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Teaching Writing So It Sticks

Steve Armstrong

If you teach writing to sophisticated professionals, at some point you've had a tough conversation with your conscience. The exchange goes like this:

Me: I want my audiences to be happy. Laughing at the jokes is also good.

My conscience: So what's the issue? Even the most puritanical conscience, much less yours, can't object to happiness.

Me: Here's the problem: People are happiest when you're teaching something that's easy to learn. In writing, that means nifty editing games with sentences and paragraphs. But that's not what is most important, at least not for lawyers in sophisticated practices. For them, the crucial challenge is a tougher one: learning to organize a dense mass of material so it's easy for readers to navigate.

My conscience: In that case, the answer is obvious: They have to slog through the important stuff for their own good. End of story.

Me: But slogging isn't much of a learning technique, especially for millennials. Besides, it's painful to watch.

My conscience: No pain, no gain.

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At this point, the conversation becomes unfit for print. So let's abandon it and go at the problem more conventionally.

With any skills program, the challenge is to produce some lasting improvement in the participants' performance, even if the change is incremental – as it almost always is – rather than transformational. The more complex the skill, the more difficult the challenge. And, of all the core skills that directly affect the quality of someone's lawyering, writing poses the greatest challenge. That's the case primarily for two reasons:

First, writing consists of several skills that have a common purpose – in legal writing, communicating clearly and persuasively – but don't have much else in common. Writing a longer sentence that remains crisp and clear requires one kind of skill. Organizing a dense, multi-page analysis requires another. Crafting an introduction so it grabs an impatient client demands yet another.

Second, among these skills, the most important ones are also the most difficult. Although your associates may not be perfect at the sentence level, writing clear sentences is no longer the most important skill they have to master. The critical skill is organizational: How can they structure complex documents so they are not only logically organized but also easy to read? Another skill is a close second in importance and, for some lawyers, equally difficult: connecting with a reader quickly at a document's beginning.

Sentence-level skills are relatively easy to teach; organizational and rhetorical skills are more difficult, especially if you want the learning to stick after the audience walks out of the room.

Why the difficulty? Let's focus on the organizational skills.

- It takes more time and effort to dissect examples of organizational issues. Some examples have to be pages long, too long to put up on a screen, and the audience will have to work harder to absorb them. They have to be chosen carefully, so it won't take too long to see their point. Exercises have to be designed even more carefully; otherwise, they will consume too much time and energy. And, because the participants have to work longer and harder with both the examples and the exercises, it's more difficult to give them the quick sense of mastery we all crave.

- The issues are often harder to spot, not only harder to tackle. Lawyers are trained to "think like a lawyer" about organization: that is, to think in terms of logic and rigorous analysis. They're not trained to "think like a writer" about what else they need to do to organize complicated material so it's easy to understand.

- Most of us emerge from our educations able to talk about sentences with at least a semblance of incisiveness and coherence. But we don't have the same head start when it comes to talking about organization, especially about the organizational issues that remain once the logic is in place. There's something about topic sentences, something about introductions, something about sub-headings, and then most of us (including partners who edit associates' writing) are reduced to semi-articulate mutterings not much above the level of the comments we saw in the margins of our college essays: "This doesn't flow" or "I can't follow this."

Can these difficulties be overcome? Of course – but only with a lot of attention to a program's content and structure.

Here are the steps for building a program that teaches the writing skills that really matter, and teaches them so they stick. The list below is not as long in practice as it may look on paper, because some of the steps take place simultaneously.

1. Show the participants what you're talking about. They won't necessarily see it for themselves. Often, I'll show a group a longish extract from a brief or a memo and ask them to talk about how it could be improved. They will zero in on the issues with which they're most comfortable: the substance and, when they focus on the writing, the sentences. I'll then ask if they have any comments about the organization. If the passage is organized logically and they don't have to jump across chasms between paragraphs, they usually don't have much to say. Then I'll show them the revision. The differences are too dramatic and too effective to argue about – even though no one initially saw much of a problem with the original.

2. Give the participants concepts and a vocabulary for talking about what they've seen. The concepts should be simple and easy to remember. I usually start by distinguishing between substantive or logical clarity (do you have the right material in the right sequence?) and "cognitive" clarity (have you made it easy for readers to absorb, process, and remember the material?). I then go on to describe the steps that will move documents from the first kind of clarity to the second. The list of steps is short, and the concept behind each is easy to grasp. For example: At the start of sections and longer passages, make sure there's a "focus" that tells readers what they should look for and think about as they go forward. Then give them a "map" of the terrain ahead and follow up with "road signs" along the way. The concepts are simple because the effort should go into applying them, not struggling to understand them.

3. With each step, show the audience what it's like to take the step, through a series of quick before-and-after examples. The key is to demonstrate what the step looks like at all levels of a document. For example, everyone gets the importance of "mapping" a document's structure near its beginning. But they're less likely to realize that they need to make their structure explicit on the smaller scale, all the way through a document's interior and, sometimes, even in a paragraph.

4. Show them the red flags – the surface signs of underlying organizational problems – that they should learn to spot in a draft and the diagnostic tests they should apply. For example, if they read the opening paragraphs of a document's sections, do they come away with a coherent overview of its content? As they read, are they ever surprised by a new topic that pops up unexpectedly?

5. With each step, give them an editing exercise so they can take the step themselves. The exercises are critical because the simplicity of the editorial concepts can fool people into thinking the concepts will be easy to apply. Sometimes they will be, but often they will not.

How should these exercises be designed?

- If an exercise is to help participants internalize the specific skill the step embodies, it should focus solely on that skill. They shouldn't be distracted by worrying about other kinds of edits.

- The document they're editing has to appear realistic, the kind of document an associate might draft.
- Usually, the participants should pair up for the exercise. That's useful not only for the most obvious reason – it generates some noise and energy – but also because each associate will see things that the other will not and suggest organizational tactics the other won't have contemplated.
- The debrief has to discuss the judgment calls that expert editors think about when they edit. As often as time allows, it should also show alternative edits.

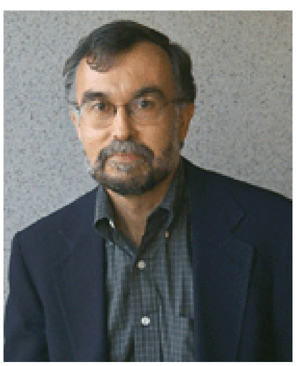
6. Put all of the steps into a simple, coherent checklist that the participants can bring to bear when they edit drafts. Building this checklist begins when the program begins and runs throughout it. By its end, the checklist becomes the take-away that will enable the participants to apply what they have learned systematically and consistently. The checklist is important because it addresses a problem that bedevils mid-level and senior associates who have been told they write pretty well, but not yet well enough. They go to writing programs and work diligently and anxiously to improve; sometimes, in desperation, they even read books about writing. But there's not much change, even though they clearly have the intelligence and linguistic skill to do better.

What's the obstacle? Often, it's a flaw in how they edit. They read through a draft again and again, each time trying to make it better in all possible ways – but in no specific way. This approach almost guarantees that they won't spot the organizational and stylistic problems they need to fix. That's especially true of the problems they have trouble recognizing because, over all the years during which their writing was judged by less rigorous standards, no one complained. The checklist forces them to take separate passes through a draft, each time focusing on a separate set of organizational or stylistic issues.

As a result, they learn to approach a draft as a doctor approaches a physical exam. If doctors were to conduct physicals the same way most lawyers conduct edits, they would begin at our scalp and wander down to our toenails, simply looking for whatever happens to catch their eyes along the way. Instead, they are trained to focus on a series of diagnostic steps, one by one. To be effective, editors have to learn the same technique.

All the steps listed above take place within a single program. Ideally, however, there would be two follow-up steps:

7. Individual coaching based on each person's writing.



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8. An editing workshop for senior lawyers, so their edits will reinforce the advice their associates hear in the training program.

Nothing above is meant to denigrate the importance of working at the paragraph and sentence level. That topic could be covered in the second half of a longer program or, of course, in a separate workshop. For most of the associates in your firms, however, especially those who write longer, more complex documents, the most difficult and most important work takes place at the organizational level.

A program with a full agenda would cover one other topic that I've mentioned only in passing. Novice legal writers are often quite bad at writing introductions that establish the writer's credibility from the start. Creating this connection with a reader is yet another distinct skill, one that's especially important when lawyers write to judges or clients. It's even trickier to teach than organizational skills. But that's a topic for another article.

What Goes Around . . .

Katherine M. White

"With every relationship – personal and professional – there is give and take. Looking for ways to compromise when possible and treating others with respect are attributes that can pay off later, in how others treat you and whether they want to work with you."

– Tamika Langley Tremaglio, Huron Consulting

This article is about the power of building relationships. It is about building a successful book of business and a successful career through writing and speaking. And it is about why doing great work and going the extra mile can help benefit your organization and you long after you have left one employer and moved on to another.

Two incredible and successful people agreed to be interviewed for this article. Tamika Tremaglio is a JD/MBA as well as the Washington Office Managing Director and co-leader of the global disputes and investigations practice for Huron Consulting Group. Kirk Pasich is a partner heading the insurance coverage practice at Dickstein Shapiro and is also a member of the Executive Committee there.

Relationships Matter

Tamika Tremaglio and I met in 2003 while I was at Morgan Lewis and she at a Big Four accounting firm. We worked together on a joint expert-witness deposition project that was ultimately very successful, giving 10 attorneys the opportunity to practice deposing expert witnesses and 10 consultants practice testifying. After the program was over, Tamika kept in touch with me by inviting me out to lunch and to receptions and other events at her firm. Later, when I moved to Dickstein Shapiro and she to Huron Consulting, we convinced our new employers to offer the expert-witness training program. The program was a great success once again, benefiting both our firms and the attorneys and consultants who were trained.

I did not think I would ever be in a position to refer business to Tamika, or to reciprocate for all of her personal kindnesses to me. But she continued to reach out and to offer Dickstein, and later Akin Gump, top-notch, and free-of-charge, accounting and financial training programs for their attorneys. This was a great way for the firms to obtain training from outside experts, and Tamika's active networking helped Huron gain exposure to the partners at these firms. Again, both Huron and the law firms benefited.

Fast forward to 2009. I was now Chief Attorney Recruiting Officer at Akin Gump. Tamika asked if I would introduce her to one of our litigation partners who is well known in her field. I arranged for the two of them to meet, and Tamika was engaged as an expert in one of the partner's current cases during their first meeting. Through her work and other networking opportunities, Tamika kept in touch with this partner and began to form a professional relationship. The story came full circle earlier this year when Tamika was instrumental in referring a piece of business to Akin Gump.

Writing Your Way To A Successful Career

> *"I read the local legal newspaper, and noticed that practitioners would write columns about their field of expertise but that no one was writing a column about entertainment law. So I called the editor...."*
>
> *– Kirk Pasich, Dickstein Shapiro*

Kirk Pasich has built a successful career in the insurance coverage and entertainment law field. For 21 years, since he was a mid-level associate at Paul Hastings, he has written columns for *The Los Angeles Daily Journal* on entertainment law, courtroom craft, and insurance law. And he continues today to write a monthly column on insurance law.

Kirk saw an opportunity and was willing to put in the extra time to make it work. Having clients, practitioners, mediators, and judges see his name in print, month after month, on topics of interest has served him well. People contact Kirk with questions. They refer business to him. They send his articles to friends, who contact him about potential business. Kirk keeps in touch with his contacts by sending them articles every month along with quarterly client alerts; he also keeps them informed about developments and trends that affect their business.

In addition to writing, Kirk has built contacts through public speaking and by doing great work for clients that impresses both the client and often opposing counsel (who have referred work to him as a result). Each of these things redounds to Kirk's reputation as an expert and to his success in developing business.

Associates are often skeptical about how they can emulate Kirk's success in their own careers. Kirk believes that they, too, can succeed with his model. Publications of all kinds, including industry blogs and magazines, are eager to find authors to submit articles. Associates should volunteer to speak at bar association meetings, client industry conferences and meetings, in-house training programs, and business development events and conferences. They should work to become experts in their fields and to keep up with the business of their clients.

Four Cornerstones of Successful Networks

Last fall when I left Akin Gump, I turned to the network I had been building during my entire career. Through my contacts, I landed three amazing consulting opportunities that have enabled me to continue working in my field. I have seen firsthand how building relationships and friendships through networking and doing great work helps you when you most need it.

In my experience, these are the four cornerstones of building successful networks:

- Building a great reputation inside your organization by doing great work and being known for your contributions.
- Becoming a resource to colleagues inside and outside of your organization, the person they know can bring people together to achieve a goal.
- Reaching out to clients and colleagues outside of your organization in a consistent and organized manner and maintaining a relationship with your contacts.
- Attending networking events to build your contact list and stay informed about new developments in your field and practice.

Networking 101

Many books and articles have been written about this topic, and no article would be complete without a "how to" list for effective networking.

1. Determine a strategy for your networking goals.
2. Build your contact list via LinkedIn.com or other social networking sites that will maximize the contacts of your friends and colleagues and give you a platform for organizing your contacts.
3. List the people in your network and the people you would like to invite to join your network. Include friends, colleagues from your current and past places of employment, family members, college and law school classmates, and others you meet at business and social occasions.
4. Rank your contacts in order of importance from one to five – one for the contacts you believe can be the most helpful to you, and five the least helpful.
5. Then begin to contact the people in your network who can be the most helpful to you in achieving your goals. For example, you can contact all of the people you ranked #1 first, and see where these contacts lead you, before moving on to others on your list.
6. Make sure you have an agenda for meetings with contacts, so you will be able to make the most of their time with you, and they will come away from the meeting with a clear idea of what you are asking of them. And remember to be on the lookout for what you might be able to do for them.
7. Follow up after meeting with your contacts and be sure to follow through on anything you offered to do for them during your meeting.

So why bother? What can you gain from meeting with contacts, and what can they gain from meeting with you? Here are five benefits:

1. You will have the opportunity to get to know people whom you respect as successful in their fields. If you are able to make a connection, you will begin to form a relationship that can be useful to both of you for years.
2. If you are on a job search, your contacts can provide information about an industry or specific field that will be helpful. They can provide answers to questions you may have as preparation for a job interview.

3. You can learn insider information about a specific work place and the people who run it. What is it really like to work there? Are people happy? How are employees treated? What kinds of clients or work do they have there?

4. You may get ideas about other people you might contact.

5. You can find much-needed mentoring and support.

There are many ways to approach networking, build a reputation, and develop business. At times the benefit may not be immediate or obvious; but rest assured, when I hear "what goes around comes around," I no longer think of this as a negative threat. It is true in the best possible way, and I'm the first one to nod my head.

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Quote of the Quarter:

"We need to sort out what's important from what's not. We need to know what problems to pay attention to and see what's important in the scheme of things, not just urgent. When [PD] responds out of a sense of urgency, we can develop credibility as a reliable pair of hands. But that doesn't get us the seat at the table. We need to say, 'XYZ is happening and that has ABC impact on us short term and long term,' and then make a case for what to do. It's a proactive position based on big-picture and systemic thinking that we need in the long run."

– Pat McLagan, Consultant, McLagan International, in the study report for the ASTD Competency Model

What We Do: A Competency Model for PD

Gaye Mara

The old saying that "Our people are our most important asset" is never truer than in a law office. What's in our people's heads, and how they use it to solve clients' problems, is indeed our most critical capital asset.

So it should follow that the most valuable, and valued, management function in the organization would be the one dedicated to developing and maintaining its human capital -- that is, the professional development function. Yet, except in a few cases, PD has not yet attained that level of influence and credibility. Why not?

Perhaps it has to do with a lack of awareness of how much the PD function, when performed at the highest level of competence, can contribute to the success of the organization. And perhaps there is also some lack of clarity as to just what capabilities a PD professional should possess.

A competency model for PD

A competency model seeks to capture two things:

1. What the members of a given profession do and
2. What capabilities they should have in order to do it.

Law firms are paying increasing attention to developing competency models for their lawyers so as to do a more consistent job of hiring, developing, and advancing top legal talent.[1] A PD competency model would enable comparable quality assurance for the PD function -- the very function that is so critical to effective follow-through on strengthening lawyer competence.

Fortunately, such a PD model already exists. In 2004, the American Society for Training and Development published a competency model for professionals in "Workplace Learning and Performance"[2] – that is, for people like PD professionals whose job, essentially, is to help others improve their own professional competence and job performance. Since then, ASTD has developed a certification program and educational curriculum based on the model.[3]

Value of the model

A competency model has value when it describes clearly and comprehensively what people in a given profession are expected to do, because understanding what practitioners do affects every career-related decision within and around a profession. Thus, if the ASTD model gives me a clear understanding of what a PD professional should be able to do:

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[1] See, for example, in our past issues: Chitwood, Stephen R., and Anita F. Gottlieb, "Critical Business, Management, and Supervisory Skills for Associates: ALA Research Findings and Their Implications." February 2000; Sloan, Peter, "From Lockstep to Levels," August 2002; Bock, Heather, and Lori Berman, "Building and Using an Associate Competency Model," August 2006; Guberman, Ross, "Competencies Without Tears: Thoughts from a Trainer in the Trenches," February 2010.

[2] Bernthal, Paul R., et al., *Mapping the Future: Shaping New Workplace Learning and Performance Competencies.* Alexandria, VA: ASTD Press, 2004 (hereinafter referred to as "Study Report").

[3] See http://www.astd.org/content/ASTDcertification/ for more information. The International Society for Performance Improvement also has a well-regarded certification program, based on demonstrated job performance and employer/client testimonials rather than completion of an educational curriculum (see http://www.ispi.org/content.aspx?id=426).

- As a prospective PD professional, I have some idea of what the profession involves, whether I would be suited for it, and how to prepare myself to enter it;
- As a practicing PD professional, I can analyze what my strengths are and what gaps in my capabilities need to be filled, and I can chart my future career path;
- As an educator or conference planner, I know what subjects my educational programming for PD professionals should address;
- As a hiring manager, I know what experience and capabilities to advertise for and to screen for in a candidate for a PD position; and
- As a supervisor, I can better understand how to support my subordinate's learning and performance needs.

With the addition of clear performance standards by the employer – *i.e.,* not just what PD professionals should be able to do but just *how well* they should do it to meet the needs of the firm and its clients:

- As an employee, I understand my employer's performance expectations, and I can better assess my own performance and explain my accomplishments and my value to the organization;
- As a supervisor, I know how well my subordinates are doing and what performance feedback to give them; and
- As an employer, I can make fairer and smarter decisions about retention, termination, compensation, and advancement.

The ASTD model was developed for, and with the participation of, members of that Association, most of them corporate trainers or training consultants. But because of the breadth of what is included in the model, it is particularly relevant and useful for PD practitioners.

Unlike corporate trainers, most of us are not "siloed" in the training function; we often have other tools in our kit for ratcheting up performance, including responsibility for such areas as recruiting and hiring, career development and counseling, performance management, and assignments. Indeed, many of our jobs extend beyond the model into other HR disciplines that the model only mentions in passing.

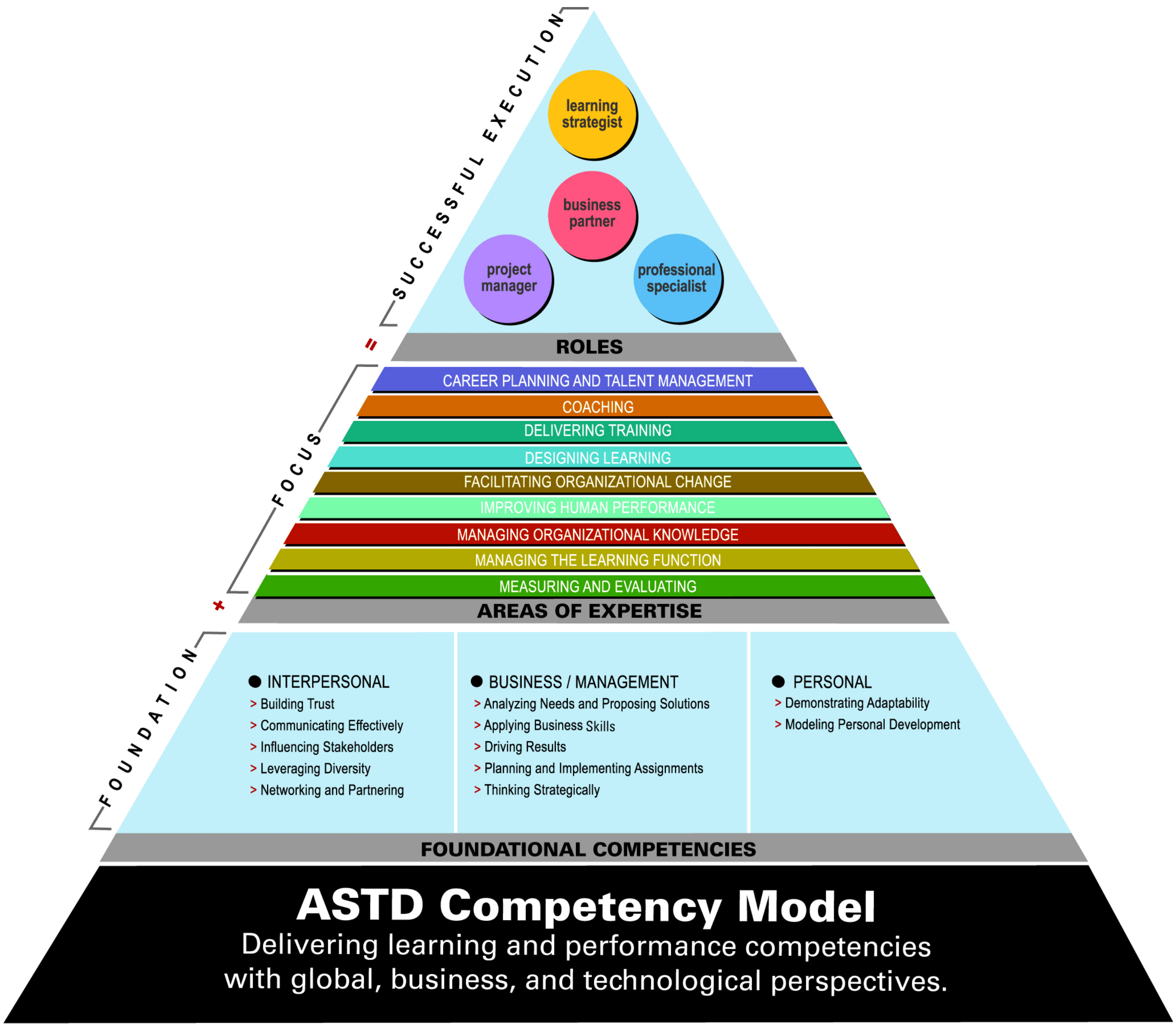
Moreover, many PD professionals have assumed their positions without specific preparation for the field. According to NALP and *PDQ* survey statistics, the majority of PD professionals at the Director and Chief Officer level are law graduates. A significant fraction of the rest are former recruiting or legal personnel directors. The model tells us the capabilities we need to develop in ourselves, and to look for in our staff members and consultants, in order to be effective at this demanding job.

One other way in which this model is valuable is as an example of what a well-done competency model, one that has been thoroughly researched and validated, should look like. Those of us who are engaged in developing lawyer competency models for our firms can learn from it and from the process used to develop it, which is explained in Appendices C and D of the Study Report.

Summary description of the model

The ASTD competency model, graphically represented on the next page, is organized as a three-level pyramid:

1. At the base of the pyramid are twelve **Foundational Competencies**, the basic capabilities that undergird our performance as "Workplace Learning and



Performance"[4] professionals. These are divided among three categories:

a. Interpersonal,
b. Business/Management, and
c. Personal.

The Foundational Competencies are essential for us to succeed in our field, but are not necessarily exclusive to it. Indeed, when we consider such powerful and broadly useful skills as *Building Trust* (under Interpersonal) and *Thinking Strategically* (under Business/

[4] I prefer to use the term "professional development" (or "PD"). It's less cumbersome, and I think it adequately expresses the notion of strengthening competence and performance at work. And, if we regard as a "professional" everyone in the workplace who possesses specialized job knowledge and skills, then PD's scope potentially encompasses every position in today's firm, from mailroom clerk to managing partner or CEO.

Management), it is easy to see why someone who has been highly effective in the PD profession can succeed surprisingly quickly in a new and very different career. The Foundational Competencies also give prospective employers a basis for evaluating the potential of employment candidates who lack job-related experience, whether they be beginners or career-changers.

2. In the middle are nine **Areas of Expertise**, the core content that distinguishes our profession from every other profession. Any given position in our field will encompass one or more of these Areas of Expertise but probably not all of them. Also included in this level of the model is proficiency in using the technology tools that support the Areas of Expertise.

3. Finally, the top level of the pyramid is occupied by the four major **Roles** our profession can play in the organization, Roles whose successful execution is necessarily supported by the underlying Areas of Expertise and Foundational Competencies.

The Study Report bookends its description of the competency model with some useful context. Chapter 1 of the Report, "Eight Trends Shaping the Profession," describes eight significant trends in society and business and how PD can position itself to respond to them.[5] And Chapter 6, "Realizing the Value," suggests how the components of the model can be applied in partnering with the organization, in managing one's PD career, and in developing and managing a PD staff.

How to Use the Model

To me the great value of this competency model lies in its vision of PD as a partner in firm decision-making. To the more traditional PD competencies, it adds the business and interpersonal competencies that support the role of Business Partner. [6]

To provide genuinely valuable input at the leadership table, we must also have solid possession of the specialized knowledge and tools of our field. And that is the second great contribution of the model, in identifying and detailing the PD-specific Areas of Expertise ("AOEs") we and our staffs should develop.

As a start in using the model, I recommend reviewing the Study Report's detailed descriptions of the AOEs that relate to your job to see what strengths you might focus on developing.[7] The detailed write-up of each AOE (see Appendix A) begins with a definition of what that area encompasses, followed by three lists: Key Knowledge, Key Actions, and Sample Outputs.

Let's take, for example, the AOE *Managing the Learning Function.*[8] It is defined as:

> Providing leadership in developing human capital to execute the organization's strategy: planning, organizing, monitoring, and adjusting activities associated with the

[5] While the Study Report was written in 2004, the trends it identified – including economic uncertainty, globalization, aging and increasing diversity of the workforce, and advances in technology – have only accelerated since then. The longevity of ASTD's trend projections may be due to the participation of visionaries like Margaret Wheatley and Peter Senge in the development of the model. Indeed, the list of project contributors (Appendix E to the Study Report) is an extraordinary roster of luminaries in human and organizational development.

[6] Also useful in preparing for the Business Partner role are three checklists in Chapter 1 of the Study Report: a Business Understanding Checklist, Business Performance Checklist, and Strategic Talent Checklist (pp. 8, 9, 11).

[7] Chapter 6 of the Study Report contains additional suggestions and tools for partnering with others in the organization and for PD hiring, promotion, evaluation, staff development, and career planning.

[8] See Study Report, Appendix A, at pp. 79-80.

administration of workplace learning and performance.

The list under Key Knowledge for this AOE contains 15 items. The first of those is "Needs assessment methodologies and learning needs identification," something I would venture that many current PD specialists don't know how to do, even though it is fundamental to identifying and strengthening the specific competencies that will lead to success for the organization.

Next, the first of 8 items under Key Actions is "Establishes a vision," further defined as:

> Creates a compelling picture of how the learning function can improve the performance of the business and enable execution of the organization's strategy; partners with business unit leaders to advocate for improving human performance through the learning function.

And finally, the first of 6 Sample Outputs is "Learning and development proposals."

The component competencies of this AOE squarely position the PD professional who possesses them to make the kinds of contributions that will directly and visibly support the firm's success and can ultimately lead to a Business Partner role for him or her.

Conclusion

The success of any knowledge-based organization, law firms included, depends almost entirely on the competence and performance of its people.[9] And strengthening human competence and performance is exactly the mission of PD.

Education and training and its various extensions (such as mentoring, feedback, and KM) are only a part of that mission. Our sights should be set higher, on promoting the quality and kinds of performance that produce success for the organization. To do that, we need to take a seat at the table where the firm's strategic decisions are made. This model charts a path for us to earn that seat.

*[**Author's Note:** I thank the American Society for Training & Development for its kind permission to reprint the graphic of its competency model in this article. Portions of this article are adapted from my article "On Competency Models," published in the Spring 2010 issue of **In the Loop**, newsletter of the Association for Continuing Legal Education.]*

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[9] We like to think we can "capture" competencies in KM systems, and certainly such systems can facilitate the sharing of knowledge across the organization. But the computer has yet to be invented that can try a lawsuit or develop a relationship of trust and confidence with a client.

*(**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 maraeg@profdev.com.)*

Supporting Learning Without Training

At some firms, PD budgets for training activities have yet to recover to pre-recession levels. Here are some other approaches for promoting professional development, including some possible examples for each:

1. Self-Study. Self-study is often the best way for learners at any level to absorb a large volume of new content quickly.[1] A particular advantage, especially if the resource is well indexed, is the ability to skip over content the learner already knows or that is not relevant to his or her needs.

- Recommended reading and resource lists
- Internal and external resource libraries
- Users' manuals
- Attorneys' manuals
- Archived courses on the Web, firm intranet, CDs, or tapes

2. Information Resources. Learning takes considerable time and energy. Ask yourself: Do they really need to learn this right now, or do they just need to have the information available? If the latter, information resources are a more efficient and cost-effective solution. [2]

- Libraries and intranets
- KM systems
- Job aids (see Item 5 below)
- On-line databases and research services

3. Informal Learning – that is, learning activities that are less structured, more spontaneous, and/or more under the learner's control than formal instruction. Informal learning goes on whether you support it or not because smart, motivated people will always pursue learning on their own. But your judicious support can improve its quality and accessibility.

- Work-based learning (see Item 4 below)
- Expert consultations and networking (*e.g.,* picking the brains of the guru down the hall or a colleague in another organization)
- Mentoring
- Private coaching
- Observation and "shadowing" (observing the performance of experts, usually along with an opportunity to discuss it before and/or afterward)
- Case and project post-mortems
- Practice group meetings
- Communities of practice
- Professional association/trade group memberships and activities
- Research

4. Work-Based Learning. Because experience is indeed the best teacher, we should use regular

[1] Self-study is also a valuable and under-used adjunct to training, especially in the form of advance reading to make sure that all participants are familiar with basic concepts.

[2] Your Gen-Xers and subsequent generations already know this, and they will strongly prefer the option of looking things up when they need them.

assignments and special projects as much as possible to grow lawyer competence.

- Managed assignments
- Rotations among offices and/or practice groups
- Small case/reduced-fee assignments
- Work on firm committees and special projects
- Pro bono work
- External rotations to clients, public service organizations, and government agencies
- Bar association projects

5. Job Aids. Job aids are resources created to guide or support the performance of specific tasks. They are designed to be used on the job while the task is being performed, and they can accelerate work-based learning.[3] Many of your lawyers have probably developed their own that they would be willing to share with others.

- Checklists
- Step guides
- Work sheets
- Decision tables and flow charts
- Look-up tables, glossaries, and directories
- Mobile job aids: Pocket references, wallet cards, PDAs with embedded files or links
- Embedded equipment guides: Computer "help" files, instructions posted on equipment
- Model documents (exemplary samples of past work product)
- Document templates (guides to creating new work product)
- Commercial and custom software applications (these may perform common, mundane tasks automatically while facilitating more complex tasks)

6. Performance Feedback. As someone once said, "Feedback is the breakfast of champions." Particularly for beginners, who do not know how to evaluate their own performance and can easily misevaluate it (either positively or negatively), both reinforcing and corrective feedback are essential to development.

- Per-project reviews by supervisors and/or mentors
- "Reverse shadowing" (more senior lawyers observing and giving feedback on the performance of juniors)
- Informal performance reviews or "mini-evaluations"
- Performance appraisals
- Upward evaluations by subordinates
- 360° feedback from supervisors, subordinates, co-workers, and clients

Many of these non-training approaches are free, while others are less expensive than training. In the right circumstances, some of them are even more effective than training. And all of them will be a useful adjunct to training once your training program gets back on track.

– Gaye Mara

[3] When provided in conjunction with training, job aids can also help the training "stick" and are therefore extremely useful takeaways from training sessions.

Professional Developments

Events

Upcoming PD-related conferences, seminars, and workshops:

Legal Profession:

- 5/20/10, online. *Virtual Legal Tech.* American Lawyer Media, www.virtuallegaltechshow.com. (Free; CLE credit available.)
- 6/11/10, Chicago, IL. *2010 Diversity Summit.* National Association for Law Placement, www.nalp.org.
- 7/24-27/10, New York, NY. *ACLEA 46th Annual Meeting*. Association for Continuing Legal Education, www.aclea.org.

General Audience:

- 5/3/10, Washington, DC. *Learning and Government Briefing.* The Masie Center, www.masie.com.
- 5/10-13/10, Arlington, VA. *AMA's Myers-Briggs Type Indicator® (MBTI®) Certification Program.* American Management Association, www.amaseminars.org.
- 5/12-14/10, New York, NY. *Train the Trainer.* American Management Association, www.amaseminars.org. (Repeated 6/21-23, 8/16-18)
- 5/16-19/10, Chicago, IL. *ASTD 2010 International Conference & Exposition.* American Society for Training & Development, www.astd.org.
- 5/17-18/10, Arlington, VA. *Kirkpatrick's Four Levels: Increasing Training Effectiveness Through Evaluation.* American Management Association, www.amaseminars.org.
- 5/17-19/10, Chicago, IL. *Instructional Design for Trainers.* American Management Association, www.amaseminars.org.
- 5/17-20/10, Houston, TX. *AMA's Myers-Briggs Type Indicator® (MBTI®) Certification Program.* American Management Association, www.amaseminars.org.
- 5/17-20/10, New York, NY. *AMA's Myers-Briggs Type Indicator® (MBTI®) Certification Program.* American Management Association, www.amaseminars.org.
- 5/19/10, online. *SkillCast Webinar: Evaluation: The Link Between Learning and Performance.* International Society for Performance Improvement, www.ispi.org.
- 5/24-26/10, Saratoga Springs, NY. *Video for Learning LAB and Seminar.* The Masie Center, www.masie.com.
- 5/24-27/10, Chicago, IL. *AMA's Myers-Briggs Type Indicator® (MBTI®) Certification Program.* American Management Association, www.amaseminars.org.
- 6/1-3/10, Fairfax, VA. *6th Annual Innovations in e-Learning Symposium.* George Mason University, http://innovationsinelearning.gmu.edu.
- 6/7-9/10, New York, NY. *Instructional Design for Trainers.* American Management Association, www.amaseminars.org.
- 6/7-10/10, Atlanta, GA. *AMA's Myers-Briggs Type Indicator® (MBTI®) Certification Program.* American Management Association, www.amaseminars.org.
- 6/7-10/10, San Francisco, CA. *AMA's Myers-Briggs Type Indicator® (MBTI®) Certification Program.* American Management Association, www.amaseminars.org.
- 6/10-11/10, Chicago, IL. *LMS and Learning Systems Forum.* The Masie Center, www.masie.com.
- 6/14-17/10, Boston, MA. *AMA's Myers-Briggs Type Indicator® (MBTI®) Certification Program.* American Management Association, www.amaseminars.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.
- 6/16-18/10, Atlanta, GA. *Train the Trainer.* American Management Association, www.amaseminars.org. (Repeated 8/9-11)
- 6/29-30/10, Chicago, IL. *The 2010 Annual Corporate Diversity & Inclusion Conference*; post-conference seminar 7/1. The Conference Board, www.conference-board.org/diversity.
- 7/12-14 7/10, Chicago, IL. *Train the Trainer.* American Management Association, www.amaseminars.org.

- ❀ 7/19-21/10, Arlington, VA. *Instructional Design for Trainers.* American Management Association, www.amaseminars.org.
- ❀ 7/21/10, online. *SkillCast Webinar: Creating Engaging Web-Based Training.* International Society for Performance Improvement, 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.
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- ❀ 8/23-24/10, New York, NY. *Kirkpatrick's Four Levels: Increasing Training Effectiveness Through Evaluation.* American Management Association, www.amaseminars.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.
- ❀ 10/12-13/10, Arlington, VA. *Telling Ain't Training Conference.* American Society for Training & Development, www.astd.org.
- ❀ 10/14-15/10, Atlanta, GA. *Telling Ain't Training Conference.* American Society for Training & Development, www.astd.org.
- ❀ 10/24-27/10, Orlando, FL. *Elliott Masie's Learning 2010*. The Masie Center, www.masie.com

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)
- 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:

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. Two-week online sessions in:

- Performance Improvement Management
- Program Evaluation and Measurement

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/ .

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.

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.

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:

Training Magazine was shut down in February after its owner Nielsen failed to find a buyer. The staff was laid off, and all of Training's publications, courses, and conferences were canceled, including monthly Training Magazine, the annual Training Leadership Summit, and the Live!+Online educational curriculum.

We've always been a little leery of **Facebook**. An article on the techie website gizmodo.com explains why everyone should be: http://gizmodo.com/5530178/top-ten-reasons-you-should-quit-facebook

MCLE Watch

We're pleased to see that **New Jersey** 's new CLE regulations include law firms in those eligible for approved provider status. The full regulations are published online at http://www.judiciary.state.nj.us/notices/2010/n100129f.pdf. Regulation 302 on page 11 explains the standards for provider approval.

Resources:

The International Society for Performance Improvement has teamed with Pfeiffer, the HRD publisher, to produce a three-volume **Handbook of Improving Performance in the Workplace**. Each volume covers one core PD topic:

1. Instructional Design and Training Delivery,
2. Selecting and Implementing Performance Interventions, and
3. Measurement and Evaluation.

Until June 30, the publisher is offering a $50 discount on the three-volume set ($400 US/$480 Canadian, instead of $450/$539.99). Order online at www.pfeiffer.com/go/pfeiffercatalogs with promotion code WXX9EGG.

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