

# Professional Development Quarterly

February 2010

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## Competencies Without Tears: Thoughts from a Trainer in the Trenches

*Ross Guberman*

**D**o you want to see people look both passionately committed and anxiously unsure?

Just bring up competency models at a PD conference.

I exaggerate for effect, but let's face it: One day competencies feel like a lighthouse in a storm -- and the next day they feel like rearranged deck chairs on the Titanic. This sea change is rocking everyone, as PD practitioners, lawyers, and trainers all struggle to right the ship.

Speaking of trainers, I thought you might be interested in some perspective from someone who spends his days working with associates on their writing, one of the key skills that competencies are designed to measure.

Here are four thoughts for you.

### **1. Know that hard data supports your push toward competencies.**

Like you, I often hear that partner evaluations are "subjective," if not downright "arbitrary." In response, I've spent more than a year developing a standardized way to gauge an attorney's writing skills and abilities. Nearly 1,000 partners and associates have taken various versions of my assessments.

## PROFESSIONAL DEVELOPMENT QUARTERLY

is published four times a year by Professional Development Services.

*Publisher/Managing Editor:* Evelyn Gaye Mara

*Associate Editor:* Honora Mara

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

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I have some good news for lockstep supporters: Partners as a group beat senior associates, who, in turn, trounce junior associates. And attorneys sent to me with writing problems nearly always underperform their class-level peers.

But I have even better news for the pro-competency crowd. Many associates do much better (or worse) on the assessment than their class year would suggest. And once in a while, a first-year associate even beats the average partner.

So, at least when it comes to technical writing skills, one of the few competencies that can be measured objectively, the numbers suggest that lockstep undervalues or overvalues many associates.

## 2. Purge your competencies of adjectives, adverbs, and corporate-speak.

What's the greatest challenge when trying to help associates? Translating partner evaluations like "Her writing is pretty good, but she doesn't analyze as effectively as she

could" into specific behaviors that the associate can change.

Since partners develop the competencies, it's no surprise that many of the ones I've seen are loaded with similar modifiers: "negotiates *effectively*," "writes with *clear and concise* prose," "has *sophisticated* knowledge of cutting-edge real-estate issues."

Therein lies the problem. Are "effectively" and "clear" any more objective – or less political – than the "excellent" or "very good" from evaluations past? How much of an improvement is it to suggest, say, that "Level 2 writing skill means clear work product, which means not-unclear work product that needs some editing but not all that much."

After a while, you can start to empathize with associates who submit blog entries like this one, defending lockstep and expressing fears that competencies will be unfair when applied: "[Evaluations will be] cast in vague performance evaluation language that makes subjective criteria sound more objective than they really are."

Nor am I sold on what you might call "Do-It-Yourself Competencies":

*Level One: Can defend a deposition with supervision.*

*Level Two: Can defend a deposition with minimal supervision.*

*Level Three: Can defend a deposition with little or no supervision.*

Here's the typical associate's take on that ladder: "Thanks, but I already knew that as people get more experienced they generally need less supervision. Here's my question: What exactly am I supposed to *do* when I defend a deposition so the partners can trust me to fend for myself?"

You should also watch for Corporate America lingo such as "team player" and "taking ownership" and "self-starter." Associates may have a point when they complain that

those fluffy phrases are just a smokescreen for “I like you” or “I don’t like you.”

Purging modifiers and slogans in this way will get you closer to what Hildebrandt’s Larry Richards has called the ideal competency: “If the competency is well defined, five independent individuals observing an associate doing a specific task should be able to come pretty close to agreeing on what levels of performance that associate has achieved by referring to the competency description.” If Richards is right, “effective” and “self-starter” just aren’t going to cut it.

So now that your competencies are modifier-free, what should you use to replace them? Read on . . . .

### **3. Push your partners to develop “micro-competencies” linked to your firm’s model work product.**

So everyone agrees that competencies should reflect specific agreed-upon behaviors, but what does that mean for you?

Let’s say you hire a consultant to develop competencies for your litigation associates. I can promise you that, when the consultant and the litigation partners consult, they will all agree that an “advanced” associate should be able to draft a clear and persuasive motion.

“Consensus!” smiles the consultant, leaving well enough alone for fear of provoking dissent.

But, if you challenge your firm to think about what “clear and persuasive” really means, you will have a terrific opportunity to give your associates more guidance while helping the firm generate better and more polished work product to boot.

To that end, you might engage your partners in a conversation about how to draft the headings in such a motion. Or how to

distinguish adverse case law. Or how to introduce a dispositive pleading.

Now we’re talking about specific behaviors tailored to your firm’s practice. And you’ll probably find a lot more agreement than you’d expect.

You might even start to think of such “micro-competencies” as The Next Generation.

### **4. Create training programs that give associates actionable feedback from neutral observers.**

Many firms have promised enhanced training as part of their new models. As much as I love the idea of more training, I agree that firms shouldn’t offer training unless it’s tied to their associates’ competencies and long-term development.

So here’s the challenge: How do you create stand-alone training that (1) enhances specific competencies, (2) measures skills based on predefined criteria, and (3) generates individualized feedback from neutral observers that associates can use to gauge their progress and to take their skills to the next level?

Here are three ideas for a half-day experiential training program that meets those lofty goals:

The first comes from Akina’s Tracy LaLonde, one of the best trainers on the business-development front.

*A firm would like its senior associates to conduct sales meetings with potential clients that could result in a relationship advance or new business. The trainer provides a case study that involves preparation and a role play. The trainer gives the associates a “preparation framework” that they complete to prepare for the meeting and then gives them feedback on how well they completed it.*

*The associates then conduct a role play with partners playing the role of the potential client. Based on the associate's performance, the partners decide if the associate gets a relationship advance, wins the business, or gets nothing (as in "thanks and we'll get back to you").*

The second one, for presentation-skills competencies, is from Jay Sullivan of Exec Comm:

*Provide the attorneys with a brief description of an upcoming pitch the firm will be making to a potential client or to a trade association. Give them the firm's marketing material or other content. The attorneys then craft a five-minute talk using real content, with a specific audience in mind. They deliver that talk in front of a half-dozen people in the program. The observers will use a checklist of skills tied to the firm's competency model. They will provide the speaker with comments on what he or she did well, and on how to improve. Each person will learn to solicit feedback from colleagues on specific points in their next few talks after the program.*

Finally, here's a motions-drafting challenge from me:

*A firm identifies a motion to dismiss that represents its best work. The trainer then creates a rubric of specific competencies displayed in the work product such as "Can draft a heading that gives the judge a non-obvious reason to choose one side*

*over the other" or "Can transition between paragraphs without bumps in logic" The trainer then rewrites a section of the motion to include common stylistic and structural flaws. Each associate gets two hours to edit the revised motion. Both the trainer and an anonymous partner then compare the edit with the objective rubric. The trainer holds a one-hour debriefing session, and the associates receive their scored rubrics with suggestions for improvement and other resources.*

I'm eager to share more ideas from you readers as well. Here's to competencies in 2010!



As the President of Legal Writing Pro, **Ross Guberman** conducts nearly 200 writing programs a year for many of the nation's top law firms, governmental agencies, and bar associations. He holds degrees from Yale, the Sorbonne, and The University of Chicago Law School and has earned an advanced certificate in adult

learning and performance. A former professional musician, Ross is also an award-winning journalist and media commentator. He can be reached at [ross@legalwritingpro.com](mailto:ross@legalwritingpro.com).

# How Law Firms Can Leverage Their Relationships With Alumni (Including Those Not Leaving of Their Own Accord) and Why It Matters

by Kate Neville

## A. Challenges of the New Economy

***In 2009, more people were laid off by more firms than had been reported for all previous years combined.***<sup>1</sup>

Letting attorneys go in significant numbers is not something large law firms have had a great deal of experience with until recently. Standard practice in most large law firms had been to retain attorneys until a partnership decision was made. These firms did so in part because they feared the reputational stigma attached to firing one of their own; as one blog explains, the “vast majority” of prospective lawyers “turned up their noses at firms...[that] laid people off.”<sup>2</sup>

How quickly times have changed.

Despite the novelty of big firms having to let their attorneys go, it still comes as a surprise how poorly some large law firms have handled the process of layoffs over the past year. To be fair, firms made these decisions under great stress and uncertainty, when the risk of total firm collapse existed and in fact happened to some, which certainly influenced the choices they made.

Many firms insist that they have only let attorneys go for performance rather than economic reasons, even when it strains credulity. It is difficult to believe that a firm suddenly realized, all at once, that dozens of its attorneys had sub-par performance, particularly when some of those lawyers were recently made junior partners, or when those

attorneys were in their first or starting their second year of practice.

Most analysts (and other attorneys in private conversation) recognize that these lawyers would never be let go in a stronger economy as long as they made money for their employers. To their credit, some firms forced to make layoffs have stated this explicitly and expressed regret at having to say goodbye to respected colleagues.

Even at firms that have been up front about the economic necessity of layoffs, however, stories abound of attorneys being given almost no notice, little or no severance, and no assistance in securing a new position. Departing associates have told of working closely with a partner for years, only to receive an email message in farewell.

In a few cases, attorneys have been shut out of the firm’s computer system while they were being given the news, and others have been immediately escorted out of the building with their personal items forwarded separately by messenger. Such jarring departures, while common in investment banking and internet start-ups, had been unheard of for members of the bar in good standing whose only misdeed was that they were caught in a down legal economy.

Certainly, not all firms have handled things so poorly. Indeed, some have worked to create a “soft landing” for their attorneys who have been laid off. These efforts have typically included providing career counseling and outplacement services, offering appropriate severance packages, making office space available, and keeping attorneys’ phone lines and email accounts active.

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<sup>1</sup> “The Year in Law Firm Layoffs – 2009,” [LawShucks](#). According to the blog [LawShucks](#) and as cited in the ABA Journal on January 8, 2010, 4,633 lawyers were laid off at 138 large firms.

<sup>2</sup> [Ibid.](#)

By far, the most helpful -- and loyalty-engendering -- thing a firm can do for its former attorneys is to make calls on their behalf and provide contacts who are knowledgeable about opportunities for the individual now looking. In the past, once it was decided that a senior associate was not going to be made partner, almost all large firms made an effort to place the individual in a position with a client or somewhere one of the firm's partners was well known. While some individual attorneys have asked for and received this type of help in the past year, the courtesy has not been extended as a matter of practice to attorneys told that they no longer have a position with their firm.

There is of course no public data on which firms did what in the process of letting go of attorneys, so it is impossible to calculate how things were handled by the field as a whole. Nevertheless, it remains clear that in the face of hard times and increasing financial pressures, it is in a firm's interest to avoid unnecessarily aggressive, and arguably self-defeating, approaches to downsizing their workforce.

## B. The Business Rationale: Why It Matters

As one large firm associate noted in early 2009,

I remember back in 2003, one of my colleagues was laid off from our firm, and they provided him with six months' salary and hired a professional career consultant/ placement agent to help him land safely.... This firm did all the right things, including telling him that it was purely for economic reasons and not performance related. The rewards to the firm were obvious -- he joined the in-house legal team of a Fortune 50 corporation, and still looks back fondly at our former firm despite being laid off. <sup>3</sup>

The absence of far-sighted strategies on the part of some large firms in letting attorneys go exists, of course, in large part because firms are under pressure to save money—the driving force behind the layoffs in the first place. Economic conditions have changed drastically since 2003 -- firms no longer feel flush, there is no reassurance that business will increase in the near future, and fewer Fortune 50 corporations are hiring.

It seems that, in their rush to adapt to changing economic conditions, decision-makers at some firms may have lost their long-term perspective. In some cases, administrators in charge of marketing and business development have made the case internally for substantive severance packages in order to maintain goodwill among departing attorneys only to be turned down by managing partners or others on the management committee.

The question remains at what cost firms make these decisions. Eventually the downturn will end. Law firm alumni will find jobs somewhere, very possibly with potential clients, and firms will get back into hiring mode. Consequently, it makes economic sense for firms to handle layoffs sensitively and to do as much as they can for outgoing employees in the midst of tough economic times.

When firms insist on claiming performance issues and treat their former employees so poorly, it not only poisons the relationship with the individual but also can quickly ruin the firm's reputation with that individual's former colleagues, clients, and fellow alumni. These procedures and processes -- or the lack thereof -- also mean that a firm assumes the risk of driving away future candidates and causing prospective clients to question the firm's judgment, placing its future in jeopardy. It is difficult to see a rationale for some of the problematic things firms have done.

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<sup>3</sup> Anonymous posting to *Above The Law*, February 5, 2009.

Accounting firms and management consulting firms have for many years invested in maintaining good relations with their former employees. They have, of course, not done so out of the goodness of their hearts but rather because it has proven to be good business. Through measures such as developing alumni networks to keep in touch and developing programs that attract alumni to remain engaged with their former employers, these companies regularly develop future business contacts and promote loyalty and goodwill that can help attract top candidates and clients in the future. The business argument that has persuaded business leaders across industries to maintain good relationships with their former employees follows.

First, attorneys already have a lifetime affiliation with a firm for which they have worked because the firm is always on their resume. When asked, as will be the case in almost any new position, alumni will of course speak more highly of the firm if their departure is handled well. The reverse is also true.

Second, the market will improve at some point, and firms will again compete for talent. It is much less expensive to rehire people who have already been trained by the firm than to invest the huge sums that firms have traditionally put into their recruiting programs or paying recruiters to hire laterals. Alienated former employees will not want to return and, even if they do, are not likely to perform at their best. In addition, any negative information about a firm will impact future law student candidates who often listen closely to the experience their school's alumni have had with a firm. These recruiting circles are small.

Third, especially in a tough economy, it is critical to leverage relationships for business development. A firm has no way of knowing where its former attorneys will end up; and, if they happen to land in a large potential client's office, their opinion of the firm

matters a great deal. Conversely, if attorneys retain a positive view of their experience there, the firm could have much to gain.

Law firms have an opportunity to learn from corporate America and recognize that it is always good business to create a web of connections and to invest in developing positive relationships among people. Over the past year, only a limited number of law firms have seemed to understand that it is in their interest to help their attorneys land well.

### **C. What: Programming For Big Impact With Little Dollars**

The lack of foresight many firms have demonstrated in how they let attorneys go is not only due to pressure to save money but is also explained in part by the legal field's record of lagging behind other industries in developing and leveraging alumni networks. Some law firms have taken the lead in developing such programs in recent years, but making the case for a law firm to develop procedures to maintain goodwill with their attorneys on their departure and going forward will likely be an uphill climb in the current economy. Virtually all businesses are concerned about how to do more with less, so law firm leaders are likely to question what can be done when most are already having to make budget cuts.

Even though law firms lack the infrastructure that other industries have created, measures to maintain good alumni relations do not need to be cost-intensive. At their core, successful networks are a combination of strong communications, networking, and follow-up. As other industries have learned, such programming is all about relationships; and, while it may be nice to have money to support them, hosting receptions and other costly events is not the only option.

In fact, inviting alumni to a law firm social event may not be the most effective route to

maintaining good relations with attorneys who have been asked to leave. In one example, associates who had been laid off received their firm's alumni end-of-the-year newsletter, which included an invitation to the firm's holiday party. To its credit, the firm was making clear it considered these former employees to be just like other alumni of the firm, but several of the laid-off attorneys expressed incredulity that the firm that fired them now wanted to celebrate the end of the year with them. Further, the firm seemed to lack sensitivity when the letter it sent went on to tout how successful the firm had been that year -- one in which it also laid off 55 attorneys, all of whom were receiving this news.<sup>4</sup>

Other kinds of interaction could prove to be both more productive as well as less expensive than formal events. Particularly when administrators within a firm have seen their responsibilities expand because fewer people are left to do the work, the measures a firm is most likely to adopt are those that will not require much additional work. A few low-cost examples of steps to maintain good relations with law firm alumni follow.

First, the loyalty-engendering practice mentioned above -- of partners giving departing attorneys contact information for those who are knowledgeable about the individual's field and making calls on an attorney's behalf -- costs nothing but a little time. Particularly since it has now become standard practice solely to confirm dates of employment, law firms willing to reach out on an individual's behalf, give candid recommendations, or at the very least provide an objective reason for the departure, will stand out among their competitors.

Second, a firm can piggyback the steps it takes to develop alumni networks onto other initiatives already being undertaken. These

can include incorporating alumni into client seminars and events, offering discounted continuing legal education (CLE) programs to keep bar memberships current, and inviting alumni to program events already planned as part of women's or diversity initiatives or of particular practice areas.

Third, a firm can inexpensively create an alumni directory, keeping email addresses and other contact information updated so that individual alumni can reach out independently to one another. Maintaining such a directory provides a fair-value exchange for the firm, which gets up-to-date employment information and business leads.

Fourth, disseminating job postings has been a low-cost item that many attorneys have appreciated in firms that have begun this practice. The firm's clients are often happy to have applications from alumni, and posting positions of which a firm's individual attorneys are aware helps build their personal networks as well.

Finally, in headier economic times a number of firms developed a component of their websites specifically dedicated to alumni of the firm, but creating a firm-specific alumni group on Linked In and Facebook can achieve similar results at lower cost. Content is typically driven by determining what information alumni want, which has included career programs (webinars, conference calls, or in-person) and allowing alumni to opt in to different newsletters that practice areas put out with practice/industry-related news.

The future hiring model for large law firms remains up in the air, and the rise in the use of contract attorneys may change these equations so that law firms make money without modifying the way they let their attorneys go. The return on investing in continuing relationships will be great for

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<sup>4</sup> As posted on *Above The Law*, December 8, 2009.

firms that still want to compete for top talent and loyal clients. For those firms that want to compete but might have handled layoffs in ways that were less than productive last year, future success will largely depend upon senior management creating a culture that recognizes the value of strong relationships and leverages opportunities to maintain them.



**Kate Neville, Esq.**, a Harvard Law graduate, is founder of Neville Career Consulting, LLC, which provides guidance to attorneys considering a job change or career transition, whether within the practice of law or to another field. She began her career practicing law at Simpson Thacher & Bartlett and as an in-house attorney for New York City government before

shifting to positions in management consulting and policy analysis. After serving as an advisor in Georgetown Law's Office of Career Services, Kate decided to use her experience to help practicing attorneys identify the full range of their professional options and develop strategies to pursue them successfully. Additional information is available at [www.nevillecareerconsulting.com](http://www.nevillecareerconsulting.com).

### **Quote of the Quarter:**

“Substance changes. Skills remain.”

– Corinne Cooper, Consultant, Professional Presence, at the ALI-ABA/ACLEA Critical Issues Summit

# Coming Together Around Lawyer Development: The Critical Issues Summit

Gaye Mara

Last fall, all the key stakeholders in lawyer development met together for the first time. Their roles span the entire legal career continuum, from the first year of law school through the most advanced stages of law practice. And in their two and a half days of lively large- and small-group discussions, the 150 invited participants at the Critical Issues Summit<sup>5</sup> considered

- how to improve all the different ways in which lawyer competence is developed and maintained, and
- how to integrate the separate steps in the developmental process – law school preparation; bar examination, admission, and licensing; entry into law practice; and the ongoing education, skill development, and knowledge and skill maintenance appropriate to each stage of practice – into a more coherent progression.

The Summit organizers provided comprehensive information resources in advance of the conference; teed up the issues for discussion in engaging, provocative plenary sessions followed by energetic small-group breakout discussions; and brought everyone back together on the last day to agree on recommendations for followup action. They have generously shared the background materials, videos of two opening plenary sessions, and the conferees' recommendations on the Summit's web site, [www.equippingourlawyers.org](http://www.equippingourlawyers.org).

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<sup>5</sup> ALI-ABA/ACLEA Critical Issues Summit, "Equipping Our Lawyers: Law School Education, Continuing Legal Education, and Legal Practice in the 21<sup>st</sup> Century," October 15-17, 2009 in Scottsdale, Arizona.

## A Competency Framework

A dozen law firm PD professionals took part in the Summit. Right at the outset, the robustness and potential broad application of several firms' competency models surprised and impressed the other Summit constituencies.

Competencies quickly assumed center stage at the conference as the most promising type of framework around which professional learning could be organized by all the constituencies represented – law schools, legal employers, bar associations, and CLE regulators and providers. That is, once we clearly understand what our lawyers should be able to *do* at each stage of their careers, we are only a step away from understanding what they need to *learn*.

A Summit Initiatives Committee of 21 conference participants, on which the PD profession is well and ably represented, is now charged with following through on the recommendations approved by the conferees. Among other projects, they are tasked with creating an overarching competency model, or models, to guide the professional development of lawyers in different practice settings and legal specialties throughout their careers.

One possible form such a model might take, according to Committee member Sari Fried-Fiori,<sup>6</sup> could build on the approach taken by a number of large law firms: a set of generic "core competencies" that cut across practice specialties and that all lawyers should possess, supplemented by a set of

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<sup>6</sup> Chief Professional Development Officer, Fulbright & Jaworski LLP, and a past president of the Professional Development Consortium.

benchmarks for each individual specialty that designate the technical competencies and developmental progression that are unique to that specialty. Says Fried-Fiori:

There's a recommendation addressing the importance of the competencies being able to go across those differences and also to transcend the life cycle of a lawyer,<sup>7</sup> to bring these things together in a matrix. A lot of the emphasis has been on the beginning of a lawyer's career and not on their development over time. Then CLE is simply a matter of getting your credits and your license renewed, without recognizing that competence is built stage by stage. This would do a lot for promoting the profession over time and maintaining the standards it needs to maintain.

## Subject Matter and Teaching Methods

Pointed criticism of the incompleteness of what lawyers are taught at every stage of development, and of how they are taught it, permeated the sessions. There also appeared to be a fair amount of agreement on what ought to be done instead, and why so far it hasn't happened – except in a few shining cases which were held up as models of what can be accomplished.

In terms of **subject matter**, conferees seemed to agree that both the law schools and the CLE providers and regulators should expand their focus beyond substantive law to the meta-skills (or “professional skills,” as some conferees preferred) that transcend practice specialties and that are critical to lawyers' success.

One plenary panelist observed that the profession apparently believes that lawyers don't need to be able to communicate, since typically neither law schools nor CLE providers teach communication skills and

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<sup>7</sup> Final Recommendation 12. Recommendations 2, 3, and 11 also reference the need for core practice competencies and/or competency models. See “Final Recommendations” at [www.equippingourlawyers.org](http://www.equippingourlawyers.org).

CLE regulators don't accredit the subject. Another panelist raised the irony of most regulators' prohibition of credit for courses in law practice management, when in fact a much larger proportion of malpractice suits results from negligence or incompetence in that area than from any ignorance of substantive law.<sup>8</sup>

And there were the age-old complaints that law schools, most especially the “elite” law schools, fail to prepare their graduates for practice: Their curricula emphasize substantive legal knowledge, they hire full-time faculty with little or no practice experience, and they insulate that faculty from any need to understand and meet the needs of real-world law practice by incentivizing research and publishing. (As one young lawyer I know exclaimed, “Thank God for adjuncts!”) Reportedly one law firm partner told law school representatives at a different conference that they risk going the way of the U.S. auto industry if they persist in producing a product that doesn't meet their customers' needs.

There was, however, recognition and discussion of innovative new skill-building programs at several law schools, including the Glasgow Graduate School of Law in Scotland and Northwestern and Washington & Lee law schools in the U.S. And the new law dean at the University of Chicago, Michael Schill, in a letter introducing himself to alumni, has said that

[W]e cannot lose sight of the fact that first and foremost we are training lawyers... [W]e must give additional attention to skills training—the activities that professionals engage in every day of their lives such as drafting and negotiating agreements and oral

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<sup>8</sup> A 2007 survey of Tennessee Bar members revealed that they believed “poor legal management skills” impaired their own and others' performance at least twice as often as “lack of knowledge of substantive law.” David N. Shearon, Tennessee Commission on Continuing Legal Education and Specialization, “Causes of Poor Lawyering.” White paper published online at <http://bit.ly/BEbxf>.

advocacy. Over the next year, I anticipate that we will make decisions to enhance this part of our curriculum.<sup>9</sup>

**Teaching methods** also got rotten tomatoes from the presenters and conferees, who roundly condemned the widespread reliance on the “talking head” format in law school and CLE courses. More robust and engaging adult education techniques were highlighted in the Summit background materials and in the sessions.

Of course, to some degree the method is determined by the subject matter. It is possible to teach substance simply by talking about it (or writing about it, which is usually more efficient for the learner). There is no possibility of teaching skills that way. If and when the profession as a whole shifts to competency models and to the teaching of skills, the teachers at every station along the career continuum will themselves require skill development.

## Teaching vs. Learning

Not everything lawyers need to know, however, must be taught. Conferee Steve Armstrong<sup>10</sup> remarks that in the Summit sessions,

There was some attention paid to the distinction between *teaching* and how people can *learn* by reaching out to resources. A comprehensive approach includes enriching the resources to which they can reach out, wherever they are.

The new generation of lawyers is particularly attuned to that kind of self-directed learning, and there was much discussion at the Summit of that phenomenon and its

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<sup>9</sup> Chuck Bingaman’s *CLE Leadership & Management e-newsletter*, January 2010.

<sup>10</sup> Founder of Armstrong Talent Development and a past president of the Professional Development Consortium. Until 2009, Director of Career Development at WilmerHale LLP.

implications. As one panelist remarked, “This generation has learned that information is ephemeral.” Conferee Scott Westfahl<sup>11</sup> adds that they “are bored by talking heads telling them things, when they know they can just go back to their desk and find it in half an hour.”

That self-sufficient style presents an opportunity to greatly reduce the teaching load by simply making up-to-date information readily accessible, and certainly the larger law firms are responding to it by developing and maintaining online databases, networking tools, and other “knowledge management” resources.

And in fact, not only the new generation but anyone who regularly uses the Internet now relies on “just in time” learning and information strategies. We know it will be there when we need it, we don’t have to make the effort to learn it well enough now to be able to reliably retrieve it from memory in the future (even assuming that what we learned will still be current). That frees our mental energies for more nimble and creative tasks, and we should all take advantage of it.

Moreover, the “just in time” learner is in the best of company. One panelist repeated an old story about Albert Einstein, who was being interviewed at his home. The reporter requested Einstein’s phone number for a followup conversation and expressed surprise when this renowned thinker picked up the phone book to find it. Einstein explained that he never cluttered his mind with anything he could look up.

## What’s New

The issues raised at the Summit are not new. Most of them were discussed in the ABA’s

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<sup>11</sup>Director of Professional Development, Goodwin Procter LLP, and current president, Professional Development Consortium.

1992 “MacCrate Report,”<sup>12</sup> which itself contained a core competency model for lawyers and recommended a developmental continuum based on the model.

Three things that are new about the Summit, however, promise the possibility of significant change:

1. For the first time, all the stakeholders in lawyer development were brought together to address the issues in a holistic way, and all are represented in the ongoing implementation efforts.

Leslie Belasco,<sup>13</sup> one of the conference organizers, remarks that

One of the most striking things about the Summit was the recognition by many there who had never crossed lines that there are people who do other things who have the same interests they do. ‘They start out the lawyers and we pick up where they leave off.’ Particularly among law firms, law schools and CLE providers and even among CLE regulators, there was a lot of amazement they have so many goals in common. People had never crossed the lines before.

Adds Fried-Fiori,

There was a lot of momentum during the Summit and as it concluded. The first part is to get the right people in the room.... We now have 150 people who because they were there will behave differently. They were engaged in a way they had not been engaged before; it will motivate them to go back and talk to other people. Time will tell what the impact will be.

2. Every aspect of the Summit reflects extraordinarily competent and thorough planning and execution. The Summit Chairs,

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<sup>12</sup> *Legal Education and Professional Development – An Educational Continuum: Report of the Task Force on Law Schools and the Profession: Narrowing the Gap*. 1992: American Bar Association Section of Legal Education and Admissions to the Bar, Chicago.

<sup>13</sup> Director of Research & Development for ALI-ABA.

Planning Committee, and staff did a phenomenal job of providing comprehensive, high-quality background information; of selecting all the Summit participants – from attendees to presenters to faculty; of designing an interactive conference format and creating a conference atmosphere that invited and channeled participants’ ideas and built energy for change; and – at least so far – of maintaining the momentum by supporting the ongoing implementation effort.

Belasco recalls that

We deliberately made sure we mixed people up. Even when deciding what concurrents to put up next to each other, we did it in such a way that we could do that kind of mixing. We didn’t want somebody to feel they should be in the other concurrent that was going on at the same time. I was walking from room to room during the concurrents, and people were just going at it, owning it – for me, that was the best part of the Summit.

3. Some true professionals in Workplace Learning and Performance,<sup>14</sup> including those from the law firm PD sector, have provided thought leadership and an organizing framework for the needed changes and are committed to the implementation effort.

Fried-Fiori comments,

There was a realization that there needed to be some organizing framework, and I think that’s why competencies came out so early on. It was the piece that had been missing around lawyer development.

There are forces beyond the Summit that have built energy for change as well, including:

- The recent series of NALP roundtables with law schools and legal employers, which have highlighted some of the same issues. (NALP was also a major sponsor of the Summit.)

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<sup>14</sup> The term coined by the American Society for Training and Development for the PD skill set.

- The Carnegie Foundation’s in-depth critique of law school education<sup>15</sup> (see Nora Mara’s review in the following article).
- The current recession, which is exacerbating the impact of the dysfunctional aspects of legal education and lawyer development on new law graduates, firms, and clients.<sup>16</sup>

Fried-Fiori’s perspective:

I think that the industry is seeing very significant changes in the practice of law at a lot of different levels: the way that law firms are working with clients, the clients’ expectations, and the actions firms must take to be responsive – and the economy has certainly played a role in accelerating all that. A lot of times it’s all about timing, and you don’t always know if it’s the time until it’s past. Different factors and energies come together, and it’s not always explainable. It’s our choice on whether we take advantage of it.

## What’s Next

The Summit Initiatives Committee, chaired by Carol Wagan,<sup>17</sup> will have its first meeting by conference call on February 10. According to Belasco, the Committee’s first task is “to prioritize the recommendations and help us decide what to tackle first ... [and] also to help us envision how we’re going to keep the momentum going.”

She adds,

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<sup>15</sup> William M. Sullivan, et al., *Educating Lawyers: Preparation for the Profession of Law*. 2007: Carnegie Foundation, San Francisco.

<sup>16</sup> A superb white paper by Harvard third-year student Daniel Thies explores the impact of the current economic conditions and is included in the Summit background materials: “Rethinking Legal Education in Hard Times: The Recession, Practical Legal Education, and the New Job Market.”

<sup>17</sup> Director of Advanced Legal Studies at Suffolk University Law School, a past president of ACLEA, and, according to Belasco, “one of those who originated the idea of the Summit.”

I’m a big proponent of thinking globally but acting locally. We have to approach implementation on two levels: One, the plans that the two organizing groups [ALI-ABA and ACLEA] have for where to put their energy to move things forward on a national level, and, two, we conceived the Summit with the idea that the recommendations could help somebody in PD – give them a framework, enable them to present that framework to their management and say, this is being done on a national scale, these are recommendations for what law firms should be doing now, and I think we should consider this – it’s a bow and arrow in the arsenal of the PD director.

She hopes that firms, schools, and CLE providers will look past the Summit’s consensus “Final Recommendations” to the “Additional Recommendations” that were collected and preserved from the breakout group discussions and which will be posted on the Summit web site as well (they were still in draft form at the time of our interview). “Somebody from a law firm could look at those and get ideas – there are kernels there for people in charge of PD in their firms. [And] if a group of law firms or law schools wanted to team, there are a lot of recommendations for what they could do on a local level.”

The Committee will also consider its communication strategy for keeping all the various Summit constituencies informed of and engaged in its initiatives. Says Fried-Fiori,

One recommendation is to find ways to reach out to the broader communities that those 150 people [the Summit conferees] represent. Each constituency has professional organizations that come together; they are technology-enabled and have ways of spreading the word and engaging people. We have to really look at the communication approaches to further engage the minds and hearts of the key constituent groups.

Indeed, the session videos and the entire collection of materials on the Summit web site are a tremendous resource on lawyer development and a powerful tool for communication. There is also a Discussion Forum, which requires registration but is open to everyone.

If you are not already engaged in the conversation, we hope you will join it at [equippingourlawyers.org](http://equippingourlawyers.org).



**Evelyn Gaye Mara** is Publisher and Managing Editor of Professional Development Quarterly and The Capital CLE Calendar, and principal in Professional Development Services, Alexandria, VA. She is a former law firm Professional Development Director and has a M.A. in Human Resource Development and Management. She can be reached at (703) 719-7030 or [maraeg@profdev.com](mailto:maraeg@profdev.com).

Learning Lab will return in the May issue.

## The Carnegie Report

Nora Mara

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William M. Sullivan, Anne Colby, Judith Welch Wegner, Lloyd Bond, and Lee S. Shulman, **Educating Lawyers: Preparation for the Profession of Law**. 2007, The Carnegie Foundation for the Advancement of Teaching, "Preparation for the Professions" Series

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How does one become a lawyer or a member of some other profession? And what does it really mean to be a lawyer – is it that you've been to law school and have a basic knowledge and analytical skill others don't? Is it that you possess certain practical skills? Or is it more a sense of an ethical and professional identity, or some combination of all of these, that makes a lawyer a lawyer?

The Carnegie Foundation for the Advancement of Teaching has set out to examine professional education in several fields – law, clergy, medicine, nursing, and engineering – in order to compare how (and how *well*) students of each are prepared for their professions. For *Educating Lawyers*, Sullivan and his co-authors studied law schools across the country and in Canada with the idea that educating professionals means satisfying several constituencies – educators, students, lawyers, and the public that lawyers must serve. Whether or not law schools are succeeding (they're improving but need work) and what they can do to complement what is working (based on knowledge of how people learn) are the central issues in the book.

### Becoming part of a profession

With about one million lawyers practicing in the U.S. today -- the highest per capita number of lawyers in the world – and practicing often in very public roles, the legal profession has a highly visible presence in

American society (Sullivan, et al., p.1). Sullivan and the other authors emphasize that professional identity, the sense of belonging to a socially responsible community, is important not only in how lawyers are viewed by the public but also in how lawyers develop.

They tie three "elements of legal professionalism – conceptual knowledge, skill, and moral discernment" – to the three types of apprenticeships they say are needed for the novice to become an expert or, in this case, a professional (p.12). The first apprenticeship is the intellectual or cognitive, best represented by the scholar in the university setting. The second is the practical apprenticeship, in which the learner engages in guided practice in order to develop competence. The third apprenticeship involves the ethical and social side of education. This is where the sense of professional identity and purpose comes in, that sense of why we're doing this in the first place. Law schools have varying levels of success and commitment to educating students in ways that meet all three elements or apprenticeships.

### How law school teaches (and the strengths and limitations of that education)

According to the authors, schools preparing their students for a particular profession have a signature pedagogy – the classic (or even stereotypical) way students are taught the language and the intellectual habits of the profession. Here is where the case-dialogue method comes in, the first-year course we all think of when we think of law school, with its emphasis on careful reading and abstract analysis. It's an academic, scholarly approach to the teaching and

learning of the law, born in the 1870's when the research university in Europe was influencing others around the world. Christopher Columbus Langdell, law dean at Harvard, shaped a curriculum that "put a premium on formal knowledge, abstracted from context" (p.5).

There are certain strengths and limitations to the case-dialogue method. The point is that students learn to "think like lawyers," to distance themselves from a problem, think about it abstractly, and translate it into legal language. Students engaged in these discussions learn by doing (even if, in such usually large classes, they're often learning by watching other students doing). The masterful ability of many professors to help students break down their own thinking and make connections means that students do learn and can apply legal analysis. The repetitive nature of the classes means that the skill becomes automatic. There is also an advantage to the very drama of the question-and-answer method – students are motivated to prepare and engage.

While the case-dialogue method answers the needs of the first element of legal professionalism, of the cognitive or scholarly apprenticeship, it is limited by its lack of context. There are no real people or clients; in fact, a definite sense of detachment is encouraged. And there is very rarely any discussion of ethical or moral substance, of looking at the legal analysis in terms of any larger picture.

This is where the book's authors point out the weakness in many law schools today. The three apprenticeships – cognitive, practical, and ethical – are generally kept separate. The cognitive, with its tenured professors and its impact on how students are sorted (and subsequently hired) depending on their performance in the first year, is also often perceived as being somehow most important and what the law is about.

Many new lawyers say that it is real work experiences that have been most useful in preparing them for the actual practice of law (p.76). That first year might teach them to *think* like lawyers, but students also need to begin the process of learning to *be* lawyers.

The book highlights innovative programs at various law schools that attempt to provide students with a more holistic and practice-oriented approach to learning the law. Some, like programs at CUNY and NYU, tie doctrinal learning to simulated practice with plenty of discussion and feedback. Other schools require first-year courses that encourage students to think about ethics and professional responsibility, to look at the larger view of the law as well as the detached, analytic view. Some schools are even bringing together different disciplines, like law and psychology, to help present the curriculum in ways that enable students to learn more effectively.

### How people learn and how law schools can teach

The overarching idea of learning in this book is that people learn by doing. And they learn best by doing when skills are modeled for them, when they have opportunities for repeated practice or rehearsing, when they can learn in context, and when all of this is accompanied by feedback, coaching, and reflection. These elements are all generally present in the case-dialogue method, and students do learn legal reasoning and analysis. But the skills involved are intellectual and academic and only one part of what students need to become lawyers.

*Educating Lawyers* makes a concerted push for reconnecting the three different aspects of professionalism and the three different apprenticeships. Schools do teach to all three – the cognitive, the practical, and the ethical – but most without any real bridge among them. Schools have responded to employers' needs to hire graduates with

practical experience and to the ABA's urging for more attention to professionalism and ethics by adding to the curriculum. The authors suggest that this additive approach is not enough; schools must, as some have begun to do, integrate the different parts of legal education and the different kinds of thinking law students must do.

They recommend an approach that would "keep the analytical and the moral, the procedural and the substantive, in dialogue throughout the process of learning the law" (p.142). But the dialogue linking the cognitive, practical, and ethical/social learning of the law must, they say, also be explicit and intentional, helping "students become self-conscious and self-directed in their own learning" (p.179).

With this holistic approach students would get a sense not only of how the parts of the law fit together but also of why and how they're learning what they're learning and doing what they're doing. Research suggests that these "metacognitive" learners, those who are aware of their own learning, will learn more than those who are not.

### **Opportunities for law firms and other legal employers**

To be fair, law schools can't be expected to take novices and turn them into expert practicing lawyers in three years. Law schools provide a foundation, but gaining enough practical experience and judgment takes time. So, although law schools can

work to build a more solid foundation, what *Educating Lawyers* suggests for law schools could just as easily apply to legal employers:

The key components [of formative education] are close working relationships between students and faculty [you could substitute "young associates and supervising attorneys" here], opportunity to take responsibility for professional interventions and outcomes, and timely feedback (p.178).

Employers know, more than any law school might, what they need their attorneys to be capable of doing. They've hired the brilliant learners and can continue the process of forming them into professionals. With carefully-crafted competencies and mentoring programs, employers are already taking advantage of their unique position to give their new lawyers the best continuing education – supervised experience in the actual practice of law.

**Honora Mara, M.Ed.**, is Associate Editor of *Professional Development Quarterly*. She can be reached at [h.mara@verizon.net](mailto:h.mara@verizon.net).

## Professional Developments

### Events

Upcoming PD-related conferences, seminars, and workshops:

#### Legal Profession:

- \* 2/1/10, live webcast. *ALI-ABA/ACLEA Critical Issues Summit Debriefing: A Panel Discussion of the Issues and Takeaways from the CLE Summit*. Association for Continuing Legal Education, [aclea.fastcle.com](http://aclea.fastcle.com).
- \* 2/1/10, live webcast. *Breaking the Mold and Turning Obstacles into Opportunities: How to Further Develop Your Lawyers Despite the Economy*. Association for Continuing Legal Education, [aclea.fastcle.com](http://aclea.fastcle.com).
- \* 2/1/10, live webcast. *How Law Firms and Legal Employers Make CLE Buying Decisions*. Association for Continuing Legal Education, [aclea.fastcle.com](http://aclea.fastcle.com).
- \* 2/18-20/10, Fort Worth, TX. *2010 Newer Professionals' Forum*. National Association for Law Placement, [www.nalp.org](http://www.nalp.org).
- \* 4/28-5/1/10, San Juan, PR. *2010 Annual Education Conference*. National Association for Law Placement, [www.nalp.org](http://www.nalp.org).
- \* 6/11/10, Chicago, IL. *2010 Diversity Summit*. National Association for Law Placement, [www.nalp.org](http://www.nalp.org).
- \* 7/24-27/10, New York, NY. *ACLEA 46<sup>th</sup> Annual Meeting*. Association for Continuing Legal Education, [www.aclea.org](http://www.aclea.org).

#### General Audience:

- \* 2/1-4/10, Dallas, TX. *AMA's Myers-Briggs Type Indicator® (MBTI®) Certification Program*. American Management Association, [www.amaseminars.org](http://www.amaseminars.org).
- \* 2/10-12/10, Atlanta, GA. *Train the Trainer*. American Management Association, [www.amaseminars.org](http://www.amaseminars.org). (Repeated 4/12-14, 6/16-18, 8/9-11)
- \* 2/10-12/10, New York, NY. *Train the Trainer*. American Management Association, [www.amaseminars.org](http://www.amaseminars.org). (Repeated 4/19-21, 5/12-14, 6/21-23, 8/16-18)

- \* 2/16-19/10, San Francisco, CA. *AMA's Myers-Briggs Type Indicator® (MBTI®) Certification Program*. American Management Association, [www.amaseminars.org](http://www.amaseminars.org). (Repeated 4/12-15, 6/7-10)
- \* 2/17/10, online. *SkillCast Webinar: Developing Rating Scales for Performance Tests*. International Society for Performance Improvement, [www.ispi.org](http://www.ispi.org).
- \* 2/22-24/10, Saratoga Springs, NY. *Social Learning Lab & Seminar*. The Masie Center, [www.masie.com](http://www.masie.com)
- \* 2/22-25/10, New York, NY. *AMA's Myers-Briggs Type Indicator® (MBTI®) Certification Program*. American Management Association, [www.amaseminars.org](http://www.amaseminars.org). (Repeated 3/22-25, 4/26-29, 5/17-20)
- \* 2/24-26/10, Arlington, VA. *Instructional Design for Trainers*. American Management Association, [www.amaseminars.org](http://www.amaseminars.org). (Repeated in Arlington 7/19-21)
- \* 3/1-2/10, New York, NY. *Kirkpatrick's Four Levels: Increasing Training Effectiveness Through Evaluation*. American Management Association, [www.amaseminars.org](http://www.amaseminars.org). (Repeated in NYC 8/23-24)
- \* 3/3-5/10, Arlington, VA. *Train the Trainer*. American Management Association, [www.amaseminars.org](http://www.amaseminars.org).
- \* 3/8-11/10, Chicago, IL. *AMA's Myers-Briggs Type Indicator® (MBTI®) Certification Program*. American Management Association, [www.amaseminars.org](http://www.amaseminars.org). (Repeated 5/24-27)
- \* 3/15-16/10, Las Vegas, NV. *Telling Ain't Training Conference*. American Society for Training & Development, [www.astd.org](http://www.astd.org).
- \* 3/15-17/10, Chicago, IL. *Train the Trainer*. American Management Association, [www.amaseminars.org](http://www.amaseminars.org). (Repeated 7/12-14)
- \* 3/15-18/10, Arlington, VA. *AMA's Myers-Briggs Type Indicator® (MBTI®) Certification Program*. American Management Association, [www.amaseminars.org](http://www.amaseminars.org). (Repeated 5/10-13)
- \* 3/17/10, online. *SkillCast Webinar: Performance Architecture: Build It and You Will Succeed*. International Society for Performance Improvement, [www.ispi.org](http://www.ispi.org).
- \* 3/17-18/10, New York, NY. *The 2010 Corporate Learning Strategies & Practices Seminars. Transforming and Advancing Learning: New Trends, the Latest Tools, and Recent Challenges*. The Conference Board, [www.conference-board.org/learning](http://www.conference-board.org/learning).

- \* 3/17-19/10, Saratoga Springs, NY. *Performance Support Lab & Seminar: Learning at the Moment of Need..* The Masie Center, [www.masie.com](http://www.masie.com)
- \* 3/22-24/10, Saratoga Springs, NY. *Video for Learning Lab & Seminar.* The Masie Center, [www.masie.com](http://www.masie.com) .
- \* 3/24-26/10, New York, NY. *Instructional Design for Trainers.* American Management Association, [www.ama-seminars.org](http://www.ama-seminars.org). (Repeated 6/7-9)
- \* 4/6-8/10, St. Petersburg, FL. *Impact 2010: The Business of Talent.* Bersin & Associates, [www.bersin.com](http://www.bersin.com).
- \* 4/14/10, online. **SkillCast Webinar: Measuring Mentoring Results.** International Society for Performance Improvement, [www.ispi.org](http://www.ispi.org).
- \* 4/18-21/10, Saratoga Springs, NY. *Learning Leaders Academy.* The Masie Center, [www.masie.com](http://www.masie.com)
- \* 4/18-22/10, San Francisco. *2010 Annual Conference of the International Society for Performance Improvement..* Pre-conference workshops, 4/18-19; conference 4/19-22. [www.ispi.org](http://www.ispi.org).
- \* 4/19-22/10, Atlanta, GA. *AMA's Myers-Briggs Type Indicator® (MBTI®) Certification Program.* American Management Association, [www.ama-seminars.org](http://www.ama-seminars.org). (Repeated in Atlanta 6/7-10)
- \* 4/21-23/10, Washington, DC. *Diversity Leadership Institute: Professional Development for Diversity Practitioners.* National Multicultural Institute, [www.nmci.org](http://www.nmci.org).
- \* 5/10-14/10, Phoenix, AZ. *Training Leadership Summit 2010.* Conference 5/10-12, certificate programs 5/13-14. Training magazine, [www.trainingmagedvents.com](http://www.trainingmagedvents.com)
- \* 5/16-19/10, Chicago, IL. *ASTD 2010 International Conference & Exposition.* American Society for Training & Development, [www.astd.org](http://www.astd.org).
- \* 5/17-18/10, Arlington, VA. *Kirkpatrick's Four Levels: Increasing Training Effectiveness Through Evaluation.* American Management Association, [www.ama-seminars.org](http://www.ama-seminars.org).
- \* 5/17-19/10, Chicago, IL. *Instructional Design for Trainers.* American Management Association, [www.ama-seminars.org](http://www.ama-seminars.org).
- \* 5/17-20/10, Houston, TX. *AMA's Myers-Briggs Type Indicator® (MBTI®) Certification Program.* American Management Association, [www.ama-seminars.org](http://www.ama-seminars.org).
- \* 5/19/10, online. **SkillCast Webinar: Evaluation: The Link Between Learning and Performance.** International Society for Performance Improvement, [www.ispi.org](http://www.ispi.org).
- \* 6/14-17/10, Boston, MA. *AMA's Myers-Briggs Type Indicator® (MBTI®) Certification Program.* American Management Association, [www.ama-seminars.org](http://www.ama-seminars.org).
- \* 6/16/10, online. **SkillCast Webinar: Evidence-Based Training: Moving Beyond Fads and Fiction in Workforce Learning.** International Society for Performance Improvement, [www.ispi.org](http://www.ispi.org).
- \* 7/21/10, online. **SkillCast Webinar: Creating Engaging Web-Based Training.** International Society for Performance Improvement, [www.ispi.org](http://www.ispi.org).
- \* 8/18/10, online. **SkillCast Webinar: Comparing Four E-Learning Applications: Lectora, Articulate, Captivate, and Camtasia.** International Society for Performance Improvement, [www.ispi.org](http://www.ispi.org).
- \* 8/18-20/10, Atlanta, GA. *Instructional Design for Trainers.* American Management Association, [www.ama-seminars.org](http://www.ama-seminars.org).
- \* 9/15/10, online. **SkillCast Webinar: Working Together When You Are Apart: Web-Based Collaboration Tools.** International Society for Performance Improvement, [www.ispi.org](http://www.ispi.org).
- \* 10/12-13/10, Arlington, VA. *Telling Ain't Training Conference.* American Society for Training & Development, [www.astd.org](http://www.astd.org).
- \* 10/14-15/10, Atlanta, GA. *Telling Ain't Training Conference.* American Society for Training & Development, [www.astd.org](http://www.astd.org).
- \* 10/24-27/10, Orlando, FL. *Elliott Masie's Learning 2010.* The Masie Center, [www.masie.com](http://www.masie.com)

## Certificate and Degree Programs

**American Society for Training & Development, Certificate Programs,** [www.astd.org](http://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)
- Designing Synchronous Learning Certificate (6-week online program)
- Developing Great Managers Certificate (2 days)
- E-learning Instructional Design Certificate (2 days)
- Essentials of Adobe Captivate 4: Production Tips and Tricks (1 day, online only)
- Essentials of Adult Learning (2 week online program)
- Essentials of Camtasia Studio 6 with Kevin Siegel (1 day 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 Performance-Based Job Aids (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 with Ruth Clark (5 day online program)
- Essentials of Social Media for Learning (2 week 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](http://www.clarktraining.com):**

Ruth Clark's programs are now offered online only. Check her website for available dates for:

1. e-Learning Certificate:

- Needs Assessment for Performance Technologists: Tools and Techniques
- How to Plan, Design, and Evaluate e-Learning
- e-Learning and the Science of Instruction

2. Instructional Systems Design Certificate:

- Needs Assessment for Performance Technologists: Tools and Techniques
- How to Plan, Develop, and Evaluate Training
- Building Expertise: How to Apply Learning Psychology to Instructional Design

**Ithaca College Online Professional Certificate Programs, Ithaca College, [www.ithaca.edu/gps/professional\\_programs](http://www.ithaca.edu/gps/professional_programs). Two-week online sessions in:**

- Performance Improvement Management
- Program Evaluation and Measurement

**Training Live+Online Certificate Programs, Training magazine, [www.trainingliveandonline.com](http://www.trainingliveandonline.com):**

- Instructional Design: Performance-Based and Results-Focused, starts 2/16
- E-Learning Design, starts 2/22
- Leading Great Live Online Events, starts 3/15

- Advanced E-Learning Design, starts 3/15
- Do-It-Yourself E-Learning Developer, starts 4/7
- Designing E-Learning with Captivate, starts 4/8
- Doing More with Fewer Resources, starts 4/27
- Kirkpatrick Four Level Evaluation, starts 5/3
- Producing Great Podcasts, starts 5/10
- Scenario-Based E-Learning, starts 5/24
- Designing Training for the Workforce of the Future, starts 9/14
- Training Manager Certificate: Managing the Training Function for Bottom Line Results, starts 9/30

**American Society for Training & Development CPLP Certification: Certified Professional in Learning and Performance.** This is a comprehensive program consisting of approximately 10 weeks of coursework, a knowledge-based examination, and submission of a qualifying work product, and addressing the nine areas of expertise identified in the ASTD Competency Model for workplace learning & performance professionals:

1. Designing learning
2. Delivering training
3. Improving human performance
4. Measuring and evaluating learning
5. Facilitating organizational change
6. Coaching
7. Career planning and talent management
8. Managing the learning function
9. Managing organizational knowledge

The coursework may be taken online or in a campus setting at any of 5 partnering universities.

[www.astd.org/content/ASTDcertification/](http://www.astd.org/content/ASTDcertification/) .

**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 to support and enhance 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.

[executiveeducation.wharton.upenn.edu/clo.htm](http://executiveeducation.wharton.upenn.edu/clo.htm).

**Villanova University Master of Science in Human Resource Development.** A two-year online master’s program, offering courses in

- organizational change
- human resource planning
- compensation
- international human resources
- organizational training
- project management

Villanova University,  
[www.VillanovaU.com/MHRD](http://www.VillanovaU.com/MHRD).

**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](http://nearyou.gwu.edu/sfm/index1.html).

## Resources:

### **Moving from Lockstep to Competencies.**

For firms considering adopting a competency-based performance management system, two good recent articles lay out the challenges involved.

Larry Richard of Hildebrandt explains the potential impact of a levels system on other components of a firm's infrastructure (and vice versa), and the demands it will place on firm leadership. ("[The Issues in Moving from Law Firm Lockstep to 'Levels' Compensation](#)," *New York Law Journal*, November 6, 2009.)

And, in a November 19 article in *The American Lawyer*, three panelists at the 2009 NALP PD Institute condensed the views they expressed there. ("[How to Shift Law Firms to a Performance-Based Compensation System](#)" argues the case for a level system and outlines the necessary elements. The authors are Dan DiPietro of Citi Private Bank, Lisa Keyes of King & Spalding, and Laura Saklad of Orrick, Herrington & Sutcliffe.

**Social Networking**, another topic that's attracting a high level of interest these days, is addressed in two new articles.

"[Social Media Spikes: ABA survey shows giant leap to networking tools](#)" reports on the social networking findings in the ABA's six-volume *2009 Legal Technology Survey Report*. The use of blogs by large firms (100 or more lawyers) has more than doubled since 2007 (to 18% from 8%). And large-firm lawyers are, at 57%, also the most likely to use social networking sites such as Facebook, LinkedIn, LawLink, or Legal OnRamp. (Catherine Sanders Reach, *Law Technology News*, December 1, 2009)

A January 22 article in *Employment Law Strategist* by three attorneys at Shook, Hardy & Bacon "discusses the laws that impact social networking in the workplace and provides guidance on developing a social networking and blogging policy." William C. Martucci, et al., "[Social Networking: A Workplace Policy](#)."

## MCLE Watch

The **New Jersey** Supreme Court announced its new CLE rule on December 18, "effective immediately." The rule mandates 24 CLE hours over 2 years, including at least 4 hours on ethics or professionalism topics. The Supreme Court will appoint a Board on

Continuing Legal Education that will decide the types of activities that will qualify for credit; the Board will also designate approved providers. See the [press release](#) or the [rule](#) itself.

