one can put on paper and store in databases. It is the kind found in procedures, steps, checklists.

Explicit knowledge:

- Can be articulated formally as pictures, models and documents.
- Can become obsolete quickly; it has a lag.
- Can be duplicated and transmitted easily.
- Can be processed and stored by automated means.
- Can be shared, copied and imitated easily.
- Is easy to steal or copy.⁹

2. Tacit Knowledge

Tacit knowledge, however, is a wholly different matter. It is the kind that is carried in lawyers’ guts or in their subconscious minds. It is the kind of knowledge that gives rise to judgment and deep analysis. It is often observed that the people who have this knowledge are unaware they possess it and are unaware of how valuable it could be to others. Transfer of tacit knowledge is at best difficult and slow. It necessarily requires extensive personal contact and a high degree of trust.

As Davenport and Prusak repeatedly note, tacit knowledge is *not* an aspect of information technology; the transfer problem is not solved through retention and organization of written or digital work product. One lawyer development professional observed that considering knowledge management an information technology issue is akin to considering Shakespeare a word processing issue.

⁹ *A Definition of Knowledge: A Business Perspective*, Process Renewal Group, <http://www.processrenewal.com/files/def-k.doc>.

Tacit knowledge:

- Is drawn from experience and is the most powerful form of knowledge.
- Is difficult to articulate formally.
- Is difficult to communicate and share.
- Includes insights, feelings, culture and values.
- Is hard to steal or copy.
- Is a source of creative advantage.

The Transfer Strategies

“How can an organization transfer knowledge effectively? ... [H]ire smart people and let them talk to one another.”¹⁰ Because people taking the time to talk is unlikely with the demands on everyone’s time, however, we needed to come up with other methods. The following fifteen strategies represent currently accepted methods:¹¹

- Apprenticeships and internships
- Best practices
- Communities of practice
- Documenting processes
- Document repositories
- Expert interviews
- Job aids
- Knowledge audits and maps
- Knowledge fairs
- Learning games
- Lessons learned debriefings
- Mentoring
- On the job training (OJT)
- Storytelling
- Training

Not all of these methods are appropriate here. Which methods and strategies we should use, we discuss next.

¹⁰Davenport and Prusak, p. 88.

¹¹Derived from New York’s *Report of the Knowledge Management-Transfer Workgroup*, pages 21-47. See, Buchner & Slevinsky, *Succession Planning*, American Society for Training and Development, 2000.

Explicit vs. Tacit Knowledge

As many writers have noted, the distinction between tacit and explicit knowledge is slippery. The following comparisons may provide some insight.

Explicit Knowledge	Tacit Knowledge
Physical description of a person.	Ability to pick a face out of the crowd. (The classic definition.)
What are the steps to set up and prepare for a deposition.	How to conduct an effective deposition.
How to efficiently prepare a brief.	How to draft a persuasive brief in a specific situation.
What are the steps in various methods of cross-examination.	Which cross-examination style to use for each of the witnesses in a specific trial, together with the ability to change styles instantaneously.
What are the facts to consider in deciding whether to file a lawsuit.	Determining whether it is wise (for policy, legal, institutional or other reasons) to file a lawsuit and weighing all of the factors to reach a considered judgment.
Factors going into the exercise of judgment.	Sound judgment.

– Randy Christison

Choice of Strategies

In reviewing the available strategies, we have chosen those that will mesh with the Office's culture, and that can be brought to bear in the short time ahead. The nine methods described in the table on the next page seem to have the highest probability of success here.

Typically in succession planning, the focus is on those remaining to be able to "do the job." Here, however, we are looking at those who are leaving. It is that group whose high-level, tacit knowledge is what enables us to do the job, and to do it as well as we are. Fortunately the primary feature of the Office culture, a feature which should aid in the success of this project, is the lawyers' commitment to public service. That commitment should translate into a commitment to leave behind a legacy, something to aid the Office even long after they leave.

The transfer of knowledge, particularly high-level knowledge, has traditionally occurred through mentoring or apprenticeship relationships. But not all law offices use them. Indeed, the pressures of practice, of meeting deadlines, of the myriad burdens of the modern practice of law engenders anything but mentoring and the free exchange of ideas among peers. And it is well known those who are good at "it" (whatever "it" is) are typically not good at teaching it. How to transfer knowledge in a law office seems to be uncharted territory. I have proposed to chart it as follows.

Gap Analysis

What are the departing lawyers taking with them, in terms of talent, knowledge, experience, and personal contacts, that is *not* duplicated in the remaining lawyers? This will require finding out what the departing lawyers know, who they know, what they've done, and what talents they have. We

certainly have no repository of such information, and it is unlikely anyone, even the lawyers in question, has that information. This is likely the most important single factor in determining whether the knowledge represented in the mind of a given lawyer is "worthy" of being transferred.

To find this out, I suggested a five-pronged approach:

1. Identify the likely subjects – those lawyers whose value is readily evident. I'll call them "expert lawyers."
2. Develop a questionnaire to those identified subjects, and analyze the results. Because a 30% return would be optimistic, much effort in follow up will be needed.
3. Talk, at length, with each of them about their experiences and read as much of their work product as is appropriate. Some would term this merely soliciting war stories, but I submit war stories are where knowledge resides and, further, that the transfer of knowledge through narrative is the time-tested method of choice. Whether we are talking Homer and Plato or Tom Clancy, stories are most effective.
4. Use as many of the nine selected knowledge transfer strategies as we can. To the extent possible, we must arrange *expert interviews* of each of the departing lawyers deemed expert enough to warrant such an interview. For those whose departure is not imminent, we need to derive from them as much knowledge as possible but over a longer period. Setting up *mentor-protégé arrangements* and fostering them is essential. Each expert lawyer has undoubtedly established what he or she deems his or her *best practices* and needs to be encouraged to write them down and to be interviewed by others

who are knowledgeable in the specific field to fully develop a best practices document. He or she undoubtedly engages in more than one practice area and should serve as a seed member of the appropriate *communities of practice*. His or her particular areas of expertise need to be set out in the *knowledge map*. We should also identify the transferee lawyer. Finally, all of these expert lawyers should be evaluated for their suitability for *training, OJT, and storytelling*, and then be used as much as is appropriate.

5. Use any additional strategies we learn as we go along. There are undoubtedly additional ways and means to transfer knowledge, and I propose we have some brainstorming sessions with respected senior lawyers to see what else we can identify and what we might be able to use, consistent with our culture.

Challenge

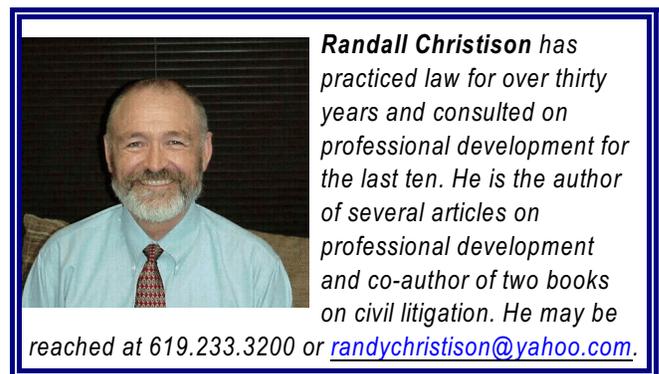
Developing a program such as the one outlined above will be difficult. The primary challenges involve the human dimension and the ever-present press of business.

Chief among the human dimension challenges are the fact that holders of knowledge almost never know what they know and will not easily transfer it or see the value in attempting transfers. Of almost equal importance is that transfer is a highly personal effort. It requires people to give over something they have worked hard to achieve, to someone who is not necessarily close and may not even have been known to the retiring lawyer before this project. The necessary personal connection and trust cannot be developed overnight. Getting people to cooperate is a challenge in the best of times. Cooperation at this level, in an

Office which has prized individuality and individual responsibility, requires a change of attitude, in many cases at a stage of life where professionals are not at all sure they need or want to change.

And simply dealing with the press of business, especially in a State budget crisis when we are having to lay off our part-time and limited term lawyers and are fighting to avoid laying off our permanent employees, is no easy task. Managing lawyers need to recognize that cases will necessarily be reassigned when retiring lawyers leave; and to do so now in a controlled manner, where the original lawyers are still available to consult on the cases, is greatly preferable to a forced transfer, where transition is hurried and future consultation is likely impracticable. To the extent possible, the lawyers involved in this project must have their caseload reduced, and particularly demanding and time-intensive cases must be reassigned.

No matter how great the challenges, I believe the program to be worth it. We hope at least for a good start and occasional successes. Any knowledge we retain as a result of the effort is knowledge we would otherwise have lost.



STRATEGIES SELECTED FOR KNOWLEDGE TRANSFER

Transfer Strategy	Advantages	Disadvantages	Indicated Use
Best Practices - Identification of what works and what does not for given problems and cases.	Can be written. Spurs thinking for further development. Reduces reinventing the wheel.	Application limited to where practices are or could be developed. Requires redirection of resources. If not regularly updated, becomes useless.	Checklists and steps for repeated activity. Best practice becomes standard practices.
Communities of Practice - Informal association of people with knowledge of common practice areas. Cuts across traditional organizational boundaries. Limited only by common experience and problems.	Once started, usually low maintenance. Increases firm consistency. Aids in breakdown of silo practices. Faster transfer of knowledge.	Counter to current organizational boundaries. Counter to firm culture.	Where 3 or more people engage in area of practice, especially if not currently working together.
Expert Interviews - Where one or more experts meet with others to share expertise, knowledge and experience. May include "prouds and sorries."	Capturing of tacit knowledge, lessons learned, identifying points and problems not otherwise evident. Can be videotaped.	Knowledge transfer limited by time and by topics broached. Less likely to promote candor. Full exploration of any topic unlikely.	For those departing. For those newly assigned to a field. For those wanting to reach higher levels.
Knowledge Maps - Identify those persons with particular knowledge and expertise, and publish it.	Fairly easy to set up. Determining who the "go-to" person is, is half the battle. Can be written.	Noses easily bent out of shape. Listing does not translate into use.	(Same as description.)
Lessons Learned Debriefing - Description of what worked and what did not in a particular case, trial or other project.	Timeliness and speed. "One only learns from losses, not wins." Lessons learned by one are spread to remaining firm members.	Resistance to discussing one's failures. Counter to current culture.	Upon completion of case or project; or upon retirement or departure.
Mentoring - Experienced, skilled person matched with one or two less experienced and skilled persons to develop the latter's skills and knowledge.	Effective transfer of tacit knowledge.	Difficulty in matching personalities; slow. Depends on trust. Very difficult to make work (many books written on the topic).	The single best method of transferring deep and tacit knowledge. Best for transferring contacts.
O.J.T. and O.J. Coaching - Structured teaching of on-the-job skill building.	Consistent with firm culture. Some tacit knowledge transfer occurs with OJT. Structured system increases firm's consistency.	Risk of uneven application. Better for explicit knowledge transfer.	The day-to-day skills and knowledge appropriate to the practice group.
Storytelling - Fictional or real examples illustrating points and transferring tacit knowledge.	Storytelling power is unquestioned. One story can repeatedly and consistently convey tacit knowledge or institutional memory.	Requires skill and training. Informality may belie its importance.	To explain complex, historical or transformational issues
Training - Instructor led, E-learning, self-study.	Consistency; large numbers; can be "just in time" delivery; accuracy.	Best for explicit knowledge, skills and behavior, not for tacit knowledge.	Any identified specific topic or behavior.

Professional Developments

Events

Upcoming PD-related conferences, seminars, and workshops:

Legal Profession:

- ☀ 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. (By invitation only.)
- ☀ 12/3-4/09, Washington, DC. *2009 Professional Development Institute*. National Association for Law Placement, www.nalp.org.
- ☀ 1/30-2/2/10, Orlando, FL. *46th ACLEA Mid-Year Meeting*. Association for Continuing Legal Education, www.aclea.org.
- ☀ 2/18-20/10, Fort Worth, TX. *2010 Newer Professionals' Forum*. National Association for Law Placement, www.nalp.org.
- ☀ 4/28-5/1/10, San Juan, PR. *2010 Annual Education Conference*. National Association for Law Placement, www.nalp.org.

General Audience:

- ☀ 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.
- ☀ 9/21-23/09, Reston, VA. *Government Talent Management Summit*. Pre-conference workshop 9/21, Conference 9/22-23. Human Capital Institute, <http://www.hci.org>.
- ☀ 9/21-25/09, St. Louis, MO. *2009 Fall Conference: Achieving Results in Uncertain Times*. International Society for Performance Improvement, www.ispi.org/fall.
- ☀ 9/23-24/09, New York, NY. *Online Learning Conference*.

- Training Magazine, www.trainingsolutionsconference.com.
- ☀ 10/13/09, online. *Adobe Captivate 3: Production Tips and Tricks*. American Society for Training & Development, www.astd.org/onlineprograms.
- ☀ 10/14-15/09, Atlanta, GA. *Telling Ain't Training Conference*. American Society for Training & Development, www.tat.astd.org. (Repeated 10/23 in Toronto)
- ☀ 10/19-23/09, Toronto, ON. *38th Annual IFTDO World Conference & Trade Show*. Canadian Society for Training and Development, www.cstd.ca/iftdo2009.
- ☀ 10/20-23/09, Phoenix, AZ. *How to Plan, Develop, and Evaluate Training*. Clark Training, www.clarktraining.com.
- ☀ 10/21-22/09, New York, NY. *2009 Succession Management Conference*. (Pre-Conference Workshops 10/20) The Conference Board, www.conference-board.org/succession.
- ☀ 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.
- ☀ 11/7-9/09, Galway, Ireland. *ISPI Europe/EMEA 2009 Conference*. www.ispi.org.
- ☀ 11/8-11/09, Orlando, FL. *Learning 2009 Conference*. The Masie Center, <http://www.learning2009.com>.
- ☀ 11/16-20/09, online. *Building Expertise: How to Apply Learning Psychology to Instructional Design*. Clark Training, www.clarktraining.com.
- ☀ 11/30 - 12/4/09, online. *e-Learning and the Science of Instruction*. Clark Training, www.clarktraining.com.
- ☀ 12/9-10/09, Alexandria, VA. *CPLP Prep Workshop*. American Society for Training & Development, www.astd.org.
- ☀ 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)
- Developing Great Managers Certificate (2 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, Design, 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 Washington, DC, 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:

- Creating Engaging E-Learning with Power Point: Better than Bullet Points, starts 9/9
- E-Learning Design, starts 9/14
- Navigating Multiple Generations at Work, starts 9/17
- Instructional Design: Performance-Based and Results-Focused, starts 9/22
- Corporate Universities: The Comprehensive Guide to Managing, Evaluating, and Generating Value, starts 9/23
- Techniques and Strategies for Deploying Effective Online Learning Technologies, 9/23-24
- Designing Training for the Workforce of the Future, starts 9/29
- Scenario-Based E-Learning, starts 10/1
- Kirkpatrick Four-Level Evaluation, starts 10/5
- Leading Effective Live Online Learning Events, starts 10/13
- Advanced E-Learning Design, starts 10/19
- Producing Great Audio and Video Podcasts, starts 11/3
- Creating E-Learning with Flash, starts 11/5
- Managing the Training Function for Bottom Line Results, starts 11/6
- Designing and Managing Leadership Development, starts 11/12
- Designing E-Learning with Captivate, starts 12/2

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

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

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

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

George Washington University/Hildebrandt Institute Master of Professional Studies and Graduate Certificate in Law Firm Management.

The Master's curriculum is a two-year, 30-credit, blended learning program consisting of two 12-credit segments (Law Firm Management and Law Firm Leadership), and a 6-credit Independent Research Project. Each 12-credit segment begins and ends with an on-campus residency period in Alexandria, VA, with 4 months of online distance learning in between. The 12-credit segment in Law Firm Management may stand alone as a Graduate Certificate.

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

News

CLO Job Opening. Just as we were going to press, we received a job posting for a Chief Learning Officer at the U.S. Government Accountability Office (GAO), with a staff of 3200 in 13 locations. The position is located in Washington, DC; compensation is "Up to \$174,000 (SES) plus performance award." Qualifications include:

- "Professional knowledge of adult learning, instructional design, performance management and development principles";
- "Experience in partnering with high-level officials..."
- U.S. Citizenship

A masters degree is preferred. The application deadline is September 21. To apply, contact search consultant Barbara Blim of JDG Associates in Rockville, MD, (301) 340-2210, blim@jdgsearch.com. (We'd be glad to send you the full notice; email us at marae@profdev.com.)

Clark Training & Consulting, which offers certification training in e-learning and instructional design (see the "Events" calendar above), has announced that in 2010 all of its public workshops will be offered online on demand. www.clarktraining.com.

Surveys

Women shut out of leadership training. A study by Development Dimensions International of 10,000 leaders in 376 organizations has found that one reason women are underrepresented in company C-suites is their lack of access to the "high-potential" programs that groom top executives. At the top levels, 50% more males than females were regarded as "high potentials." A major reason for the discrepancy is that these programs are kept secret, with admission based on recommendations by other managers, who most often are males who recommend other males like themselves. Ann Howard and Richard Wellins, "Holding Women Back," as reported in the *Pittsburgh Post-Gazette* on June 9. <http://www.post-gazette.com/pg/09160/975963-28.stm>.

Web Cites:

The **3 Geeks and a Law Blog** has been carrying an interesting ongoing discussion of how Knowledge Management has been taken over by the IT function in law offices, to KM's detriment. www.geeklawblog.com.

We recently came across these two great **free sites for collaboration**:

- ning.com Ning hosts social networks; you can either join one or create your own on their site. An active network that looked interesting to us is www.pinotnet.ning.com, devoted to non-training interventions for performance improvement. (Our search on the term “performance improvement” produced a list of 1,984 networks!)
- dimdim.com Dimdim hosts on its site free web conferences for up to 20 people; the participants can share slides, documents, and even desktops; it also accommodates instant messages, VoIP, and audio and video from mikes and webcams on the participants’ computers.

Both sites offer upgraded packages with more robust features for a fee.

Commoncraft posts short, well-done, “Plain English” educational videos about topics of broad interest, including Twitter and other Web 2.0 applications. They can be purchased by individuals or organizations for a fee. www.commoncraft.com

MCLE Watch

The **New York State Bar Association** has published its annual July update of the mandatory CLE requirements of U.S. and international bars, *Comparison of the Features of Mandatory Continuing Legal Education Rules in Effect as of July 2009* (141 pages, \$25). This useful volume contains sample CLE application and attendance forms and over 100 pages of charts comparing, jurisdiction by jurisdiction, such features as general and special hours requirements, exemptions, eligible types of activities and media, credit application process, requirements for new admittees, and contact lists.

Receipt of the book is included in ACLEA membership. Non-members may order a copy by contacting:

CLE Registrar’s Office
New York State Bar Association
One Elk Street
Albany, NY 12207
1-800-582-2452

Track CLE on your iPhone. Los Angeles lawyer Dan Friedlander has developed a series of iPhone applications for lawyers, the latest being myMCLE. The app provides a screen for each CLE course where topic, provider, completion date, and credit hours (including general and special hours) can be entered. The main screen provides a cumulative overview. You can also email your list of CLEs and hours to yourself or anyone else.

The app is state-specific and shows your progress toward the state’s requirements. California is now available, and Texas, New York, and Louisiana are coming next. There’s a review with screenshots at http://www.iphonejd.com/iphone_jd/2009/08/review-mymcle.html; it includes an iTunes link to download *myMCLE California* for 99 cents.

