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Inside:

9

Marilyn LeLeiko on [Making Effective CLE Presentations](#)

15

Ross Guberman, Pros & Cons of 22 [Competency Approaches](#)

23

Learning Lab: [Matching Mentors & Mentees](#)

24

Book Review: [The Business of Happiness](#)

27

[Professional Developments:](#)
Events, Certificate & Degree
Programs, News, Resources

32

[MCLE Watch:](#) [NY]

33

[PDQ Subscription Form](#)

Mentoring: How Can We Do Better?

Heather Edes

A friend who recently graduated from law school told me of his search for a first-year associate position. He spoke dismissively of one smaller firm that didn't feature a mentoring program on its web site. What sort of shoddy commitment, he wondered, must that law firm have to developing its junior lawyers?

It's easy to see where my friend was coming from. Scroll through the materials on the website of any given AmLaw 200 firm and, chances are, you'll find detailed descriptions and testimonials about the firm's impressive mentoring program. A firm without such a program stands out and invites criticism from potential associates, particularly members of the Millennial generation, who have typically come to expect strong and active support systems.

My friend's assumption that mentoring programs are required for associate development got me thinking. What if that smaller firm had actually found a more effective way to prepare the next generation? What if its lack of a mentoring program meant that the firm didn't need such a program? Could it be the case that firms are over-relying on elaborate mentoring programs at the expense of fostering more natural opportunities to help associates develop?

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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, E-mail maraeg@profdev.com.

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Back to Basics: Why Mentor?

For most of the history of law practice, mentoring and apprenticeship were integral to the continuity and growth of the profession. New lawyers worked closely with more established attorneys at their law firms, building relationships based on trust, competence, loyalty, and an investment in the future of the firm and its longstanding clients. Established lawyers guided their newer colleagues through the process of becoming a professional, developing legal skills, building a reputation, and gaining the confidence of long-standing clients. Their investment in the next generation ensured that the practice continued to thrive into the future.

Developments in the late 1970's began to change the existing norms in law firm cultures and business practices, over time profoundly affecting the climate in which lawyers developed. In 1977, the U.S. Supreme Court identified a First Amendment

right of lawyers to advertise.¹ The founding of *The National Law Journal* and *The American Lawyer* in 1978 and 1979, respectively, ushered in the field of legal journalism. While seemingly unrelated, these two developments eventually began to peel away the confidentiality and professionalism that had traditionally protected law firms and their client relationships from the glare of public scrutiny.

The rise of the Internet in the waning years of the 20th century drastically accelerated the pace at which firms' business practices and relationships were exposed. Client rosters, financial performance, and compensation details virtually exploded into the public domain, fueling intense competition for the most profitable lawyers and clients. Billable hour and "book of business" requirements surged to excessive levels. Morale plummeted as partners deemed to be underperforming were stigmatized, or even de-equitized to inflate reported profits, and associates who could not fulfill the sudden requirement to have their own clients were not promoted. The relentless drive for record profitability spurred vigorous poaching of lawyers and clients from firm to firm. Huge classes of young, talented, and ambitious, but ever-more anonymous, associates supported firms' expansion. Waves of lateral associates joined and left.

As a result of this sea change, partners now have far less time to devote to identifying and creating opportunities for their junior colleagues, holding them accountable for achieving career goals, or providing thoughtful and challenging work assignments. Partners certainly no longer have much time to provide a sounding board for, or share guidance and perspective on, the associates' personal and professional challenges. In fact, few can truly afford to take an interest in associates at all beyond what is strictly necessary to get the job done. Seeking better working relationships,

¹ *Bates v. State Bar of Arizona*, 433 U.S. 350 (1977).

balanced lifestyles, or a more certain future at another job, associates have been fleeing law firms at record rates for about a decade, costing law firms millions of dollars in the aggregate.² And with associates rarely staying more than a few years, even partners whose natural inclination to mentor, or whose desire to insure the future of the firm, might surmount some of the productivity pressures lack any apparent incentive to make such an investment.

The Current State of Mentoring in Law Firms

Changed workplace norms have forced firms into an industry-wide attempt to systematize mentoring in order to retain and develop talent while promoting stability and continuity. Firms generally began assigning mentors to associates during the 1990's and soon learned that when formally-matched mentors and mentees are left to their own devices, few true mentoring relationships emerge. Participants are too busy, or too intimidated, or too uncertain of how to proceed to devote the levels of time and energy required. Perhaps the more senior lawyer has forgotten how to mentor, or maybe the more junior lawyer never really learned to appreciate and take advantage of a mentor.

In response, firms have developed certain best practices, such as offering training for both mentors and mentees, providing administrative support and monitoring, aligning objectives with the firm's business plan, securing the backing and sponsorship of firm leaders, and clearly defining the program's objectives, parameters, and expectations. Some firms even offer participants incentives beyond the rewards of mentoring itself, from small (gift cards, desktop plants) to large (financial bonuses and airline tickets).

² For two different approaches to estimating cost see, e.g. "Exit Strategy," 8/2006 Am. Law. 110; and "Parting May be Sweet Sorrow, but It's Getting More Expensive," 78-MAY N.Y. St. B.J. 32 (May 2006).

A lot of thought goes into the structure of law firm mentoring programs. And a lot of effort – usually by a professional development expert or another administrator – goes into making them work. After all, someone has to wrangle participants, match mentors with mentees, develop support materials, plan events, make sure participants are meeting, and generally market, evaluate, and refine the program.

It is a testament to the creativity and intelligence of the lawyers and managers of these primarily mid-size and larger firms that they have, over the years, created a range of innovative and well-run programs intended to promote relationship-building, goal-setting, business development, and intergenerational understanding.

But Does This Even Make Sense in a Law Firm?

With all of the time and energy invested by administrators, partner mentors, and associates, has the typical law firm approach to mentoring been successful? Not if we measure success by improved retention. According to the *NALP Updates on Associate Attrition* for 2007 and 2008, for every 10 new associates hired by law firms, approximately 6 associates departed. (Reduced voluntary attrition in 2009 was primarily a factor of the economic downturn; disgruntled associates had nowhere to go.)

Nor have mentoring programs been successful if we measure success by enhanced learning and performance. According to the same surveys, almost one quarter of associates departing in 2007 left for unmet performance standards, including work quality and productivity; and a full third of departing associates left for these reasons in 2008.

Finally, mentoring programs have not been successful if we measure success by improved stability and continuity within the firm. In fact (and again with the exception of 2009), the average annual attrition rate at law firms has remained steady since the late 90's, hovering between 15% and 20%.

While law firms have increased their commitment to and investment in formal mentoring programs over the past decade or so, we have seen little positive change in attrition, enhanced learning and performance, and stability and continuity. While relying on lawyers to weave mentoring into their daily relationships is no longer realistic, it seems that leaning too heavily on formal mentoring programs may not pay the dividends conventional wisdom assumes. If mentoring programs were successful, we would expect to see some uptick in these measures. What is the disconnect?

The bottom line is that poor quality relationships are the primary reason that employees in any industry leave their employers. Employees crave feedback, appropriately challenging work assignments, and a sense that their work is important. Employees depart when they lack an opportunity to build trusting relationships with supervisors and colleagues, a sense of achievement and contribution, and an understanding of the future of their careers.

Law firm associates are no different. NALP reports such as *Keeping the Keepers* (1998) and *Navigating the Bridges to Partnership* (2007) have well documented the importance to associates of having good relationships with their colleagues, receiving feedback and guidance, and feeling appreciated for their work. Associates who feel that someone has looked out for them tend to be successful; associates who feel underappreciated or isolated tend to leave.

The problem is that most mentoring programs cannot foster relationship building in a way that replicates what years of working

closely together used to produce. Effective mentoring depends on the development of trusting relationships over time. But many firm programs last for only one year.

Even in the best of circumstances, in which participants manage to meet relatively frequently and on a regular basis, typical law firm dynamics are likely to thwart the development of an effective relationship. Law firms are hierarchies, and lawyers are skeptics. Associates are uncomfortable expressing their concerns and goals to partners or to more-experienced associates who evaluate them. At the same time, many find being paired with non-supervisors too forced and awkward to develop meaningful relationships.

Pressured to develop business and bill hours to keep their jobs, even partners with the best intentions let mentoring responsibilities fall to the bottom of the priority list. Understanding the pressures, associates are reluctant to "bother" their assigned mentors – who were likely chosen for their roles because of their very success and business – with questions or invitations to lunch. For both participants in the mentoring relationship, then, mentoring becomes yet another administrative burden to comply with, yet another item on the "to do" list.

To help, firms may even provide discussion points, meeting agendas, and forms; but these tools are practically meaningless when foisted on individuals who, whatever the reason, can only have a relatively superficial, polite conversation.

Moreover, even supposing a firm has an exemplary program in all respects and participants do manage to build solid relationships, at some point the program will come to an end, or the mentor or mentee will depart the firm, or the mentee is promoted out of eligibility. What then?

It is certainly not the case that the mentee is now no longer in need of mentors. But

having had one or two mentors assigned over the course of the associate's short career, the mentee has not developed the skills to help identify the need for a mentor or to identify, approach, and engage potential mentors. Without having developed other trusting relationships, the mentee may feel abandoned and powerless to control the future.

While formal mentoring programs can provide a chance that a participant may develop one or, in an exceptional program, a handful of trusting relationships and may promote relationships among individuals who might not otherwise have met, the general sense of isolation and anxiety that has infiltrated a generation of associates simply cannot be solved, or even significantly alleviated, by more programs, more formal mentors, and more training.

A Better Approach

To help partners and associates build the types of trust-based relationships that facilitate mentoring and promote stability and continuity within the firm, law firms should reevaluate the role of and expectations for formal mentoring programs in their firms and should adopt and promote a more comprehensive view of mentoring. This approach recognizes and leverages the mentoring opportunities present or available in those interactions that naturally occur as lawyers engage in the daily business of practice. It is actually a more deliberate and managed version of the days of learning at the heels of a more seasoned professional.

Most firms these days are likely to offer a number of programs that provide a foundation on which meaningful relationships can be built. It remains only to take full advantage of these opportunities.

The first step is education. I refer not to training on how to talk with a mentor, but rather a thoughtful discussion of the inherent

nature of mentoring relationships.

Associates are so used to having others take responsibility for identifying and assigning to them formal mentors that many have no true understanding of the variety of mentors available to them or of how to identify and leverage professional mentoring opportunities.

For example, I commonly encounter resistance to the notion that mentors can be found in different practice groups from that of the mentee. Similarly, the idea that mentors must initiate and take responsibility for a relationship is commonplace among associates. Some basic exploration with associates about what constitutes a mentor, how to identify mentors in various professional settings, how to approach and learn from mentors, and how to be a good mentee is in order. Similarly, having frank discussions with your more senior lawyers can help dispel any unease resulting from the belief that a mentor is meant to be an all-purpose sage with guidance to offer for any and all situations.

Once your associates know how to recognize mentors and your mentors understand their role, you can turn to developing the mentoring opportunities in your other programs.

Business Development Initiative. If your firm has embarked on a business development initiative for associates, review your program for mentoring opportunities. Some common business development events are panels of successful rainmakers, skills development workshops, and client networking events. Invite partners to panels and workshops and follow these events with small group discussions, including one or more partners with each associate group, on how the advice delivered during the event has played out in the partners' experience. Involve associates on planning committees for client networking events and pair them with partners when assigning hosting responsibilities.

Providing the opportunity for associates to hear partners' personal experiences helps associates to see partners as real people with their own learning curves and mistakes, and collaborating with more senior colleagues in planning and carrying out a joint undertaking outside the normal billable project helps associates establish and strengthen connections with those colleagues.

Evaluation Process. The evaluation process presents a natural opportunity for career development mentoring. If you are not already doing so, consider having two partners present the feedback during the review discussion. One partner would typically be a manager, such as a department or practice group leader. The second partner, perhaps a more junior partner or a partner who is naturally inclined to take an interest in developing associates, is designated as a resource for follow-up discussion, planning, and performance feedback.

If associates are unlikely to reach out to this performance mentor, consider scheduling one or more follow-up meetings during the review discussion itself. Taking this simple step not only provides the associate with a sense that someone is looking out for his or her career development but also expands the feedback process further into the year, helping to remedy the tendency to provide feedback only at review time.

Training Curriculum. Chances are your firm is doing at least some formal training. These events are practically bursting with mentoring opportunities. The biggest challenge is in breaking away from the "talking head syndrome" that infects so many law firm training sessions, but a little effort can promote mentoring.

First, consider your faculty. While in many cases you will want a true subject matter expert, like a partner, to present, why not pair up an associate with that partner? In addition to providing a great opportunity for

the faculty members to build a relationship, by transferring at least some of the workload from the partner to the associate or paralegal you help the more junior member of the team develop substantive knowledge and skills as well. After all, the best way to learn a topic is to have to teach it. The same applies for associate-led classes.

Another approach is to follow partner-led training sessions with small-group discussions in which associates review the material with other partners or with more senior associates. And take the same approach with workshops led by faculty not otherwise affiliated with the firm. In each instance, you not only reinforce the learners' assimilation of the content but also provide a natural relationship-building opportunity.

Women's Initiative. Attrition of talented women is an urgent problem in law firms, and concerted efforts to retain these lawyers are mushrooming in the form of women's initiatives. While women's initiative committees commonly codify practices and arrange any number of formal training events, anecdotal reports suggest that the greatest gain comes from simply facilitating interaction and relationship building among women attorneys, which gives more junior women attorneys easier entrée to a network of potential mentors. This can be as simple as inviting all women attorneys to a periodic brown-bag lunch to as complicated as facilitating collaboration among women attorneys at all levels to organize business development events.

Such interactions break down generational and hierarchical barriers between senior and junior colleagues, promoting identification of common interests and challenges and identification of mentoring opportunities.

Work Assignment Processes. If your firm does not have a work assignment process, you may want to review trends in your associates' development. Are the opportunities to work with exciting clients,

matters, and teams evenly distributed? Is the more routine work fairly parceled out, with everyone taking on their share and no more than that? Are your clients seamlessly served despite attrition and competing work? Are associates approaching promotion decisions without gaps in their skills and experience?

Savvy firms are paying attention to the distribution of work assignments and leveraging the natural mentoring opportunities offered by whatever structure they adopt. The models vary with the needs and culture of each firm, office, or practice group. Some firms designate assignment partners who meet individually or in groups with their designated associates. Other firms task an administrator with that responsibility. Whatever the title of the work broker, so long as that person is willing to commit time to the task and is perceived as caring, connected, and influential, the work broker will be invaluable in making sure associates are getting exposure to the right mix of clients, projects, and partners.

Despite how obvious the proper path may seem to partners and managers, it is seldom so clear to associates when they are left to find their way on their own.

Firm Committees. In addition to providing opportunities for associates and other future leaders to have a real effect on the operation and culture of the firm, committee work offers abundant opportunities for relationship building and mentoring. On well-organized committees with actual responsibility, such as technology, space, library, training, green, and hiring committees, associates can not only engage with their senior colleagues on a joint enterprise to envision and build a better firm but can even take on leadership roles and shine in front of those they need to impress.

Career Development Resource. While few firms currently offer an in-house career development resource, this position is the

next layer in the evolution of the professional development function. While job descriptions vary, a career development manager is typically tasked with the day-to-day management of associates' careers. Career development professionals help associates set, review, and modify career goals and provide coaching and advice on designing and implementing a plan to achieve those goals. They help associates identify potential relationship-building opportunities with partners and coach associates through the process.

Particularly in a firm of 100 or more lawyers where it is all too easy for anxious or untutored associates either to sink below the radar or to cause trouble unintentionally, a career development professional can provide a bridge to important mentoring resources.

A note of caution: While some mentoring may naturally occur in each of these areas, it is important to provide ongoing coaching and to keep communication flowing in order to promote a degree of mentoring that will ultimately result in the development of a broader mentoring culture. It is simply too easy without such support to slide into how things have "always been done" – which is to say the way things have been done over the last decade or more – as pressures on lawyers rise and the days seem to get shorter. Even just talking openly about the mentoring opportunities inherent in professional development programs will help participants learn to see and value these opportunities and to find others in their daily activities.

Finally, a word about traditional mentoring programs. While such programs are not a panacea, it is important to recognize that they can offer value. For example, they can introduce individuals who, moving in different circles, might never have encountered one another and who can learn a lot from one another. Peer mentors and "buddies" for first-year and lateral associates

can provide a welcome “no stupid questions” resource as new hires learn to speak the jargon and navigate the procedures taken for granted by others in this new environment. Group mentoring programs can be a draw for potential mentors, who might find the role of the one-on-one mentor too daunting. And see this month’s “Learning Lab” for an example of an approach that helps mentors and mentees feel more personally committed to formal mentoring.

I don’t necessarily advocate disbanding your existing program. Rather, take a hard look to determine whether the value the program actually generates justifies continuing to invest the current level of resources, and consider diverting some of those resources to fostering other, more “natural” mentoring opportunities.

The Next Frontier

If you are already taking these steps, congratulations! Now that you have expanded your colleagues’ understanding and experience of mentoring, why not push the

boundaries of even this approach. Is there a place for e-mentors, for “upward mentoring” or wiki-mentors in your firm? While such approaches may exist on the mentoring frontier for now, any opportunity for building relationships offers a potential for mentoring.

I hope and expect that digital interaction will never entirely supplant the face-to-face interaction that builds cohesiveness and camaraderie; but, as more and more of our communication happens via email, online social networking, and more, be open to finding new opportunities for mentoring.



Heather Edes is the Director of Professional Development at Sullivan & Worcester LLP. She can be contacted at hedes@sandw.com or 617-338-2912..

Effective CLE: Tips to Keep your Audience Awake and Involved

Marilyn Bush LeLeiko

As a professional development expert, you know how important it is for lawyers to take the time to prepare for the CLE programs they present. Yet sometimes you sit in on a CLE program that consists of “war stories” and little more. Entertaining? Yes. Educational? Not always. Stories—examples of triumphs and of mistakes—are often a useful part of effective CLE, but they are not enough. This article sets out tips for preparing and presenting effective CLE programs that go beyond war stories.

Preparation

Questions to ask

When you start to prepare a CLE program, you need to know the answers to a few key questions:

What is your topic? Will you be presenting a broad overview or a detailed examination of a specific issue? If you are part of a panel discussing the topic, how does your part fit within the overall program?

Who is likely to be in the audience? Mostly new lawyers? Mostly experienced lawyers? Law firm lawyers or in-house counsel? How knowledgeable is the group likely to be?

How much time will you have?

Outlining your presentation

Prepare an outline of your presentation. Your outline doesn't have to look like those outlines you prepared in high school, but it should at a minimum allow you to figure out what you need to cover and how to order

your points logically so that your discussion is clear and easy to follow.

Expand your outline as you work on the presentation, including concrete examples and stories and necessary cases, statutes, and regulations. Look for ways to make each of your points most effectively.

This is a good time to start putting together a resource list for attendees (articles, books, website URLs).

Should you use PowerPoint?

Decide whether a PowerPoint (or Keynote for the Mac) presentation will be helpful to your audience. Use PowerPoint if visuals will help attendees follow what you are saying. If visuals won't help, you don't need PowerPoint. Specific tips on preparing a PowerPoint presentation are set out below.

Some people use PowerPoint instead of notes to help them remember what comes next as they are presenting. Use your outline instead, printed in a large easy-to-read font. The outline might be easier to handle and refer to if you print it on 5 x 8 index cards. Use your practice time to see if cards work well for you.

CLE handout

Most CLE jurisdictions require some form of written handout. Your outline and your resource list of articles, books, and website URLs can, with some adjustments, become your handout. When you provide URLs, provide the full Web address. Google, for instance, is <http://www.google.com>, not google.com.

Add hyperlinks so that in electronic formats the URLs will be “clickable” and will open the Web pages. In Word, you can insert a hyperlink by first selecting the Web address. Then go to the Insert menu and select “Hyperlink”. Follow the instructions to create the link.

Your handout should serve as a practical “take-away” resource for attendees. Include sample documents, forms, and checklists, as appropriate.

Offer to email your handout to attendees in pdf format so that they can click directly to the cited URLs.

Practice

Find the time to review your presentation. Practice won’t make you perfect, but it will make you more comfortable and more effective as you present. If you are using PowerPoint, try to practice in a conference room with the PowerPoint presentation projected on a screen (especially if you don’t have a lot of experience with PowerPoint).

If possible, some of your conference room practice time should be spent standing up and presenting in front of someone you trust. His or her feedback can be a great help in improving your presentation.

Your presentation should not be memorized or read verbatim from a script. But it is useful to prepare your opening and close so that you can start and end smoothly. Practice both out loud (when you’re alone in the car, perhaps) until you are comfortable. Important transitions should also be prepared in detail.

Review your entire presentation, focusing on the timing so that you will stay within your allotted time. Don’t schedule so tightly that you run out of time (or, worse, run over your scheduled end time). As you work on the timing, remember to leave plenty of time for

questions, comments, and interaction. Determine what sections you can cut if you run out of time.

Give yourself enough time to prepare and practice. That way, you can enjoy connecting with your audience when your CLE session begins. You’ve done the necessary work to ensure an effective presentation.

Presentation Hints: How to Keep Your Audience Awake and Involved

Before your presentation

Get to the meeting room early (or even better, a day or two before your CLE) so that you can check the setup and change it (if possible) to meet your needs. Check out any equipment you will be using (PowerPoint, remote, microphone) before any attendee arrives.

If there is a podium, check with the organizer to see if the setup will allow you to speak without the podium. You will find it is usually easier to connect with your audience if you’re not anchored behind a podium.

If you must use the podium, and there is a podium microphone, see if you can use a lapel mike instead. You will be able to stand and talk more naturally if you’re not worried about staying close to the podium mike. A lapel mike will also allow you to move away from the podium occasionally, which will help enliven your presentation.

If you’re using PowerPoint, you will connect more effectively with your audience if you don’t have to turn away from them to see what is projected on the screen. Place your laptop so that you can see it from where you’ll be sitting or standing. A quick glance at the laptop will ensure that the slide you are talking about is the one you are displaying.

Some setups make it difficult to place your laptop where you can see it. An extension cable (to be precise, a “monitor extension cable SVGA M/F”) usually solves the problem. The cable runs from your laptop to the projector’s cable and gives you the extra cabling you may need to place your laptop in front of you. A 10-foot extension cable should be part of your traveling kit for out-of-office CLEs. It is available at [RadioShack](#) and other similar stores.

Introduce yourself to attendees who arrive early. Ask them about themselves and their interest in your topic. You will learn something about your audience, which is always helpful. You may also learn something you can use in your presentation.

During your presentation

Don’t read your handout (or your PowerPoint slides) to your attendees. They can read faster than you can speak. You will be more effective—and attendees are more likely to stay awake—if you talk rather than read, using your outline as a guide.

Vary your presentation, interspersing examples and stories, and vary your pacing. When you finish an important point, pause briefly to allow attendees to absorb the point.

Maintain eye contact with the audience. If you’re using PowerPoint, use a remote so that you can maintain eye contact while moving from slide to slide. The remote will also allow you to move away from the podium while still controlling the slide presentation.

Don’t assume that the CLE venue will have a remote for you. Bring your own and practice with it beforehand so that you will be comfortable using it. The one I use, the Kensington [Wireless](#) Presenter, has a USB receiver that plugs into a laptop’s USB port. It’s “plug and play” with no drivers

necessary. It has a range of 50-60 feet so you can use it without standing right next to your computer. I’ve used it with PCs and with Macs with no problems.

<http://us.kensington.com/html/13361.html>

There may be times during your presentation when the slides aren’t relevant—during the Q-and-A, for instance. Black out the screen with your remote or by hitting the “B” key. Turning the focus away from the projected slides varies your presentation and helps maintain audience attention.

If you use a laser pointer, make sure that it doesn’t “dance” around the screen. Use it to make your point and then shut it off.

Find ways to involve the audience. If time permits, consider asking attendees to pair off and discuss a specific point. Present a written fact statement and ask that groups of four or five discuss how they would handle the situation. Turn an exercise into a competition. These techniques help energize the audience.

Effective Q-and-A

Q-and-A is a traditional way to involve the audience. Early in your presentation, let the audience know when you’ll be taking questions—are you open to questions throughout the session, or at a specified time?

If you take questions throughout, you may get a question about something you will be covering later in the session. You can choose to answer the question in detail when it is asked, but if it disrupts your flow (and if you have related PowerPoint slides later in your presentation), answer very briefly and promise to go into more detail later.

Sometimes it’s hard to get attendees to ask questions. Here are some suggestions that can help:

- Don't schedule your Q-and-A at the very end of your session. That seems like the logical time, but we all know that by the last 5-10 minutes of a session, most attendees are packing up, mentally or literally. They don't want to ask a question and they may (inwardly, at least) groan when someone else has a question.
- Consider asking the group to break up into smaller groups, each containing 4-6 attendees. You need a "group leader" for each group (the person with the longest commute or the shortest last name, perhaps). The group leader's job is to keep track of the group's questions and report them back to you. Encouraging small groups to come up with questions will result in more questions, more small-group discussions, and a more engaged group of attendees.
- Demonstrate that you are open to questions. When you ask for questions, look out at the audience, not down at your notes. Give attendees time to formulate their questions. If necessary, stay silent for a minute or two while you wait for the first question.
- Don't start your answer with "as I've already discussed" or "as we covered in the first half"—even if it's true. These kinds of comments will discourage all attendees from asking any additional questions.

After you ask for questions and wait a minute or two, be prepared to start the Q-and-A yourself if no questions are asked: "One question that often comes up . . ." is all you need to say to introduce your prepared question. Once you answer this first question, you will often find that the group will come up with additional questions.

Repeat each question before answering it, if necessary, so that everyone can hear the question.

If a question is not relevant to the entire group, tell the questioner that you would be happy to talk with him or her individually at the end of the session. Do the same, politely, with the questioner who seems more interested in talking (and talking and talking) than in an answer to a question.

Preparing Effective PowerPoint Presentations

Fonts

Be consistent in your use of fonts. Try to use the same font set (for instance, regular and bold) throughout your presentation.

Make sure your font size is large enough for attendees to see. Use at least a 24 point font—and 30 points is better. You shouldn't have to say "I know you can't see this slide, but . . ."

Colors

Ten percent of the male population is colorblind. Some of them may be in your audience. These men can't distinguish green and red. To help them out, avoid these colors.

Be consistent in your use of colors throughout your presentation. Use enough contrast between the text color and the background color so that attendees can easily read your text. What looks fine on your computer screen may not work when projected in the CLE meeting room.

Animations and Transitions

Both PowerPoint and Keynote for the Mac are filled with all sorts of "bells and whistles". They look intriguing, but your focus should be on your content. Don't use too many

special effects, animations, transitions, fonts, or colors.

If you use animation or special effects, be prepared in case you unexpectedly need to use a backup computer that doesn't have the current version of PowerPoint. The older software might not support your animation or special effect. This issue also arises in some videoconference setups. Unless you have the opportunity to test your presentation on the on-site equipment before the day of your presentation, prepare a presentation without the animation and special effects, just in case. Back it up onto a USB drive and put it in your travel kit.

Slide Content

Don't overload your slides. Use a few words and expand on them in your talk.

Keep your slide text away from the edges of your slides. The edges may not be visible to attendees (depending on the projector and the setup).

Use photos and graphics, if helpful and relevant. If a graphic takes a long time to explain, consider simplifying it.

You may not need a slide for every point. Use the "black out" feature (hitting the "B" key in PowerPoint if you don't have a remote) when you want attendees to focus on you, not on the slide. Go back to your slides by hitting "B" again.

Lists

When your slide text includes a list, don't show the entire list right away. Show each new line using a "build" that lets you highlight each new item on the list as you start discussing it. Builds focus attendees' attention on each list item as it is discussed. Without builds, your attendees are likely to read ahead and may stop listening to you.

You don't need to use animation for builds. You can instead use a series of slides, with each new slide containing the next point. The easiest way to prepare this series of slides is to prepare the slide with the entire list first. Duplicate that slide several times and then delete the list items as necessary so that each new slide has one additional list item. You can further help focus attention if you "gray out" the list items you've already discussed (just change the font color to gray or black).

Final Check

When you've prepared all your slides, run spell check and correct any errors.

If possible, try out your presentation using the equipment that you will be using for your CLE session, including your remote.

If you can't do a trial run, at least check to see how your presentation looks projected onto a screen in a conference room. From the back of the room, is your text readable? Are your fonts large enough? Is the contrast between text and background great enough? Uncover any problems while you have enough time to re-work your slides.

One more point: If you will be using your own laptop for the presentation, remember that your laptop's desktop may be visible at some point. Make sure no embarrassing or confidential filenames are visible. An uncluttered desktop is best. Just move everything on your desktop to a file entitled "Desktop Files".

Preparing for the Unexpected

Occasionally, something will go wrong. The projector won't work, or the videoconferencing equipment will start buzzing, or the ceiling will start leaking. The fire alarm may go off, requiring everyone to leave the building. All of these things—and

more—have happened to me (but not all at once).

You can't prepare for a fire alarm, but you should have a plan in place in case the technology fails. If you are relying on your PowerPoint presentation as your outline, print out the presentation (or better, print an outline) so that you can present without the PowerPoint. If you are relying on an Internet connection, think about what you will do if you can't access the Internet. Consider preparing slides showing screen shots of the important web pages.

In case your computer fails, put a backup copy of your presentation on a USB drive (or several USB drives). Nowadays, you can also store your presentation remotely and access it through the Internet. I am currently using Dropbox.com as an additional backup. Dropbox gives you 2 GB of free storage, enough for your presentation, your handouts, and your outline, with plenty of room to spare.

If something goes wrong during your presentation, stay calm and do what you need to do to complete your session. Realize that the audience is with you. They want you to succeed. Relax, if you can. You've prepared, you've practiced, and you've established a rapport with the audience. You'll do fine.

Conclusion

You were asked to present a CLE session because of your knowledge and experience. The challenge you face is to organize and present what you know in an effective way.

Spend the necessary time to organize and prepare. Practice your delivery and timing. Try to connect with your audience, before and during your presentation. The result of all these efforts: Your CLE session will be worth more than a few CLE credit hours—your audience will actually learn something.



Marilyn Bush LeLeiko conducts CLE workshops in writing skills for lawyers and paralegals and, during the summer, for summer associates. Marilyn's services also include one-on-one telephone coaching. For law office

managers and staff, Marilyn conducts Effective Email and Business Writing programs. She has presented her programs at law firms, corporate legal departments, and government law offices throughout the country. To learn more, visit LawWriting.com. You can reach Marilyn at 800-345-6470 or marilyn.leleiko@LawWriting.com.

Competencies: Some Alternative Approaches

Ross Guberman

[**Editor’s Note:** This is a follow-up to the author’s article “Competencies Without Tears: Thoughts from a Trainer in the Trenches,” in our February 2010 issue.]

Firms are adopting competency models as a promising tool to define the skills their lawyers should have, to identify who has them, and to support development of the skills by those who don’t have them. But, as many firms have found, creating and implementing such a model poses political and practical challenges, not least of which

is ensuring that each competency is clearly understood in the same way by everyone involved in acquiring or evaluating it.

Here are some pros and cons of 22 approaches to defining, measuring, and developing core competencies:

Define Better	
1. “Adjective” competency (“effective,” “clear,” “cooperative”)	
<p>Pros</p> <ul style="list-style-type: none"> • Easy to achieve consensus • Benchmarks are uncontroversial (Who wouldn’t want an associate to be “clear” and “effective” and a “team player”?) • The resulting evaluations force comparisons with other associates (need to avoid Lake Wobegon world in which all associates are “above average”) 	<p>Cons</p> <ul style="list-style-type: none"> • Vague and thus highly subjective • When applied to actual behaviors, invites argument among both supervisors and associates (“How can you say that my work on this deal wasn’t effective?”) • Forced comparisons make competencies competitive and normative, not skills that anyone can learn
2. “Do-it-yourself” competency (based on the associate’s need for supervisor guidance or intervention)	
<p>Pros</p> <ul style="list-style-type: none"> • Tied to real-world decisions and client service • Reflects attorney’s perceived value: Partners give associates discretion only if associates are up to the task 	<p>Cons</p> <ul style="list-style-type: none"> • Some partners are much more “hands on” than others • Some projects require guidance only because they are difficult or high-stakes or both • Subjects associates to partner biases

3. “Descriptive”/ behavioral competency (indicates what an “effective” motion reads like; suggests how to make a speech “persuasive”; descriptions might include “no typos,” “average of 18 words or fewer per sentence,” and so on)

Pros

- Great for associates: Provides guidance on what to do, not just what goals to strive for
- Great for partners: Prompts them to think about why they do things the way they do

Cons

- Harder to achieve consensus
- Firm management may resist the difficult task of translating qualities into behaviors
- May limit creativity and flexibility
- Requires in-depth thought and discussion (this could also be a pro)

4. Work product/ model (various departments settle on a model draft or a model videotaped client presentation)

Pros

- Provides more concrete guidance than vague descriptions do
- Satisfies associates’ desire for objective models

Cons

- Models less helpful if they’re not annotated or explained: Does eating at a great restaurant make you a better cook?
- Partners may not agree on “gold standard”
- May encourage gamesmanship: “I did it the way you said!”

5. Limit competencies to a checklist of experience (successfully argue three motions in court, make two speeches at major conferences)

Pros

- Provides a concrete road to advancement
- May encourage firms to provide pro bono or other opportunities so that associates can get prescribed experience

Cons

- Requires robust management of work assignments
- Is being a lawyer a check-the-box exercise?
- Hard to code and track experiences: What does “Worked on a major M&A deal” mean?
- Emphasizes quantity over quality
- May be difficult for firm to provide prescribed experiences

Measure Better

1. Associate self-evaluation (not “Do you think you’re great?” but “What is your strongest skill and what is your weakest skill?” Give associates a list of skills; they rank their aptitude for each one. Can be part of associate’s formal or informal professional-development plan.)

Pros

- Gives associates a role in their own measurement
- Can provide insights into the associate’s motivation and learning style to help future development efforts
- Can help bridge the partner-associate communication gap
- Partners may be able to help associates who admit their challenges

Cons

- Many associates are not self-aware. Example: Many associates think writing is their strength, but partners often think that writing is most associates’ main weakness
- Some associates project deficiencies onto others
- Associates are afraid to admit flaws (“Fake it until you make it.”)

2. Peer evaluation (either reputational -- “Other than yourself, which associates do you think are the best at ___?” -- or a measure of which associates other associates seek out for career guidance)

Pros

- Plays to organizational theory suggesting that workplace reputations are accurate
- A single disgruntled supervisor can’t play an outsized role
- May reward senior associates for being good mentors

Cons

- May encourage pandering, manipulation, self-promotion, etc.
- May breed even more competitiveness

3. Supervisor evaluation (work product)

Pros

- Supervisors are in the best position to know how well associates perform on their assignments
- Clients care about work product more than about “skill” in the abstract

Cons

- Requires controlling for how hard the partner “grades” and how representative the work product is
- A single partner can derail an associate’s career
- Subject to supervisor’s ability to provide feedback

4. Anonymous partner evaluation (work product)	
Pros <ul style="list-style-type: none"> • Makes the process apolitical • Hard for associate to be defensive if associate identity is unknown to the partner 	Cons <ul style="list-style-type: none"> • Time intensive • To make proper comparisons, the same partner would have to review many associates' work product • How do you bill for it? • Work product may not be representative
5. Anonymous partner evaluation (work sample—controlled: give everyone 30 minutes to edit three paragraphs or to draft an indemnification provision)	
Pros <ul style="list-style-type: none"> • Objective • Fair: Everyone does the same thing 	Cons <ul style="list-style-type: none"> • Tedious to “grade” • Work sample takes time to develop, administer, and review • May be difficult to test all skill sets • Time pressure may skew results
6. Consultant evaluation (work product)	
Pros <ul style="list-style-type: none"> • Can compare associate with dozens or even hundreds of other associates • No axe to grind 	Cons <ul style="list-style-type: none"> • Expensive • Consultant may not understand individual partners' priorities and complaints
7. Consultant evaluation (work sample – controlled)	
Pros <ul style="list-style-type: none"> • Objective • Fair: Everyone does the same thing • Can turn the process into a training event • Consultants better than most partners at giving specific feedback and not just evaluating 	Cons <ul style="list-style-type: none"> • Can be expensive, especially if consultant designs work-sample prompts • Risky to make decisions based on 30-minute sample? • Consultants may not want to be involved in hiring and firing

8. Consultant evaluation (objective test)

Pros	Cons
<ul style="list-style-type: none">• Test can be designed to measure many skills at once• Test results can be predictive if correlated with performance• Multiple-choice format is fair and objective• Inexpensive to administer• Immediate feedback	<ul style="list-style-type: none">• Objective tests can measure only so much• Associates are often anxious about objective assessment• Associates might fear that the test would be used to fire people

Develop Better

1. Sink-or-swim

Pros	Cons
<ul style="list-style-type: none">• Traditional; favored by senior partners and management• Appealing in bad economic times• May avoid favoritism: No one gets extra help• Inexpensive• Puts a premium on initiative and self-direction	<ul style="list-style-type: none">• Unpopular with associates• Suggests no commitment to associate development (and firm loses opportunity to clarify needs and valued skills)• May promote favoritism: "Favorites" will get help anyway• May be bad for diversity efforts• Firms are not level playing fields• Firm may lose undeveloped talent

2. Guided self-direction (you help associate create plan, buy books)

Pros	Cons
<ul style="list-style-type: none">• Inexpensive• Puts onus on associate to solve problems	<ul style="list-style-type: none">• Ineffective unless associate is highly self-motivated and disciplined• Associate may ingrain bad habits• Reading books a waste of time unless lessons are put into practice

3. Informal coaching from supervisors (help associates get more feedback)	
Pros <ul style="list-style-type: none"> • Encourages dialogue • Tied to work product and thus client service 	Cons <ul style="list-style-type: none"> • Partners often have trouble explaining what they don't like about work product • Dialogue stilted: Associate defensive; partner wants to avoid confrontation • Not uniform or consistent
4. Formal coaching (internal) (non-supervisor partner "buddy" reviews projects)	
Pros <ul style="list-style-type: none"> • Nonthreatening • Outsider view (but from someone who knows practice) very useful 	Cons <ul style="list-style-type: none"> • Time-consuming • Associate may not want other partners to know about "problems" • As with mentoring in general, often starts strong but fizzles
5. In-house formal training by partners	
Pros <ul style="list-style-type: none"> • Encourages interaction in a more-relaxed setting • Partners get CLE credit • Partners have great expertise and institutional knowledge • Associates get to know more partners in their group and other groups. 	Cons <ul style="list-style-type: none"> • Not all partners are great presenters or teachers (reading slides is common) • Some are interesting (war stories, etc.) but offer no practical solutions • Partners underestimate prep time • Some partners cancel on short notice
6. Public CLEs	
Pros <ul style="list-style-type: none"> • Inexpensive • Required in most jurisdictions • National speakers are a good option for small firms that can't afford in-house programs 	Cons <ul style="list-style-type: none"> • Audience large and diffuse • Many come just to get CLE credits • Quality varies widely • Travel time and logistics eat into attorney's day

7. Consultant formal training (in-house)	
<p>Pros</p> <ul style="list-style-type: none"> • Consultants usually develop elaborate programs and take-away materials • No wasted back-and-forth travel time • Professional speakers can add interest and value • Encourages in-house interaction across departments and even offices 	<p>Cons</p> <ul style="list-style-type: none"> • Can be expensive • Some programs too generic and not tailored to law-firm life • Quality varies
8. Consultant coaching (firm pays)	
<p>Pros</p> <ul style="list-style-type: none"> • Associate can get ongoing feedback • Firm shows substantial commitment • Can be highly effective; sometimes consultant finds “missing link” and sees dramatic progress • Consultant can advise the firm and provide objective view • Underused tool for superstars, not just for those having trouble 	<p>Cons</p> <ul style="list-style-type: none"> • Requires significant commitment on associate's part • Associate may not want to deal with weakness • Expensive, especially if no follow-through • Many associates see coaching as a stigma or as “remedial”
9. Consultant coaching (associate pays all or part)	
<p>Pros</p> <ul style="list-style-type: none"> • All of the above • Associate more likely to follow through (Freud required his patients to pay for their own psychotherapy) • Associate shows own commitment to tackling skills • Firm saves money; no need for partner buy-in 	<p>Cons</p> <ul style="list-style-type: none"> • Asking associates to pay for external coaching may breed resentment unless it's the firm's official policy to do so



*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. In January, Oxford University Press will publish his Point Made: How to Write Like the Nation's Top Advocates. He can be reached at ross@legalwritingpro.com.]

I'd like to thank Gaye Mara, Scott Westfahl, Don Smith, and Katie White for their contributions to this matrix.

Quotes of the Quarter:

“With an industry-group orientation, a firm organizes its attorneys along their experience in a specific industry – health care, hospitality, telecommunications – rather than solely in terms of traditional practice areas or geographic regions. By pulling expertise from across practices and regions, firms concentrate institutional knowledge on a specific industry. By sharing that knowledge with clients, firms both showcase strengths in a given industry and gain a more complete understanding of clients.”

– Carolyn J. Buller, Squire, Sanders & Dempsey, in the July 12 *National Law Journal* (“Use KM Across Law Firm Practice Groups”)

“I treat learning design for Gen Y as adult learning on steroids. Take all that you believe about adult learning and step it up a notch.”

– Elaine Biech, author, consultant, and President of Ebb Associates, in the July issue of *T+D* (“Burp, Chatter, Tweet: New Sounds in the Classroom”)



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

A Better Way to Match Mentors and Mentees

At my last firm, we made mentor assignments in the traditional way for years, agonizing over the optimum pairings that would assure each associate conscientious developmental attention while spreading the mentoring load as broadly as possible among the partners. In the best cases, the resulting relationships genuinely aided associates' development and endured for several years. But many others could most charitably be described as unenthusiastic. I suspect you know what I mean.

Another thing that bothered us about even the better matchups was that, for better or worse, our process put the mentor in the driver's seat with all the responsibility for the relationship, and with the associate in a passive role.

After first tinkering around the edges of the program – adding a more experienced associate “buddy” to help with day-to-day practical problems, implementing mentor training, and publishing a mentor/mentee guide¹ – we decided on a more fundamental shake-up. That is, we decided to invite the associates to choose their own mentors. This idea was the brainchild of my recruiting administrator, Holly Hand, who has a real genius for bringing people together in ways that engage and energize them.

Our new matching process worked as follows:

- For associates who were not former summer associates or otherwise were not yet prepared to make a choice, we assigned a temporary mentor in the traditional way until they were ready to choose. I calendared to check back with these associates in six months, but usually I heard from them on their own initiative before that.
- The associates who were ready to choose a mentor submitted to me the names of their top three selections, ranked in order. We left it to the associates to decide whether they wanted a partner in their own practice group or in a different one. Not surprisingly, most chose an in-group mentor; but some did not.
- After compiling the associates' wish lists, I went to each partner in turn with a list of the associates who had designated him or her as first choice. I went to those with the longest lists first – as you can no doubt imagine, a few partners were exceptionally popular and could not have handled everyone who requested them.
- Each first-choice partner then selected those associates s/he wanted to mentor. Then I worked down the list to the second and third choices as necessary. I never had to go back to any associate for additional choices beyond the initial three, and indeed it was unusual to have to go to a third choice.

¹See these and many more ideas for strengthening mentoring programs and relationships in Heather Edes' lead article in this issue.

- The relationships continued indefinitely at the option of the participants -- in some cases up to the partnership decision and even beyond.

In our experience, this arrangement had two great advantages:

1. It was empowering for the associates and established them from the outset as active participants in the relationship.
2. It increased the partners' willingness to mentor, and their commitment to their mentees, simply by knowing that they had been chosen by the associates.

Indeed, those were results that we expected and intended.

One thing we did not expect was the wide variety of choices associates made, expanding the pool of mentors beyond people we would have picked. Some of the partners chosen were surprised as well. I still remember the startled expression of one notably reclusive partner, who said to me that he really had no idea why someone would choose him or how to go about being a mentor.

The associate was wiser than either of us, because that partner turned out to be a fine mentor. (Though I like to think that our training program and guidebook helped him at least a little!)

– Gaye Mara

Book Review

Do Good, Do Well, Be Happy

Gaye Mara

Ted Leonsis with John Buckley, *The Business of Happiness: 6 Secrets to Extraordinary Success in Work and Life*. 2010: Regnery Publishing, Inc., Washington, DC. (305 pages)

This book seemed like the perfect fit for me: I'm a business book junkie, and I (like most Washingtonians) revere Ted Leonsis. But this is not like any other business book I've ever read.

For one thing, it firmly subordinates the profit motive to the idea that a firm and its leaders should dedicate themselves not only to achieving the firm's particular business mission (*i.e.*, the products or services for which its customers come to it) at the highest level, but also to promoting the well-being of its employees and customers and

the larger community in which the firm operates – what Leonsis calls his “double bottom line.” He assures us, with his own experiences as a running example, that doing these two things will produce financial success, personal happiness, and a “happy company.”

For another, the book contains no formulas, charts, or tables.

And finally, this is a highly personal book, first in what it tells us about the author's own life history from childhood on, and then in devoting the entire second half of the book (“Part Two: Your Journey to Happiness”) to sharing with us in organized, step-by-step fashion his lessons learned about how to create a successful, satisfying, and balanced life for ourselves.

For those who are not familiar with Ted Leonsis (and to sum up his life story as told in the first half of the book), he was an early technology entrepreneur who became a multi-millionaire in his 20s. He followed that by joining AOL, where he made more millions, at the invitation of Steve Case. Since leaving AOL in the Time-Warner debacle, he has founded a few more businesses, become closely involved in a few selected charities, and made two award-winning documentaries. He and his wife Lynn have two children, homes in Florida and Northern Virginia, and a host of extraordinarily diverse and accomplished friends who share their values.

Leonsis is also currently the owner of several Washington, DC sports franchises, including the Washington Capitals hockey team. We Washingtonians love him not only because he rebuilt the Caps from a perennial loser to a perennial contender in a few short years (and locked the wildly talented and popular winger Alex Ovechkin into a 13-year contract) – a process he details in the book – but also because of the honesty and generosity of his dealings with the players and the fans.

Shortly after making his first millions and before joining AOL, Leonsis had an experience that led to his personal quest for a more balanced existence and to the writing of this book. He was on a business flight with mechanical problems, and the crew was preparing the passengers for a crash landing. In that moment he recognized that if he were to die that day, despite his phenomenal business success he would die unhappy and unfulfilled. Though not a notably religious person, he promised God that, should he survive, he would reorient his life to accomplishing things that made him happy and made a difference in the world.

Upon getting safely home, and uncertain how to approach this new commitment, he started by making a list of goals he wanted to achieve over the rest of his life. And he's

still working through the list: "Write a book" is now checked off. So are "Make a movie," "Own a sports franchise," "Fall in love and get married," and "Have children become individuals and self-actualized staying loving within the family."

Being a rich bachelor in his 20's at the time, he also included "Own a Ferrari" but confesses in the book that that was a mistake and he quickly sold the car. Yet to be checked off are "Go into outer space" and "Have grandchildren." (The full list is published as an appendix to the book and contains 101 items in 7 categories.)

Over the course of working through his list and consciously striving to become a happier and more fulfilled human being, Leonsis saw a set of six guiding tenets emerging – tenets that, when implemented by the leader of a business, lead to a happy company and, when followed by an individual, lead to a happy and well-balanced life. These he discusses in the second half of the book; a chapter is devoted to each one, with lists of examples and thought-provoking questions:

1. Your Life List
2. Multiple Communities of Interest
3. Finding Outlets for Self-Expression
4. Gratitude
5. Giving Back
6. A Higher Calling

The book ends with two Appendices: A. "Ted's Life List," with checkmarks next to the items he's completed – at this point in Leonsis's life (he's in his fifties), that's most of them – and B. "The Happiness Questionnaire." Completing the questionnaire is the prelude to making one's own list; it leads the reader into thoughtful reflection on what's truly important to him or her and what kind of life s/he wants to lead.

Also interesting were the common threads running through Leonsis's life choices, revealing qualities that provide a short list of what any firm should look for in a leader:

- a gift for seeing the big picture and for picking up early on nascent trends and projecting their future implications (Leonsis was an English major in college and never a techie, yet he immediately saw the promise of the new computer technology and jumped into the industry right out of college);
- the ability to communicate his vision and persuade others to buy into it;
- wide-ranging interests, an abiding curiosity, and the ability to forge connections (or “mash-ups,” as he calls them) between apparently unrelated phenomena;
- an appetite for hard work, a phenomenal energy level, and an unwavering focus on goal accomplishment;
- a strong sense of personal ethics and fair dealing; and
- the ability to recognize, and to form strong and trusting relationships with, talented and like-minded people in many fields and at all economic and social levels. Indeed, an implicit lesson in his story is that such people gravitate to one another and promote each other’s success.

Even with the help of a co-author, the writing in this book is not stylish. It is, however, clear and unpretentious; and the book’s readability is helped by the fact that Leonsis has an interesting life story and an uplifting message to share.

My one complaint about the book is that it is further proof, as if we needed it, of the decline of competent copy editing by actual humans in the publishing industry. There are too many instances of subject-verb disagreement and of misspellings that SpellCheck wouldn’t catch (“horde” for “hoard,” for example). The worst gaffe is the following sentence on page 232, about a group of New York City police and firefighters who on every September 11th go to the assistance of another community in crisis: “You can see the happiness in the faces of these tough New Yorkers as they rebuild a Boy Scout camp in Iowa destroyed by a tornado, or [second example].” I’m still wondering what his second example would have been. It’s a shame to see the author’s powerful message repeatedly interrupted by such annoying distractions.

The Business of Happiness is a welcome antidote to the seemingly predatory approach of so much of today’s business leadership and a timely reminder that in this world one can achieve both happiness and financial success while doing the right thing. I hope more of our leaders in law offices and elsewhere will read it and adopt the principles that Leonsis espouses.

What I am going to do next is buy two copies of this book. One is for my 14-year-old grandson, a budding hockey player and Leonsis admirer who is on the cusp of deciding the direction his life will take. The other is for me. Got to get started on my list....

Professional Developments

Events

Upcoming PD-related conferences, seminars, and workshops:

Legal Profession:

- ✿ 9/23/10, online. *Virtual Legal Tech*. American Lawyer Media, www.virtuallegaltechshow.com. (Free; CLE credit available.)
- ✿ 12/9-10/10, Washington, DC. *2010 Professional Development Institute*. National Association for Law Placement/ALI-ABA, www.nalp.com.
- ✿ 12/14/10, online. *Virtual Legal Tech*. American Lawyer Media, www.virtuallegaltechshow.com. (Free; CLE credit available.)
- ✿ 1/22-25/11, San Francisco, CA. *47th Mid-Year Meeting*. Association for Continuing Legal Education, www.aclea.org.

General Audience:

- ✿ 8/4-6/10, Arlington, VA. *Instructional Design for Trainers*. American Management Association, www.amaseminars.org.
- ✿ 8/9-11/10, Atlanta, GA. *Training the Trainer*. American Management Association, www.amaseminars.org.
- ✿ 8/9-11/10, New York, NY. *Fundamentals of Human Resources Management*. American Management Association, www.amaseminars.org.
- ✿ 8/12-13/10, Chicago, IL. *AMA's Employment Law Course: Avoiding the Legal Pitfalls of EEO, FMLA, and ADA*. American Management Association, www.amaseminars.org.
- ✿ 8/16-18/10, New York, NY. *Training the Trainer*. American Management Association, www.amaseminars.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.

- ✿ 8/23-24/10, San Francisco, CA. *Human Resources Measurement and Metrics*. American Management Association, www.amaseminars.org.
- ✿ 9/13-15/10, New York, NY. *Training the Trainer*. 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.
- ✿ 9/16-17/10, Atlanta, GA. *Kirkpatrick's Four Levels: Increasing Training Effectiveness Through Evaluation*. American Management Association, www.amaseminars.org.
- ✿ 9/20-22/10, Arlington, VA. *Training the Trainer*. American Management Association, www.amaseminars.org.
- ✿ 9/23-24/10, New York, NY. *Human Resources Measurement and Metrics*. American Management Association, www.amaseminars.org.
- ✿ 9/27-29/10, Las Vegas, NV. *Fundamentals of Human Resources Management*. American Management Association, www.amaseminars.org.
- ✿ 9/27-29/10, New York, NY. *Instructional Design for Trainers*. American Management Association, www.amaseminars.org.
- ✿ 9/28-29/10, Denver, CO. *Telling Ain't Training Conference*. American Society for Training & Development, www.astd.org.
- ✿ 10/4-5/10, Arlington, VA. *Human Resources Measurement and Metrics*. American Management Association, www.amaseminars.org.
- ✿ 10/11-13/10, Chicago, IL. *Fundamentals of Human Resources Management*. American Management Association, www.amaseminars.org.
- ✿ 10/12-13/10, Arlington, VA. *Telling Ain't Training Conference*. American Society for Training & Development, www.astd.org.
- ✿ 10/13-15/10, New York, NY. *Training the Trainer*. American Management Association, www.amaseminars.org.

- ✿ 10/14-15/10, Atlanta, GA. *Telling Ain't Training Conference*. American Society for Training & Development, www.astd.org.
- ✿ 10/18-20/10, New York, NY. *The Succession Management Conference: Viewing Succession from Different Angles - The Key to Innovative Practices That Get Results*. Conference 10/19-20; pre-conference seminar 10/18. The Conference Board, www.conferenceboard.org/succession.
- ✿ 10/20-22/10, Chicago, IL. *Training the Trainer*. American Management Association, www.amaseminars.org.
- ✿ 10/24-27/10, Orlando, FL. *Elliott Masie's Learning 2010*. The Masie Center, www.masie.com.
- ✿ 10/25-26/10, Arlington, VA. *AMA's Employment Law Course: Avoiding the Legal Pitfalls of EEO, FMLA, and ADA*. American Management Association, www.amaseminars.org.
- ✿ 10/25-27/10, New York, NY. *Fundamentals of Human Resources Management*. American Management Association, www.amaseminars.org.
- ✿ 11/4-5/10, New York, NY. *Kirkpatrick's Four Levels: Increasing Training Effectiveness Through Evaluation*. American Management Association, www.amaseminars.org.
- ✿ 11/15-17/10, Arlington, VA. *Fundamentals of Human Resources Management*. American Management Association, www.amaseminars.org.
- ✿ 11/15-17/10, San Francisco, CA. *Instructional Design for Trainers*. American Management Association, www.amaseminars.org.
- ✿ 11/15-17/10, San Francisco, CA. *Training the Trainer*. American Management Association, www.amaseminars.org.
- ✿ 11/18-19/10, San Francisco, CA. *Kirkpatrick's Four Levels: Increasing Training Effectiveness Through Evaluation*. American Management Association, www.amaseminars.org.
- ✿ 11/29-12/1/10, New York, NY. *Fundamentals of Human Resources Management*. American Management Association, www.amaseminars.org.
- ✿ 12/1-3/10, Atlanta, GA. *Training the Trainer*. American Management Association, www.amaseminars.org.
- ✿ 12/6-8/10, New York, NY. *Training the Trainer*. American Management Association, www.amaseminars.org.
- ✿ 12/8-10/10, New York, NY. *Instructional Design for Trainers*. American Management Association, www.amaseminars.org.
- ✿ 12/9-10/10, San Francisco, CA. *Human Resources Measurement and Metrics*. American Management Association, www.amaseminars.org.
- ✿ 12/15-17/10, San Francisco, CA. *Fundamentals of Human Resources Management*. American Management Association, www.amaseminars.org.
- ✿ 12/16-17/10, Chicago, IL. *AMA's Employment Law Course: Avoiding the Legal Pitfalls of EEO, FMLA, and ADA*. American Management Association, www.amaseminars.org.

Certificate and Degree Programs

American Management Association, Myers-Briggs Type Indicator® (MBTI®) Certification Program, www.amacourses.com (4 days. See the website for dates and locations.)

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

Training Live+Online Certificate Programs.

www.TrainingLiveAndOnline.com. Training's "Live+Online" certificate courses are being continued. The agenda for the rest of 2010 is as follows:

- Designing Training for the Workforce of the Future (3 sessions starting September 14)
- Creating Engaging E-Learning with PowerPoint (3 sessions starting September 15)
- E-Learning Design (5 sessions starting September 16)
- Training Manager: Managing the Training Function for Bottom Line Results (4 sessions starting September 30)
- Scenario-Based E-Learning (4 sessions starting October 14)
- Producing Great Podcasts (3 sessions starting October 22)
- Instructional Design: Performance-Based and Results-Focused (4 sessions starting November 3)
- Designing E-Learning with Captivate (3 sessions starting November 3)

- Leading Effective Live Online Events (4 sessions starting November 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/ .

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:

It saddens us to report that **The Capital CLE Calendar**, our on-line sister publication indexing live CLE courses across the country, ceased publishing on July 31, a casualty of the recession. Over the past year more than half of the *Calendar's* subscribers told us they were unable to renew because of budget cuts. We hope those firms are finding their way back to financial health. And we thank them and our other loyal subscribers for being with us over the 16 years of the *Calendar's* existence.

The follow-up to the **ALI-ABA/ALEA Critical Issues Summit** now includes a spiffy new website, with discussion groups, "actions to take," archives and posts of related news, and a free e-newsletter, and with presence

on Twitter, Facebook, and LinkedIn “coming soon.”

<http://www.equippingourlawyers.org>.

A task force of the **New York State Bar Association** has been formed, “not only to look at the future of the profession but to change it,” according to T. Andrew Brown of Brown & Hutchinson in Rochester, co-chair of the task force. The group is “exploring changes in the profession brought on by the recession and advances in technology.” Four subcommittees are charged with addressing the issues of

- alternative billing methods and law firm structures
- training and promoting young lawyers
- work-life balance, and
- technology

The task force’s report is expected in January, and its recommendations will be put to a vote at the April meeting of the state bar’s House of Delegates. (Nate Raymond, “N.Y. State Bar Launches Task Force to Examine Changes in Legal Profession,” *New York Law Journal*, June 28, 2010)

In May we reported that **Training Magazine**, along with all the courses and conferences it had sponsored, was shut down in February after its owner Nielsen failed to find a buyer. Then in late July we received notice from the Minnesota-based Lakewood Media Group that parts of the operation are continuing: the *Inside Training* e-newsletter, the “Live+Online” certificate courses, and the annual Training Conference & Expo (with the word “Magazine” removed from the title).

Resources:

Kudos to the **American Society for Training and Development** for introducing a fabulous new member benefit – a searchable on-line data base containing the full text of more than 3,000 leading business periodicals. The archive of the *Harvard Business Review*, for example, goes back to 1922. Other publications included are country and industry reports, regional business news, business book summaries, and a 90-day archive of the McClatchy-Tribune Collection of newspapers.

The search procedure is sophisticated and offers a lot of different filters; you can even search by type for images related to a topic (e.g., photos, charts, graphs). You can download the full text of articles at no charge, or set up personal folders on the site to save them, add notes about items, and set up search alerts (when something new comes in that meets your search criteria) and journal alerts (when the next issue of a particular journal comes in). All for the cost of the membership!

ASTD’s previous TrainLit database, developed in-house, was for a long time the best PD research tool out there. (The new database is hosted by business library specialist Ebsco; ASTD is one of many associations subscribing to it.) But a TrainLit search produced only abstracts of articles. ASTD publications that showed up in the search results could be downloaded or ordered during the same online session (some at a fee), but you were on your own to obtain and purchase any non-ASTD material. And, of course, you couldn’t see the full text until after you’d bought it.

MCLE Watch

The Summer 2010 issue of ACLEA's *In the Loop* (disclosure: Gaye Mara is a co-editor) reports that the **New York** CLE Board has "reclassified all of the non-traditional CLE formats into four broad categories," with more specific formats within categories which should be designated by providers on certificates of attendance and the Year-End Report:

1. Prerecorded audio
2. Prerecorded video
3. Live simultaneously transmitted
4. Live simultaneously transmitted fully interactive video

The new categories seem a useful way to think about such programs. (Gina Roers, "MCLE and CPD Rules Update")

ACLEA also reports that The New York State Bar has discontinued publication of its annual comprehensive MCLE update, **Comparison of the Features of MCLE Rules**. However, Reqwire makes a comparably extensive resource on current CLE rules and regulations available online at <https://www.reqwirelegal.com/reqwire/resources/resourcesOutside.jsp>.

