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Can Women Lead Law Firms?

Terri Mottershead

For many years, many law schools in many countries have graduated classes where the ratio of women to men has been close to 50:50. For as many years, many of these women have consistently graduated at the top of their classes. Likewise small, medium, and large law firms have employed female and male associates in ratios comparable to their graduating classes; but then, around the mid-level, something happens and the ratios transform dramatically.

The adverse impact of this transformation on the advancement of female talent in law firms has become increasingly game changing. It runs the full gamut from fewer work assignment opportunities, to limited access to major clients and/or inaccurate/insufficient credit for business generated, to lower compensation for the same work as their male colleagues, and, finally, to an inability to shape change because there are so few women in leadership positions.

The analysis could stop there. There is enough to recommend an urgent sea change based on the need to eliminate this inequity alone. But, when these facts are combined with the body of emerging research that shows the absence of women in leadership is bad business, then

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the argument in favor of change has the sort of gravitas that should satisfy even the most resilient sceptic.

So why is it that so few women lead law firms?¹ Is the research inaccurate? Is it because the sceptics cannot be silenced? Is it self-interest? Is it conscious or unconscious bias? Is it resistance to change? Or is it something else? The answers to these questions are pivotal to the future of the legal profession and law firms because we are in a time of change; and it's the sort of deep change that cannot happen without new voices, new approaches, and new ideas at the boardroom table. The New Year seems the right time to re-visit this topic, and particularly the role of professional development in advancing and achieving women-led law firms.

¹ This question was the topic for a panel discussion hosted by Griffith University Law School Legal Practice Centre and the Women Lawyers' Association of Queensland on August 8, 2012.

Getting to the Core of the Issue in Law Firms

The Law Society of England & Wales, together with the American Bar Association and others, recently examined why there are so few women in leadership positions in the profession. Aspects of this research had been, and continue to be, actively pursued and frequently reported on by women lawyers' associations, bar associations and law societies, diversity-focused organizations, diversity-focused public and private sector initiatives, and consultancies. The Summit sought to consolidate this research by assessing "the outcomes of three decades of diversity initiatives across the legal profession worldwide."² Data drawn from a 2011 pre-summit survey of 1,144 lawyers from private practice, corporate counsel, and the public sector shaped the areas of focus for discussion by delegates at the Summit held in London on March 8, 2012.

A Report with key recommendations identified the following areas "as critical and recurring factors in the arrested progress of women" in the law:³

- ✓ Inflexible working practices and culture.
- ✓ Outdated performance metrics.
- ✓ Slower progress on diversity initiatives by law firms than by client organizations,

² The Law Society of England & Wales, *International Women In Law Summit 2012 "Setting the agenda for change"*, March 8, 2012 at: www.lawsociety.org.uk.

³ Very similar results were reported by the Boston Consulting Group for women across the world and in numerous industries based on data collected and their analysis of answers to surveys, benchmarking, interviews: Susanne Dyrchs and Rainer Strack, *Shattering the Glass Ceiling An Analytical Approach to Advancing Women into Leadership Roles (bcg.perspectives, August 14, 2012)*.

A snapshot of women in leadership in Am Law 100 law firms (92 firms responding):

- **Two or fewer women members on almost 80% of firm chief governing committees**
- **More than 25% female partner membership on only 15% of firm governing committees**
- **18% female membership on firm compensation committees**
- **20% women Practice Group leaders**
- **15% women managing partners**
- **15% women equity partners**
- **Many women on professional development, diversity, recruiting, and partner nominating committees.**

Source: Amy Kolz, "Women Leaders of The Am Law 100: The Law of Small Numbers," *The American Lawyer* (December 28, 2012)

with firms consequently ceding the role of diversity change agents to their clients.

- ✓ An absence of comprehensive and accountability-driven mentoring and sponsorship programs for women in law firms.

Let's examine each of those issues in turn and consider what law firms and the PD function can do (and in some cases are already doing) to address them.

a. Inflexible Working Practices and Culture

Respondents to the survey suggested the culture of the profession was neither work/life balance friendly nor supportive of women reaching senior positions in

law firms. Such things as long hours to reach senior levels, resistance to flexible working practices, unconscious bias in favour of male colleagues, and male-orientated traditional networks and routes to promotion were noted as typical hallmarks of this culture. Research suggests that this culture is also less appealing to Generation Y. Can firms practice law a different way?

This question has been on the minds of managing partners for some time, and not just because they are seeking ways to retain their top junior and female talent. Client demands also require answers to it. Alternate fee arrangements have fundamentally changed the way law firms do business. Legal project management has been THE training focus for firms over the last few years. Put more simply, at the behest of their clients, lawyers have been learning how to practice differently by more efficiently and effectively managing matters to turn a profit on a fixed fee.

Technology has also intervened. The proliferation of legal information on the internet has resulted in more sophisticated purchasers of legal services who have access to all sorts of online

❖ **Average compensation for women partners decreased by 3% but increased by 8% for male partners between 2010-2012**

❖ **The pay gap between male and female partners increased 46% (in favor of male partners) between 2010-2012**

Source: Drew Combs, "Report Shows Pay Gaps Widening Among Partners," *The Am Law Daily* (September 18, 2012).

legal products and providers. Legal advice has been demystified. What lawyers do and how they do it has been disaggregated. For law firms this has led to commoditized and routinized work moving from junior lawyers to lower-cost legal process outsourcing (LPO) organizations. Law firms have embraced this change in different ways:

- ✓ Going head to head with the LPOs (*e.g.*, Eversheds)⁴ and setting up their own lower cost consultancies;
- ✓ Moving their support functions to lower cost locations (*e.g.*, Orrick, Clifford Chance, Baker & McKenzie, White & Case, WilmerHale, Pillsbury, Allen & Overy, and Herbert Smith);⁵
- ✓ Working in partnership with LPOs at the client's request or at their own instigation; or
- ✓ Moving work that would have been done by junior lawyers to contract attorneys and paralegals.

Business models have changed.⁶ Staffing models have changed. But not everything has changed. Different areas of practice have always demanded different approaches to be profitable. If firms can be flexible to meet client demands, is it really such a quantum leap to develop business and staffing models that achieve work/life balance and retain the most talented lawyers? Are careers really still linear or are they like a matrix?⁷ Are different career tracks now really

⁴ Susan Saltonstall Duncan, *5 Firms Take Bold Approaches* (ABA Law Practice Magazine, Volume 38 Number 6, November/December 2012).

⁵ *Ibid.*

⁶ Hildebrandt Institute and Citi Private Bank, *2012 Client Advisory* (February 2012).

⁷ Cathy Benko and Anne Weisberg, *Mass Career Customization: Aligning the Workplace with Today's Non-traditional Workforce* (Harvard Business School Press, 2007) and Cathleen Benko and Molly Anderson, *The Corporate Lattice: Achieving High Performance In the Changing World*

"alternative" or just one of many different variations in the new normal workplace? Is all of this less about what cannot be done and more about an absence of leadership to identify what can be done?

b. Out-Dated Performance Metrics

Performance metrics in many firms are almost exclusively about billable hours. There are also often some legacy-building criteria like good people management, business development efforts, and firm citizenship; but it is mostly about exceeding billable-hour-based revenue targets. One billable hour, however, is not like the next.⁸ Billable hours don't measure value or ability or productivity. They don't measure realization. They don't even measure profitability. They just measure activity, and not all activity is the same.

As alternate fee arrangements have increased, and it seems will continue to increase,⁹ billable hours have become an internal management tool, not a measure of performance and success. For many reasons it would seem that performance metrics need to be less about how much time you spend and more about what value you add. The innovative alternative law firm business models of the future, albeit still in their infancy, focus less on working designated hours in an office and more on getting the work done, at a time that works for the client, from any location. A quick peek at the website for

of Work (Harvard Business Review Press, 2010).⁸ Arthur G Greene, *The New Normal: Restoring Profitability* (ABA Law Practice Magazine, Volume 38 Number 4, July/August 2012).

⁸ Arthur G Greene, *The New Normal: Restoring Profitability* (ABA Law Practice Magazine, Volume 38 Number 4, July/August 2012).

⁹ Hildebrandt Institute and Citi Private Bank, *2012 Client Advisory* (February 2012).

virtual law firm Clearspire (www.clearspire.com) and a glance at what's happening with alternatively structured law firms¹⁰ in the UK as a result of the enactment of *The Legal Services Act*¹¹, provide unequivocal evidence of just how much things are changing.

Billable hours also don't measure the more intangible contributions some lawyers, particularly women, make to the management of a firm's talent. As the side bar above notes, there are many women lawyers represented on law firm professional development, diversity, recruiting, and partner nominating committees; yet these committees are often viewed as less powerful and less likely to be a path to firm leadership. So, if you want to be a leader, is the message, "Don't spend time on talent management"? This message is counter-intuitive for any organization, but especially for law firms that operate in a service-based industry selling the knowledge and know-how of their talent. If firms don't reward or recognize those who make the biggest contributions to talent development, who is going to do it? What will the word "legacy" mean?

¹⁰ The American Bar Association (ABA) Commission on Ethics 20/20 decided at its meeting on April 12-13, 2012 that it would not propose changes to the ABA policy prohibiting non-lawyer ownership of law firms in the US (ABA Press Release, April 16, 2012). Non-lawyer ownership of law firms is an integral part of possible alternative business structures for law firms in the UK under the *Legal Services Act*. http://www.americanbar.org/content/dam/aba/administrative/ethics_2020/20120416_news_release_re_nonlawyer_ownership_law_firms.authcheckdam.pdf.

¹¹ See the UK Solicitors Regulation Authority website for more information about alternative business structures for law firms at: <http://www.sra.org.uk/solicitors/freedom-in-practice/alternative-business-structures.page>

Key impediments to the progress of women in leadership positions in law firms include:

- **Resistance to change**
- **Absence of identification of the need for and investment in strategic talent management**
- **Absence of female leadership role models**
- **Absence of upward and 360° leadership reviews**
- **Inflexible working practices at a local and international level**
- **Out-dated performance metrics**
- **Out-dated and male-dominated work culture**
- **Absence of work assignment systems to track exposure of emerging women leaders to key clients**
- **Absence of investment in emerging women leaders programs**
- **Absence of investment in women in leadership training**
- **Absence of investment in leadership coaching, mentoring, and sponsorship for women**
- **Absence of accountability for the successful promotion of women leaders**
- **Absence of succession plans or planning**
- **Absence of off- and on-ramping or returnship (back to the workforce internship) programs and procedures for women**

Source: The Law Society of England & Wales, *International Women In Law Summit 2012* (March 8, 2012); Boston Consulting Group, *Shattering the Glass Ceiling An Analytical Approach to Advancing Women into Leadership Roles* (August 14, 2012); Carol Fishman Cohen, *The 40-Year- Old Intern* (HBR Magazine, November 2012).

Performance metrics need to measure and reflect the integral connection between retaining top talent and the success of the firm. And they need to foster and reward the value these firm contributors, many of them women it would seem, bring to the firm through their commitment and their ability to effectively manage the firm's talent – its only competitive advantage and market differentiator.

c. Ceding to Clients the Role of Legal Industry Change Agents

The role assumed by clients as legal industry change agents didn't start with the Association of Corporate Counsel (ACC) Value Challenge to law firms but did gain momentum after its launch in 2008. The Value Challenge provided a transparent platform for discourse and debate, clarity of expectations, and measures that could be managed. Around the same time that this initiative was gaining momentum, so too was the call by clients for greater, visible, and measurable actions by their law firms to improve diversity. The ongoing awareness

ACC Value Challenge key value levers:

- ✓ **Aligning Relationships**
- ✓ **Value-Based Fee Structures - i.e., not based on the "billable hour"**
- ✓ **Staffing and Training Practices**
- ✓ **Budgeting**
- ✓ **Project Management**
- ✓ **Process Improvement**
- ✓ **Use of Technology**
- ✓ **Data Management**
- ✓ **Knowledge Management**
- ✓ **Change Management**

Source: ACC Value Challenge
(<http://www.acc.com/valuechallenge/index.cfm>)

raising, conscience raising, and impactful work done by corporate counsel through the ACC, the Minority Corporate Counsel Association (www.mcca.com), initiatives like *A Call to Action – Diversity in the Legal Profession* (1999) and those of individual companies, raised the bar and demanded of law firms measurable and reportable statistics in a way and with a determination that in many cases exceeded those demanded by the firms themselves.¹²

These lawyer clients (corporate counsel) are increasingly women and minorities, but they are not the only women clients of law firms. Working women made up 61 percent of the labor force in 2011, 40% of women in the US workforce are their households' primary breadwinners, and other studies have shown that women comprise 80 to 85 percent of the US consumer market.¹³ How can firms attract or retain these clients if they are presented, every time they make a purchasing decision, with a firm that does not seem to promote or value diversity in its leadership?

d. Inadequate Coaching, Mentoring, and Sponsorship

Law firms have taken steps to improve diversity. Some have taken strides. For many firms this is a major change initiative and, like any change, is at first uncomfortable, disorienting, and disconcerting. But also like any necessary and successful change initiative, once it is done, no one can

¹² Creating stronger links between legal practice and client diversity initiatives was a recommendation of the *International Women In Law Summit 2012*.

¹³ These statistics were cited in a whitepaper by Mindy Storrie, *Recruiting, Developing and Retaining Women in the Workplace* (UNC Executive Development, 2012).

remember why they didn't do it sooner. Diversity-based and career-supporting¹⁴ change initiatives in law firms have evolved over time. These initiatives can build sequentially in phases but more often develop concurrently to accommodate the varying needs and experience levels of the women lawyers in the firm:

1. **Lunch time or early evening storytelling/training sessions** where senior women partners describe to more junior women lawyers how they were successful at something – the “something” may be business development, client relationship management, becoming a leader in the firm, etc.
2. **Interest groups, affinity groups or mentoring circles**, which tend to be held more often, in smaller groups, and are facilitated by consultants or senior partners. These provide a safe place for candid discussion and experience sharing about what worked and what did not work for the people in the group.
3. **Mentoring**, which involves more individualized support and usually pairs a woman lawyer with a more experienced internal mentor.
4. **Coaching**, again individually focused but also subject-area focused. The agenda for the coaching sessions is usually the person's career development plan broken down into SMART (specific, measurable, achievable, realistic, time bound) goals and action steps.
5. **Sponsorship**, like coaching but more focused on shared responsibility and accountability between the woman lawyer and her sponsor. The sponsor has the power to influence, is a decision maker,

¹⁴ Improving career development support for women lawyers was one of the recommendations of the *International Women in Law Summit 2012*.

and works proactively on the woman lawyer's behalf to advance her career in the firm.¹⁵

The end result of these initiatives is a firm-wide investment in and comprehensive focus on the early identification and development of top talent. If the “hot” lateral market and some new research are correct,¹⁶ the war for top talent is only going to get tougher. This sort of investment in talent, especially diverse talent, is exactly what needs to be a top priority for every law firm managing partner.

So how do firms make a start? What are firms doing not just to advance but also to manage diversity in their firms?

Turning the Tide – Targets, Quotas, or Something Else?

In a perfect world, gender would not matter. Either a person has the knowledge, skill, and competency for the job or does not. Few would disagree that advancement should be all about merit. So let's take a peek at some market research and see how it supports the argument in favour of more women in leadership positions:

- In 2011, the Zenger Folkman strength-based leadership consultancy conducted research into leadership effectiveness.¹⁷ The research was based on 360°

¹⁵ *Op cit.*, note 2.

¹⁶ Richard Dobbs, Susan Lund, and Anu Madgavkar, *Talent tensions ahead: A CEO briefing* (McKinsey Global Institute, McKinsey Quarterly, November 2012) at: https://www.mckinseyquarterly.com/Talent_tensions_ahead_A_CEO_briefing_3033.

¹⁷ Zenger Folkman, 2012, *A Study in Leadership: Women do it better than men* at: <http://www.zfco.com/media/articles/ZFCo.WP.WomenBetterThanMen.033012.pdf>.

leadership reviews of 7,280 leaders in sixteen tried and tested leadership competencies. The companies in the survey were all high performers that invested in leadership development. The data collected came from male (64%) and female (36%) managers and executives in companies within the US (64%) and outside (36%). The research found that women outperformed their male counterparts in the majority of areas.

- In 2012, Credit Suisse published a report based on data collected from 2,360 global companies over a six-year period.¹⁸ The report referenced and repeated findings from three other organizations in the same year (McKinsey & Company, Deloitte, and the Committee for Economic Development) that companies with female directors perform better.

From this research and that done in the legal industry, it would seem women have the talent to be exceptional leaders, there is a pool of talent to draw from, and we can identify an action plan which can be phased in to support their development over time.

So why are the statistics so poor in law firms? There could be any number of different reasons for this, but two seem to stand out as the most pivotal for change:

- **There is not a sense of urgency to change in many law firms.** The principles of equality before the law and

¹⁸ Elizabeth Dilts, Corporate Counsel, August 3, 2012, *Codifying the Correlation of Women Directors and Good Stock Performance* at: <http://www.law.com/corporatecounsel/PubArticleCC.jsp?id=1202565869692>). The other three reports referred to were McKinsey & Company, *Women Matter: Gender diversity, a corporate performance driver*, 2012; *Women on Corporate Board Would Make America and American Companies More Competitive*, CED, 2012; and Deloitte, *Board Effectiveness Corporate Australia: Bridging the gender divide*, 2012.

the need to uphold anti-discrimination legislation¹⁹ have not been enough to compel change. When this complacency is coupled with homogeneous leadership and management teams (white males) with similar or the same life experiences, there is little to recommend a change to the status quo, especially if you are benefitting from it.

- **Partners are not accountable for the success of others.** The old saying that “You can’t manage what you don’t measure” holds true, but not quite as it was intended. As mentioned earlier, corporate counsel, the drivers for change, have required law firms to report their diversity statistics (*measure*), but they have not gone the extra step and penalized those firms, or not nearly enough, for poor or negligible performance in improving diversity (*manage*). In addition, the absence of comprehensive leadership and management performance reviews for partners in many law firms – reviews that include data from upward and 360 reviews from direct reports, peers, and clients and also from exit interviews (*measure*) – has resulted in an information gap to the detriment of the partner, direct reports, and the firm (*manage*). The end result to date is that we have measurement and little or no management, or no measurement and no management!

Depressed? The news is not all bad. An increasing number of firms have launched initiatives aimed at increasing diversity (including gender diversity) in their leadership ranks and also to

¹⁹ These factors were identified by the President of the Law Society of England & Wales, Lucy Scott-Moncreiff, and the President of the American Bar Association (2012-2013), Laurel G. Bellows, as reasons why lawyers have a particular responsibility to tackle the problem of too few women in leadership positions in the profession: *International Women in Law Summit 2012* (Foreword).

improve the retention of women and minorities:²⁰

- ✓ Over the last few years firms including Linklaters, Freshfields Bruckhaus Deringer, and Herbert Smith (as it then was) have all rolled out unconscious bias training for partners.²¹
- ✓ Some of the same firms and others have adopted this training as part of a planned, multi-year package of initiatives including surveys, flexible working initiatives, alternative career tracks, mentoring, career development and networking advice, and the expansion of networks for women in business in their international offices (Herbert Smith, King & Wood Mallesons).
- ✓ Some firms have developed targets for women partners with specified dates against which to measure success (Ashurt, Clifford Chance, Hogan Lovells, King & Wood Mallesons for Australia).²² This was recommended by the International Women in Law Summit. Outside the profession,²³ organizations like the 30% Coalition (www.30percentcoalition.org) have been set up to encourage gender diversity in corporate leadership. Quotas for women on corporate boards have also been recommended (Australian Stock Exchange) or mandated (Norway and France), thereby taking the need to measure and be held accountable from the level of encouragement to a requirement. In some countries, public companies are required to report on the

²⁰ Suzi Ring, *Herbert Smith trials unconscious bias training in gender diversity push* (legalweek.com, April 11, 2012); King & Wood Mallesons Media Release (July 5, 2012); Marianne Purzycki, *On Target: A Path to Gender Diversity in Law Firm Partnerships* (Hildebrandt Institute, October 31, 2012).

²¹ The need for greater awareness of unconscious bias was a recommendation of the *International Women in Law Summit 2012*.

²² The need for targets was recommended by the *International Women in Law Summit 2012* and the Boston Consulting Group report.

²³ *Op cit.*, note i.

number of female director appointments (Australia and US).

- ✓ Some law firms are partnering with corporate counsel as part of their diversity initiatives. These are sometimes part of a firm internal/external mentoring initiative, training programs, or conferences.²⁴
- ✓ A number of firms have appointed Diversity Officers and/or Diversity Committees to monitor, manage and report on their initiatives.
- ✓ Law associations have adopted agendas that prioritize the retention of women in the profession (Law Council of Australia)²⁵ and others have launched multi-phased projects to advance women in the profession (Law Society of New South Wales, Australia).²⁶

The Role of Professional Development in the Advancement of Women in Leadership Roles in Law Firms

At the core of all the initiatives discussed is the need for transparency, guidance, management, and measurement. That's what a competency-based development model is all about: competencies and skills that have been identified as the blueprint for success at the firm, disclosure of what is expected,

²⁴ See, for example, the annual *Global Women's Leadership Summit* organized by DLA Piper's Leadership Alliance for Women in the US (DLA Piper LLP (US) website at:

<http://www.dlapiper.com/dla-piper-hosts-second-annual-global-womens-leadership-summit-10-25-2012/>). Creating stronger links between corporate and legal work practices and sharing best practises in diversity were recommendations of the *International Women In Law Summit 2012*.

²⁵ Law Council of Australia Media Release, *Law Council of Australia President outlines agenda for 2013* (January 3, 2013).

²⁶ The Law Society of New South Wales, *Thought Leadership 2011: Advancement of Women in the Profession, Report and Recommendations* (December 1, 2011).

transparency, feedback, support for and discussion about progress, and consistency, regardless of gender (or anything else), of opportunities (work assignments), compensation, and promotion.²⁷ A note of caution is also in order here because if the competencies are developed in the absence of widespread consultation from all corners of the firm, they can become the means by which the status quo is entrenched rather than the light to guide change.

Professional development professionals in law firms, the talent who know about talent, are in the driving seat to measure, manage, and advise firm leadership on best practices to support the career development and advancement of women lawyers in the firm. PD is well placed to facilitate collaboration among support functions (HR, Diversity & Inclusion, Pro Bono, Marketing/Business Development, Finance, IT) that can make a difference. It is not surprising that the firms that have launched meaningful initiatives to redress the absence of women in leadership are the same ones, in many cases, that have invested in their professional development function and raised it to, as it needs to be, a strategic trusted advisor position in their C-suite executive management teams.

Can Women Lead Law Firms?

There is no doubt that firms have, and will continue to have, access to a large pool of talent from which they can draw

future women leaders. Supply is not the problem. Demand is the problem. So the answer to the question posed here is both a “Yes” and a “No”: “Yes” to the abundance of female talent available to lead law firms, but a continuing “No” to the possibility of female leadership unless law firms proactively support the development of their women lawyers.



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leading attorney talent management functions for Am Law 100 law firms and global law firms associations, and now works as a consultant in change and talent development in the legal industry. Terri's work has spanned five different continents. She is committed to the longevity of the profession and to supporting firms in identifying the talent they need to lead and navigate the many challenges and changes demanded of 21st century legal professionals. Terri can be contacted: tm@mottersheadconsulting.com or (415) 812 1825.

²⁷ Committing to enhanced career development support for women which encompasses all aspects of a competency-based development model was one of the recommendations of the *International Women In Law Summit 2012*.

Professional Development for the “Keepers”

J.D. Neary

In December, I had the privilege of being part of a panel during a plenary session at the Professional Development Institute. Our topic was a discussion of NALP’s *Keeping the Keepers* study with my particular focus being “PD for the Keepers.” This article is an extrapolation of my presentation.

Any discussion about “keepers” needs to begin with defining the term. Are “keepers” future partners? Or are they simply attorneys you want to hold onto for as long as possible and including folks who might ultimately end up in alternate track positions? It is possible that different departments within the same firm may have different definitions. You need to determine the firm standard definition(s) of “keeper.” This step is critical. Be willing to spend extra time getting all decision-makers on board before moving forward – it will be time well spent.

Once you determine your firm’s definition of a keeper, you can move on to identifying them. To do so, you must decide what metrics to use. Will a combination of evaluations, hours, and business development skills (either proven or potential) set the standard? Or is yours a firm that still relies on the “eye test” (I know a partner when I see one!)? Because many partners who use the “eye test” were made partner under a very different set of circumstances (and very possibly under different criteria than their firm is using today), this is not an ideal method for identifying keepers in a firm.

The next critical question to be answered is whether or not the keepers actually want to be kept. We all know that many associates join law firms with no intention of staying more than a few years and that even in a struggling economy, the best lawyers will

always have options – in-house positions, clerkships, jobs at other firms, or even non-legal positions. This doesn’t mean that these folks **won’t** stay, only that they have never seriously considered it and that you need to make it attractive to them.

Starting on their first day, we tell our associates that they have the ultimate responsibility for their careers. The firm, of course, has its own responsibility to provide as much information as possible so associates can make informed decisions about their careers. To that end, it is critical that you be in regular, substantive communication with your keepers. Many of us spend far more time with the associates who are struggling than with our top people and that is a mistake.

If the keepers are the future of the firm, you not only need to let them know that, you need to show them that you are making an investment in them. You might be surprised by the number of keepers who did not know that they were well regarded until they were explicitly told so. Be very proactive in your dealings with them and with your efforts to help them achieve their career goals. Among the areas of focus:

- **Compensation:** If your firm is out of lockstep, make sure your top attorneys know they are being paid the most. You are wasting the money if you don’t communicate. If you are in lockstep, look for creative ways to get more money into the pockets of your stars – perhaps bonuses for high *quality*, not just high *quantity*, of work.
- **Assignments:** Make sure your high performers are getting the assignments that put them on the best path to success – ones that will round out their legal and practice area experience, develop new

skills, ensure they are challenged and get them in front of important firm clients – all of these will help your keepers feel both needed and wanted.

- **Supervising and Mentoring:** Remember the message you are sending with your choices of mentors and supervisors. Don't pair your "best" supervisors and mentors exclusively with your struggling associates. Keepers want and need guidance too. Across all industries, one of the top reasons cited by departing employees is a poor relationship with their supervisor. Make sure your keepers are given a healthy, productive work environment.
- **Training Opportunities:** Make every effort to train your keepers in all of the important non-practice specific skill sets, things such as The Business and Economics of a Law Firm, Marketing and Business Development, Communication Skills, and Leadership and Management. In addition to classes, work to provide them with as many "real life" opportunities as you can in these areas. Instead of just teaching them about Business Development, get them involved with a pitch for work from start to finish. Educate them about leadership and have them supervise a summer associate or a paralegal. Get them used to giving feedback and leading a team to a successful outcome. Give them practice-specific opportunities above and beyond what other associates might be getting, whether that is a NITA class, an industry conference, or a PLI class outside of the firm. Remember, the goal is to let these associates know how much you value them; and there is no better way to do that than with timely, concrete opportunities to grow as lawyers.

Although retention rates are important and can help measure improvement, don't make the mistake of making it only about the statistics. You are not being successful if you are keeping the right number of the wrong people. There is such a thing as "good attrition." Associates who leave for in-house

positions with clients, for instance, may have a strong positive impact on the firm for many years to come, even though it may look like a statistical and cultural loss at the time.

In order to make the largest possible impact, it is essential as a PD professional that you understand the strategic direction of your firm and how both hiring and retention fit into that strategy. Where do your areas of responsibility add value with respect to keeping keepers? How can you work most effectively with other legal and administrative departments to bring in, train, and retain the best lawyers? Ask yourselves these questions regularly and make sure that all of your decisions and actions are aligned with the firm's strategy and goals.



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Legal Education and Lawyer Professional Development

Gaye Mara

Thirty years ago, in February 1983, I started my first full-time PD job.

This was 10 years after then-Chief Justice Burger famously complained in the *Fordham Law Review* that “one-third to one-half of the lawyers who appear in the serious cases” in federal court were not fully competent, that U.S. law schools provided inadequate preparation for litigation practice, and that the UK’s system of legal education was a better model (Burger, 1973).

Ours was one of the early firms to commit to an internal “bridge the gap” program, including skills training in some areas of deficiency recognized by the partners: written and oral communication, trial advocacy, and negotiation. By 1990, enough firms had started and staffed such programs that about two dozen of us met at ALI-ABA’s offices in Philadelphia to form the Professional Development Consortium (PDC), an association of in-house PD officers. (Today’s membership is about 450.)

I don’t recall making or hearing complaints in those days about law school education – we simply accepted that the new graduates who were joining our firms lacked essential skills and needed further training. Of course, business was good, revenues were high, and large firms could afford such largesse toward their new hires. And we had no concern about how the many law graduates who were not joining firms like ours were able to function without that kind of training.

Dean Joe Harbaugh visited our 1992 PDC conference to give us copies of the ABA’s MacCrate Report (American Bar Association, 1992), fresh off the press, and to discuss its recommendations for improving lawyers’ professional preparation during and after law school. Both Harbaugh and the Report impressed us. But we didn’t hear much about it after that, and we carried on with our programs.

The Trouble with Legal Education

There have been substantial and repeated criticisms of the deficiencies of U.S. legal education going back to the early 20th century.²⁸ (If you’ve already heard enough on the subject, feel free to skip to the next section.)

More recently Leary Davis, Dean of Elon University Law School, traced the rise of the predominant method of law school teaching, the Socratic case dialogue, in an article in the *Santa Clara Law Review* (Davis, 2012, at 731-732); the Carnegie Report described the technique and its strengths and limitations in detail (Sullivan *et al.*, 2007, at 47-86);²⁹ and a report for the Clinical Legal Education Association (CLEA) (Stuckey, 2007) explained how law school teaching can be improved.

²⁸ Numerous authors cite William V. Rowe, “Legal Clinics and Better Trained Lawyers – A Necessity,” 11 *Ill. L. Rev.* 591 (1917). We were unable to obtain a copy by press time.

²⁹ See N. Mara, 2010, for a review and summary of the report.

To summarize the history and the criticisms, in the 1870's the Dean of the Harvard Law School, Christopher Columbus Langdell, pioneered the case-dialogue method of teaching legal analysis (also known as teaching students to "think like a lawyer"). The technique as traditionally used (and as traditionally repeated through all three years of law school) is powerful but limited, for the following reasons:

1. *Exclusive focus on the law, in isolation and out of context.* The cases studied are appellate cases, focusing solely on the legal correctness of the lower courts' decisions. They disregard the people involved in the dispute, the messiness of their real-world situations and concerns, and even issues of morality and social justice. Instead they consider only the law, in isolation and in the abstract. This promotes students' rapid development of strong legal analytical skills, but it neglects other skills essential to effective lawyering including interpersonal relationship and communication skills, factual investigation and analysis, ethics and professional responsibility, etc. A curriculum structured around case-method courses also omits the study of all disciplines other than law.
2. *Exclusive focus on litigation.* The focus of the case method is further limited to the outcomes of litigation, emphasizing the adversarial uses of law without studying other important lawyering functions such as counseling, non-adversarial dispute resolution, legislative and transactional work, and even pre-litigation decision-making.
3. *Lack of interaction with and feedback to students.* The teaching is delivered in large-group lecture format, with one professor typically lecturing to anywhere from 70 to 120 students. The only interaction and feedback consist of "Socratic dialogues" with the few

individual students the professor chooses to call upon at each class session.

4. *Lack of interim assessments.* The lack of feedback extends to testing procedures. Instead of periodic assessments throughout a course to confirm for students what they've learned and still need to learn and to let them make adjustments accordingly, the only assessment is a single, high-stakes exam at the end of the course, when it is too late to make any adjustments.
5. *Lack of collaboration.* A further skill deficit results from the lack of opportunities for students to work in teams and collaborate in solving problems and completing projects, as they would in actual law practice. Instead, the teaching method and a forced grading curve promote intense student competition.

When Langdell first introduced case-dialogue teaching, there were few U.S. law schools and the majority of lawyers learned their craft through apprenticeship to an experienced lawyer. Langdell's new method was presented to the profession and to academia as "legal science," much superior to the uncertainties and inconsistent results of individual apprenticeships. Moreover, the method permitted a very high student/faculty ratio – that, combined with low facilities costs, promised exceptional profitability for a graduate program and thus enhanced its appeal to universities.

Within 20 years the number of law schools had multiplied, the apprenticeship vs. academia balance had reversed, and the majority of new lawyers were coming out of university-based law schools (Davis, 2012, at 732).

The Carnegie Report notes that the use of cases for teaching was adopted in

modified form by Harvard Business School (by a new dean who was a graduate of the law school) and eventually became the accepted teaching method in graduate business programs. Medical schools later adopted a case-based approach as well. But the cases used in both business and medicine provide a much richer factual context, and they are actively deliberated in small groups with all students participating (Sullivan *et al.*, 2007, at 198-199); indeed, medical school case analysis incorporates interaction with actual patients or actors playing the role of patient.

Moreover, as noted in both the Carnegie and CLEA reports, there have been tremendous advances since 1870 in our understanding of how people learn and how best to teach them – advances that law schools for the most part steadfastly ignored.

Clinical and legal writing professors have been using and refining experiential learning techniques all along, but their activities are typically deprecated as “vocational” by the doctrinal faculty, the tenured, case-method-invested professors with authority over curriculum decisions. The Carnegie Report, however, praises legal writing instruction as law school’s most comprehensive bridge to practice (Sullivan *et al.*, 2007, at 104-111)³⁰ and legal clinics as most valuable for integrating academic theory with the role and skills of responsibility for clients (at 120-125).

³⁰ See Ramsfield, 2012, for a proposal for PD and legal writing professionals to co-create a more extensive bridge curriculum.

Some of the reports proposing law school reforms contain useful content for PD as well:

Compilation of best practices for legal education (the CLEA Report). The result of a multi-year study and collaboration among clinical law professors, this report outlines in some detail the best practices for planning, conducting, and evaluating experiential and non-experiential learning activities on legal subject matter. Many of the suggestions are readily translatable to PD. In particular, see the recommendations for skills-training simulations based on hypothetical cases (at 132-138); in-house clinics, analogous to law firm *pro bono* programs (139-146); externships, translatable to managed assignment programs for summer and new associates (146-152); and non-experiential teaching (the dreaded “talking heads”) including Socratic dialogue, discussion, and lecture (153-174). There are also abundant references to further resources for more in-depth treatment (Stuckey, 2007).

Study of predictors of lawyering success. Cal Berkeley Professors Marjorie Schultz and Sheldon Zedeck conducted a three-phase study funded by the Law School Admissions Council. The purpose was to identify assessment instruments in addition to the LSAT that might more reliably predict law school applicants’ ultimate performance as lawyers. (The LSAT is regarded as reliable only in predicting first-year grades.) The first phase of the study, which included both law students and practicing lawyers, identified 26 effectiveness factors that correlate with professional success – essentially a generic competency model for the legal profession that has attracted attention from other law schools, and that a law firm might also consider as a useful first draft for its own competency model (Schultz and Zedeck 2008 at 24-27).

Leadership education for lawyers. In Fall 2012, Santa Clara law school hosted a symposium on best practices in leadership development as a model for the education of law students and lawyers. The papers are available online at <http://digitalcommons.law.scu.edu/lawreview/vol52/iss3/> (last accessed January 2013).

Impact on Professional Development

The teaching and culture of law school has impacted the way firms approach their own operations, including but not limited to PD. Legal education, by focusing on law to the exclusion of all other disciplines, inculcated in many lawyers a belief that the legal profession is so unique that no other profession has anything to teach it. When firms faced difficult decisions about PD – indeed, about any management issue – the first question to be answered was always, “What are other *law firms* doing?”

And some of the same criticisms leveled at legal education applied to our early PD programs, including the over-reliance on “talking heads,” the lack of integration of education and training activities with practice experience, and the ignorance of accepted learning principles and best practices that could have greatly improved our effectiveness. Of course, the few in-house programs that were not run by lawyers were shaped by their expectations, and I suppose it came naturally for lawyers to stick with the educational model they knew.

I still remember the partners on one of my training committees recoiling in horror at the suggestion of a simulation with role-plays. Later on as a consultant, I was brought into a Fortune 50 legal division to help create a new professional development program. The general counsel believed that the corporation’s highly competent training staff could not possibly understand the work and needs of his division (event though they had for the company’s executives and other professionals); he wanted a program like law firms had.

Fortunately major improvements are in progress in both the law school and law practice environments.

PD started down the road to improvement out of necessity: We actually had to get our new lawyers competent to practice law (since law schools somehow hadn’t seen that as their mission) if clients were going to pay us for their time. In particular, we recognized early on that law as practiced is not mono-disciplinary – that our lawyers need to understand business and finance and the other fields we and our clients are involved in. Now more of us are using experiential activities in training and taking control of assignments for junior lawyers to ensure better developmental experience on the job. And the recent evolution of competency models has provided a coherent, unifying framework for PD programs and a clearer path for lawyers’ career development.

This is not to say that all law firm PD programs are following best practices and don’t have room for improvement. But there’s definitely forward momentum and an openness to new ways of doing things.

Law School Curriculum Reforms

The tipping point on the law school side seems to have been reached with the Carnegie and CLEA reports, developed in collaboration and published concurrently in 2007, and the follow-on activities they have inspired. The Carnegie Report (Sullivan *et al.*, 2007) provided an in-depth analysis of the conduct and outcomes of legal education, pointing out areas for improvement, while the CLEA Report (Stuckey, 2007) laid out a blueprint for those improvements.

Immediately following the issuance of the two reports, a series of annual conferences on “Legal Education at the Crossroads” was convened by Carnegie and CLEA researchers in Fall 2007 through Fall 2009 to engage influential parties in further discussions and commitments around implementing the recommendations.³¹

Numerous progeny have issued from these efforts, of which the most promising appear to be Educating Tomorrow’s Lawyers and the Alliance for Experiential Learning in Law. And, in the meantime, numerous law schools, including the so-called “elite” schools, have undertaken significant reforms of their own.³²

Educating Tomorrow’s Lawyers (ETL) is an initiative for curriculum and teaching reform led by William Sullivan, the lead author of the Carnegie Report, with communications and resources hosted on the University of Denver web site. Launched in August 2011 with 15 law schools, the consortium had 26 when we last checked, with NYU the latest to join in January 2013. ETL member schools commit to implementing the recommendations of the Carnegie Report for a more holistic and experiential legal education and to sharing teaching

³¹ “The Critical Issues Summit,” a further initiative launched by ALI-ABA (now ALI-CLE) and ACLEA in Fall 2009 that would have extended reforms beyond the law school curriculum, seems to have stalled. For an overview, see G. Mara, 2010.

³² See, for example, Stanford’s February 2012 press release about reforms begun in 2006, at <http://blogs.law.stanford.edu/newsfeed/2012/02/13/stanford-law-school-advances-new-model-for-legal-education/> (last accessed January 2013).

resources online, where they are publicly available.³³

The Alliance for Experiential Learning in Law was initiated in September 2011 at Northeastern University School of Law, a pioneer of experiential education. The Alliance numbers at least 40 schools, and its membership overlaps with ETL’s, as does its mission. In October 2012 the Alliance convened an Inaugural National Symposium on Experiential Education in Law intended to “develop structured dialogue between the profession and the academy about legal education ... in a post-Carnegie environment” and to develop consensus around the reforms needed.³⁴ There’s a wonderful account of the conference discussions and strategizing – problems, solutions, and impediments to reform – by a Cardozo third-year on the New York State Bar Association’s blog for law student members (Farkas, 2012).

The Key Players in Reform

Clinical law professors and Carnegie Foundation researchers, who concurrently produced the CLEA and Carnegie reports, have so far been the driving forces for change. But reforming legal education is a heavy lift, and past attempts have failed to get it off the ground. Help from other strong hands – especially including the ABA, the AALS, doctrinal faculty, and employers – is needed for the latest push to succeed.

³³ See <http://educatingtomorrowlawyers.du.edu> (last accessed January 2013)

³⁴ See <http://www.northeastern.edu/law/academics/institutes/alliance-exp-learning.html> (last accessed January 2013)

Law firms may have some concerns about law school curriculum reform:

- That new hires might now be trained differently than the firm would train them. Every firm has its own distinct culture and systems. In some respects a firm might prefer receiving a blank slate to write on, rather than one already scribed with attitudes and ways of doing things that conflict with the firm's.
- That new graduates, having represented clients and made their own decisions on cases, will be frustrated by the slow transfer of responsibility and autonomy in the large corporate firm setting. On the other hand, the more capable and skilled the new recruits are, the faster firms will be willing to entrust them with responsibility.

Members of the reform coalition point to the following impediments to change:

ABA accreditation standards and AALS membership requirements. Both impose a research and scholarship requirement for full-time (read “doctrinal”) faculty, which limits the teaching load they can carry and imposes other costs for research

support on law schools. This makes it difficult to invest additional resources in clinical and experiential education, especially at a time of declining enrollments and revenues. The rules also vest governance authority (such as decisions about curriculum reform) in the full-time faculty. The ABA began a comprehensive review of its accreditation standards in Fall 2008; that review is still under way. There are proposals in process to add

experiential education requirements and revise faculty standards.³⁵

U.S. News & World Report's criteria for law school rankings. While schools at all levels of the rankings acknowledge that the metrics used in arriving at them are arbitrary and misleading, other important constituencies including employers and prospective students pay attention to them. Therefore “deans are hesitant to pursue curricular change because of the risk to rankings and perceived reputation” (Farkas, 2012).

Employer hiring criteria. The metrics employers use for hiring are just as arbitrary. Law firms still turn up their noses at clinical experience, and they still overvalue law school rank, student GPA, and law review experience (Bendekovic 2012). An online blog for clinical professors suggests alternative standards and other actions for the firms that want to encourage reform (Fruehwald, 2012).

Doctrinal faculty's investment in the current system. Law schools now carry a large cohort of tenured doctrinal faculty with high salaries, high status, and light teaching loads (to make time for scholarly research). If these professors can't be brought on board with curriculum reform and new teaching methods, the more affluent schools may have the resources to buy them out and/or install reforms around them. Others will have a much tougher time.

Shrinking budgets. The lower student/faculty ratios required for effective skills training and clinical work are expensive. But revenues at many

³⁵ See Dinerstein, 2012, and http://www.americanbar.org/groups/legal_education/committees/standards_review.html (last accessed January 2013).

schools are crashing because of declining enrollments and because of increased tuition discounting in an effort to maintain the size and quality of the applicant pool (see, *e.g.*, Bronner, 2013). Again, some schools may have the resources to carry forward; others may not.

What Lies Ahead?

The law school bubble was much like the housing bubble. Prices skyrocketed while buyers took on heavy debt, confident of a future return. Now that confidence is gone, values are plummeting, and new buyers have stopped knocking on the door.

As one law professor commented,

“Law schools need to take immediate action to confront today’s crisis. The current model – convincing 45,000 people each year to assume six-figure debt loads to chase 20,000 legal jobs (most of which do not pay enough to service the debt) – is simply unsustainable. Market and political forces are gathering steam. Law schools that embrace change will emerge stronger from the current storm.”³⁶

In one way, then, the bursting of the bubble has made education reform harder by reducing the resources available for it. But in another, it is promoting reform as law schools intensely compete for a shrinking pool of students at one end and their graduates

³⁶ Law professor Paul L. Caron on the TaxProf Blog at http://taxprof.typepad.com/taxprof_blog/2012/10/caron-the-law-school.html (last accessed January 2013).

compete for a shrinking pool of jobs at the other.

What employers do, whether they ignore those reforms or support and reward them, will matter to the outcome.



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Quotes of the Quarter

“The twin forces of globalisation and technology may put many mediocre lawyers out of business. But those who master languages and computers may find themselves in demand.”

– *The Economist*, November 10, “Legal language”

“Even with a glut of lawyers on the market, there are not enough people who blend training in law with training in STEM disciplines. They are sought after for more than the intellectual property disputes that dominate headlines. The formulation of public policies ought to be guided by real knowledge of law and science, not assumptions about both that are demonstrably wrong.”

– Dean Frank Wu, UC Hastings College of Law, December 19 on the *Huffington Post*



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 (302) 249-6229 or maraeg@profdev.com.

Skills Training vs. Learning by Doing

There's a continuum of ways to learn a skill. Instructor-led training lies at one end, and learning on our own by doing is at the other.

Skills Training

One classic model of skills training goes back to World War II, when the U.S. Army used it for troop training. The National Institute for Trial Advocacy uses the same model for trial skills training. "Know-Show-Do-Review" can be used individually or with groups:

1. **Know:** Start by providing the learner with essential background knowledge.
2. **Show:** Demonstrate performance of the skill.
3. **Do:** Have the learner try to perform the skill.
4. **Review:** Discuss and evaluate the learner's performance, and provide suggestions for improvement.

For example, in training someone to interview candidates for employment, we might proceed as follows:

Know – Provide the organization's hiring goals and criteria. Explain how to review and analyze a resume in the context of the hiring criteria. Explain the general principles of effective interviewing – what to do, what not to do. Provide samples of effective and ineffective or improper interview questions. Provide a template for an interview plan.

Show – Walk through the review of a sample resume, suggesting areas for inquiry and

questions to be asked. Show a videotape of actors playing the roles of interviewer and interviewee and discuss the strengths and weaknesses of the interviewer's performance, referring back to the general principles and types of questions previously discussed.

Do – Have the learner prepare for a mock interview based on a sample resume, and conduct it with a volunteer or another learner playing the role of interviewee. Videotape the interview while observing and taking notes on the learner's performance.

Review – Give a capsule summary of what the learner did well and could do better, then review and discuss the videotaped performance together, noting its strengths and areas for improvement.

Depending on the level of proficiency to be achieved, we might provide additional opportunities for practice and feedback. Mastery of any skill at a high level of proficiency requires repeated experience.

Learning by Doing

Learning theorist David A. Kolb developed the Experiential Learning Model in the 1970's to explain how people learn from experience. In essence, Kolb's model reshuffles the Know-Show-Do-Review sequence as follows:

1. Concrete experience (**Do**): The learner engages in an activity.
2. Reflective observation (**Review**): During and after the activity, the learner

objectively observes and analyzes his/her own performance and results.

3. Abstract conceptualization (**Know**): The learner derives theories and principles from the analysis to guide future performance.
4. Active experimentation (**Do** again, perhaps in more limited fashion to focus on particular points of interest): The learner applies and refines the newly learned concepts.

The learner could work through these steps entirely alone, or could get help at any point – for example, from a mentor or coach to help with the analysis and/or the abstract conceptualization stage. And most responsible people would try to add a “**Know**” step at the beginning of the process, gathering as much information as possible and making a plan of action before plunging into an unfamiliar activity of any importance.

Which Is Better?

It depends.

Well-designed, instructor-led skills training is most valuable for beginners. It is essential preparation for engaging in any critical skill-based task, to protect the neophyte and

everyone else involved from the possibly serious consequences of an inadequate performance.

Facilitated experiential learning might be an intermediate next step – perhaps exposing the learner with basic skills to a simulated experience, or a carefully demarcated real-world experience, and then coaching him or her through analyzing the experience and conceptualizing the new understanding and knowledge to be gained from it.

Finally, learning by doing – essentially, learning by trial and error – is a valuable skill that supports continuing learning. Anyone who would attain the highest levels of mastery must possess it. After all, one must often act when no teacher is available. And at a certain point, a professional’s expertise may outstrip the capacity of others to teach him or her. At that point, the choice presented is to keep growing and changing or to stagnate. The ability – and the humility – to objectively observe, analyze, and improve one’s own performance ensures lifelong personal and professional growth.

– Gaye Mara

One More Quote of the Quarter:

“No matter how much you know today, success depends on your ability to learn continuously, forever. Now, as you launch your career, it’s time to weigh the value of humility. If you are humble, you know that you do not know it all. Your humility opens you up to lessons, messages, ideas, and surprises. You seek them.”

– Allison Rossett, advice to new learning and development professionals, in the November *T+D*

Professional Developments

News

Betting on Justice

Want to predict the decisions in the Supreme Court's current term in competition with other bettors? Sign up to test your smarts again the "power predictors" at www.fantasycotus.net.

More on Legal Education

Law Dean Frank H. Wu of UC Hastings posted online a wonderfully entertaining and pointed piece explaining "The Problem with Legal Education." It's at www.huffingtonpost.com/frank-h-wu/the-problem-with-legal-ed_b_2331698.html.

More on Women Leaders

Carol Bartz, Silicon Valley executive, spoke to students at Penn's Wharton School about the career advice her 64-year-old self would want to give today to her 30-year-old self. A write-up on her talk is available at <http://knowledge.wharton.upenn.edu/article.cfm?articleid=3138>.

Conferences

Legal Profession:

- 2/2-5/13, Clearwater Beach, FL. *ACLEA's 49th Mid-Year Meeting*. Association for Continuing Legal Education, www.aclea.org.
- 2/7-9/13, Dallas, TX. *ABA Law Practice Management Section Midyear Meeting*. American Bar Association, www.americanbar.org.
- 2/28-3/2/13, Jacksonville, FL. *2013 Newer Professionals' Forum*. Association for Legal Career Professionals, www.nalp.org.
- 4/4-6/13, Chicago, IL. *ABA TECHSHOW 2013*. American Bar Association, www.americanbar.org.
- 4/24-27/13, Tampa, FL. *2013 Annual Education Conference*. Association for Legal Career Professionals, www.nalp.org.
- 5/29-6/1/13, Palm Beach, FL. *ABA Law Practice Management Section Spring Meeting*. American Bar Association, www.americanbar.org.
- 6/7/13, Chicago, IL. *2013 Diversity & Inclusion Summit*. Association for Legal Career Professionals, www.nalp.org.
- 8/3-6/13, Baltimore, MD. *ACLEA's 49th Annual Meeting*. Association for Continuing Legal Education, www.aclea.org.
- 8/8-10/13, San Francisco, CA. *ABA Annual Meeting*. American Bar Association, www.americanbar.org.

Government:

- 2/20/13, 2-3 pm online. *ASTD Government Webcast: Social Learning in the Federal Workplace*. American Society for Training & Development, www.astd.org.
- 2/26/13, Washington, DC. *ASTD Government Expert Training Forum: 3 Strategies for Effective Government Leadership Programs*. American Society for Training & Development, www.astd.org.
- 4/11-12/13, Alexandria, VA. *Career Planning and Talent Management for Government*. American Society for Training & Development, www.astd.org.

General Audience:

- 2/18-20/13, Orlando, FL. *Training 2013 Conference & Expo*. Training Magazine, www.trainingconference.com
- 3/12-13/13, New York, NY. *The 2013 Executive Coaching Conference: Built for Change – Preparing Leaders to Be Agile and Innovative*. The Conference Board, www.conferenceboard.org/coaching.
- 4/12-14/13, Reno, NV. *Principles & Practices of Performance Improvement*. International Society for Performance Improvement, www.ispi.org.
- 4/14-17/13, Reno, NV. *THE Performance Improvement Conference 2013*. International Society for Performance Improvement, www.ispi.org.
- 4/22-25/13, Fort Lauderdale, FL. *IMPACT 2013: The Business of Talent*. Bersin & Associates, www.bersin.com.

- 5/19-22/13, Dallas, TX. *ASTD 2013 International Conference and Exposition*. American Society for Training & Development, www.astd.org/Events.

Courses and certificate programs

American Management Association,

www.amacourses.com. AMA offers an extensive selection of online, on-site, and in-house courses in 23 subject areas, including:

- Business Analysis
- Communication Skills
- Human Resource Management
- Interpersonal Skills
- Leadership
- Management and Supervisory Skills
- Myers-Briggs Type Indicator® (MBTI®) Certification
- Presentation Skills
- Project Management
- Strategic Planning
- Thinking and Innovation
- Time Management
- Training and Development.

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):

CPLP Certification: Certified Professional in Learning & Performance.

This is a comprehensive program consisting of approximately 10 weeks of coursework, a knowledge-based examination, and submission of a qualifying work product. It addresses the nine areas of expertise identified in the ASTD Competency Model for workplace learning & performance professionals:

- Designing learning
- Delivering training
- Improving human performance
- Measuring and evaluating learning
- Facilitating organizational change
- Coaching

- Career planning and talent management
- Managing the learning function
- Managing organizational knowledge

www.astd.org/content/ASTDcertification/.

ASTD Master Trainer Certificate Program

A three-part blended learning program intended to develop mastery of all aspects of training delivery, consisting of an initial online orientation, a 4-day in-person workshop with practice and feedback, and an elective online course.

More information at www.ASTDMasterTrainer.org.

Other ASTD courses and certificate programs:

- Action Learning Certificate (2 days)
- Advanced Designing Learning Certificate (2 days)
- Advanced E-Learning Instructional Design Certificate (2 days)
- Analyzing Human Performance Certificate (3 days)
- Blended Learning Certificate (2 days)
- Business Essentials Certificate: Strategy, Finance, Marketing (3 days)
- Career Planning and Talent Management Certificate (2 days)
- Coaching Certificate (2 days)
- Consulting Skills for Trainers Certificate (2 days)
- Creating Leadership Development Programs Certificate (2 days)
- Creating New Supervisor Training Programs Certificate (2 days)
- Designing Learning Certificate (3 days)
- E-Learning Instructional Design Certificate (2 days)
- Essentials of Adobe Captivate 5: An Introduction (1 day live online workshop)
- Essentials of Adult Learning (2 weeks, online only)
- Essentials of Articulate Studio (2 weeks, online only)
- Essentials of Camtasia Studio 7: An Introduction (1 day live online workshop)
- Essentials of Coaching SMEs (Subject Matter Experts) to Facilitate Learning (2 weeks, online only)
- Essentials of Designing Synchronous Games and Activities (2 weeks, online only)

- Essentials of E-learning Authoring Tools (2 weeks, online only)
- Essentials of Evaluating Leadership Development Programs (2 weeks, online only)
- Essentials of Evidence-Based Training (5 days, online only)
- Essentials of Experiential Learning and Simulations (2 weeks, online only)
- Essentials of Flash for E-learning Designers (2 weeks, online only)
- Essentials of Game Design (2 weeks, online only)
- Essentials of Graphics for Learning (9 days, online only)
- Essentials of Learning Transfer (6 weeks)
- Essentials of Performance-Based Job Aids (2 weeks)
- Essentials of Podcasts, Video, and Writing for the Web (2 weeks)
- Essentials of Scenario-Based E-Learning (5 days)
- Essentials of Social Media for Learning (2 weeks)
- Facilitating for Excellence Certificate (1 day)
- Facilitating Organizational Change Certificate (2 days)
- HPI (Human Performance Improvement) in the Workplace Certificate (3 days)
- Managing Organizational Knowledge Certificate (2 days)
- Managing the Learning Function Certificate (3 days)
- Measuring and Evaluating Learning Certificate (3 days)
- Multimedia for Learning Professionals Certificate (2 days)
- Presentation Skills Certificate (2 days)
- Project Management for Learning Professionals Certificate (2 days)
- Rapid Learning Techniques Certificate (2 days)
- ROI Basics Certificate (3 weeks, online only)
- ROI Skill Building Certificate (2 days)
- Selecting HPI Solutions Certificate (3 days)
- Test Design and Delivery Certificate (2 days)
- Training Certificate (3 days)
- Transforming Traditional L&D: Doing More with Less – for Government (1 day)

www.astd.org/Education.aspx

Cornell University Workshops, Certificates, and On-Site Programs. Cornell's ILR School offers one- to three-day workshops, which may be taken individually or in a certificate series, in the following subject areas:

- Diversity and Inclusion
- Equal Employment Opportunity
- Human Resources
- Labor Relations
- Legal and Internal Investigations
- Management Development

The workshops can also be delivered at your site.

www.ilr.cornell.edu/hcdnyc

George Mason University Leadership Coaching for Organizational Performance Certificate Program, Fairfax, VA. A one-semester program certified by the International Coach Federation and consisting of 5 in-person course modules of 2-3 days each approximately once a month, supplemented by distance learning and independent work between modules. It includes:

- Course Module I, Leadership Coaching Foundation
- Course Module II, Creating Awareness
- Course Module III, Coaching Skills
- Course Module IV, Coaching Skills in Action
- Course Module V, The Process and Business of Coaching

www.ocpe.gmu.edu/programs/org_dev/leadership_coaching.php

Harvard Law School Program on Negotiation, Cambridge, MA. All courses held in Cambridge.

www.pon.harvard.edu

- 1-day courses:
 - 3D Negotiation*
 - Negotiating International Business Deals*
 - The Odd Couple: Capturing the Power of Reason and Emotion in Your Negotiations*
- 3-day course: *Negotiation and Leadership: Dealing with Difficult People and Problems*
- 5 day courses:
 - Deal Set-Up, Design, and Implementation*

Improving Negotiating Effectiveness
Mediating Disputes
Negotiation: Strategies, Tools, and Skills for Success

- Semester-length courses:
Mediation and Conflict Management
Negotiation and Dispute Resolution

Ithaca College Online Professional Development and Certificate Programs,

www.ithaca.edu/gps/professional/devcert/. Two-week online sessions in:

- Performance Improvement Management
- Strategic Communication Management
- Sustainability Leadership

NALP/ALI-CLE Online Programs for PD

Professionals (archived video webcasts, available at <http://www.ali-cle.org>):

- Coaching Attorneys in Business Development
- Leadership in Practice: How Firms Can Help Partners Develop Leadership Skills
- Leaving Lockstep: Moving Toward Competency-Based Compensation
- LPM Update: Lessons Learned in Implementing Legal Project Management
- Meeting the Challenges of Lateral Integration
- Partners in Transition: Best Practices for Recruiting, Integrating, and Retaining Lateral Partners
- Professional Development 101-102
- Strategic Outplacement for Associates and Partners

Training Live+Online Certificate Programs.

www.TrainingLiveAndOnline.com. Online courses; check the web site for dates:

- *The Art of Training Reinforcement for Performance and Profitability Certificate* (3 sessions)
- *Creating Engaging E-Learning with Articulate Storyline Certificate: From Non-Programming to Advanced Interactions, Ready-to-Use Models and Source Codes* (4 sessions)

- *Designing E-Learning with Captivate Certificate* (3 sessions)
- *E-Learning Design Certificate: Effective and Economical Design and Development* (5 sessions)
- *Instructional Design: Performance-Based and Results-Focused Certificate* (4 sessions)
- *Leading Effective Live Online Events* (sessions TBA)
- *Performance Consulting Certificate: Smart Tools and Techniques for Making the Transition* (sessions TBA)
- *Project Management for Learning Professionals Certificate: Reduce the Rework* (4 sessions)
- *Scenario-Based E-Learning Certificate* (4 sessions)
- *Social Media for Trainers Certificate* (3 sessions)
- *Training Coordinator Certificate: A Consulting Approach to Coordinating the Training Function* (4 sessions)
- *Training Manager Certificate: Managing the Training Function for Bottom-Line Results.* (4 sessions)

Degree programs

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. (See article on this program in our February 2011 issue.)

University of Pennsylvania Executive Education for Chief Learning Officers. Penn's Wharton School and Graduate School of Education, in consultation with the training industry, teamed in 2006 to create an executive education program for Chief Learning Officers. In December 2010 the program was retitled *PennCLO* and draws faculty from across the University. The program "meets for two separate weeks each semester, allowing

students to continue working while they study” and offers “a blend of on-site classes, distance learning, and ‘field’-based projects” in six course blocks:

1. Strategic leadership
2. Workplace learning
3. Business acumen
4. Evidence-based decision making
5. Technology for work-based learning
6. Dissertation (for EdD candidates)

Students in the program may pursue a master’s or doctoral degree from Penn’s Graduate School of Education. Application deadline for the Spring 2013 Cohort is October 15, 2012.

<http://pennclo.com>

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

- Introduction to human resources
- Organizational change management
- Human resource metrics and statistical research
- Human resource technology solutions
- Compensation and benefits
- Employment law
- Organizational training
- Financial management for profit
- Workforce planning

www.VillanovaU.com/MHRD.

