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Inside:

Millennials and Technology in Today's Workplace

Lauren Stiller Rikleen

Today's multi-generational workplace poses many interesting communication and technology challenges. For senior generations, key among these challenges is the way Millennials use technology. What Baby Boomers and Gen Xers generally do not see, however, is the set of unique challenges Millennials encounter as they bring their exceptional technology skills into the workplace.

Millennials have been exposed to technology of various sorts since birth and have grown up within the digital world, adapting constantly to change. They do not view advances in technology as something they would choose *not* to learn, as their more senior colleagues sometimes do.

No prior generation has had to face the odd assortment of communication and technology transitions that Millennials confront daily. At home, social networking and text messages are their preferred forms of communication. At work, however, they are expected to communicate via email, telephone, and face-to-face interactions. This means that Millennials continually adapt to the communication styles of those with whom they work, even though they communicate more efficiently and effectively on a personal level. This is not an adjustment that prior generations had to make as their communication options at home and work were the same.

As a result of this significant variance, Millennials demonstrate a quiet sophistication and ability to adapt that often goes unnoticed. In assessing the technology capabilities of their

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colleagues, they determine whether they must adapt to a less efficient style of communicating, whether they will be expected to assume the role of teacher, or whether they will face co-workers whose unwillingness to learn to use technology or maximize its efficiency impedes workplace effectiveness.

As technology has guided how Millennials communicate with one another, it has also shaped their social norms. The internet provides a forum for lives to be lived publicly and for every experience to be recorded and distributed widely. Privacy boundaries, compared to those of previous generations, have crumbled. Prior generations chronicled their lives but shared the tangible aspects of those experiences selectively within a close geographical circle of friends and family.

Today's opportunities for the public display of every aspect of one's life may profoundly affect how Millennials view privacy considerations. Privacy and confidentiality issues that Boomers and Gen Xers take for granted seem very different to people whose daily life experiences are shared on-line. Moreover, Millennials' comfort with sharing information about themselves and each other has profound implications for how they will manage privacy in the workplace.

A 2013 study of Millennials' use of technology in the workplace found that:

> The majority of Millennials say they carry out personal tasks during work hours. Though keen to perform well at work, it is virtually impossible for them to leave their personal lives behind, as they typically check Facebook, conduct IM chats and send and receive text messages on their devices throughout the day. This is seen as a right rather than a benefit.[1]

While some might read this statement as fueling the "entitlement" reputation, it also reflects an expectation of their ability to communicate with friends the way they have for much of their lives.

Of particular significance to employers, the study identified how vast the divide can be with respect to the effort to maintain workplace norms and policies in a vastly changing technology climate. A stunning 66% of Millennials reported that they do not abide by IT policies generally, and "45% of employed Millennials globally use social networking sites at work, whether prohibited or not." Nearly 30% said they do not even know if their company has a corporate IT policy.[2]

Millennials' comfort with and recognition of the speed and ease of technology was evident in the survey of Millennials I conducted while researching my new book, *You Raised Us—Now Work With Us: Millennials, Career Success, and Building Strong Workplace Teams*,[3] which separates the myths from reality about the newest generation in the workplace. Survey respondents generally

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[1] Consumerlab, "Young Professionals at Work," *Ericsson Consumer Insight*, April 2013, 5. www.slideshare.net/EricssonSlides/young-professionals-at-work.

[2] Accenture Management Consulting, Technology and Outsourcing, *Jumping the Boundaries of Corporate IT: Accenture Global Research on Millennials' Use of Technology* (Web: Accenture, 2010) 6-7. nstore.accenture.com/technology/millennials/global_millennial_generation_research.pdf.
[2] Accenture Management Consulting, Technology and

[3] Forthcoming from the American Bar Association. apps.americanbar.org/abastore/index.cfm?pid=1620615&section=main&fm=Product.AddToCart

indicated that they have an expectation that they can interact freely with others during the day, including communicating with friends via text and social media. The question we haven't yet answered, however, is whether these interactions hinder their ability to do the job or serve as only momentary distractions.

Responses to my survey also demonstrated the differences between how Millennials communicate personally and how they communicate professionally. Respondents communicated with their friends most frequently via text (more than 86%) and social networks (more than 75%). In the workplace, however, respondents were more likely to face restrictions on their use of text messaging and social networks.

Respondents expressed frustration with having limitations imposed on their ability to use technology to its optimum benefits. They described having to adapt to the inefficient expectations of others, even where the failure to take advantage of simple technologies resulted in a lower quality work product. Some respondents were similarly puzzled by missed opportunities to use technology to make tasks easier. They recognized that it is harder for older generations to learn technology, but they resented the missed opportunities for greater efficiency and were frustrated when their suggestions for improving efficiencies were ignored.

At the same time, the expectation that Millennials will serve as unpaid tech support can have negative effects for both the Millennials and their senior colleagues. Respondents repeatedly described being diverted from assigned legal tasks to troubleshoot their own technology problems or to help others solve theirs. Many reported feeling like they had two jobs: the one for which they were hired and that of unpaid technology teacher.

When Millennials spend their time assisting more senior colleagues on tech issues, their own job responsibilities suffer and their colleagues can continue to ignore even the easiest paths to self-sufficiency. Millennials noted a particular inequity in the reluctance of older generations to learn a new technology that could significantly improve workplace functions, knowing that they themselves lack the luxury of ever refusing to do a task they find difficult or unnecessary.

Thinking Differently About Millennials and Technology

Senior generations in the workplace need to think differently about how younger workers are trained on issues of technology, privacy, and confidentiality. The data demonstrating that IT restrictions in the workplace are widely ignored pose daunting challenges for employers. At the same time, it is important to pay greater attention to the dynamics that occur around technology issues.

The following are tips that should help individuals responsible for professional development and other senior leaders as they seek to meet these challenges.

1. **Expertise can come in all age groups; consider establishing procedures to encourage employees to share ideas and suggestions.** Workplaces that ignore ideas offered by younger employees about ways to use technology to take advantage of marketing trends or to improve workplace efficiencies do so at their peril. Millennials have a tremendous vantage point, and their observations and suggestions can provide an important perspective often missed by senior workers less facile with social media's role in marketing and branding or with ways technology can benefit clients more efficiently. Such steps can include the development of a forum to discuss the pros and cons of ideas presented, the appointment of a task force to further investigate suggested technological improvements, or other programs that demonstrate attention to and an interest in new ideas. These interactive discussions offer an additional opportunity for more experienced workers to provide

communication advice to their younger colleagues.

By being proactive, you are sending an important signal that new ways of solving problems are always welcome. People who offer suggestions are invested in the organization. Accordingly, all ideas should be encouraged. Having been encouraged to speak up throughout their lives, Millennials expect their ideas to be taken seriously when they speak up at work. This does not mean that every recommendation warrants implementation. It does, however, warrant a response. Failure to do so can result in lost opportunities to implement improvements and can harm morale.

2. Understand the challenges in your own workplace. To begin the process of traversing the technology divide, employers should assess the capacities of both senior and junior professionals and identify areas where the divide is impeding efficiency. It is important to understand and bridge these differences to avoid unnecessary inefficiencies and the impacts of conflicting messages.

For Millennials, often impatient with the pace of change at their workplace, it is important that the assessment be transparent and provides information explaining any constraints on progress. For example, does the workplace have limited financial resources, impacting the purchase of newer technology and training programs? Are fellow workers uncomfortable with or resistant to learning new technologies? If the latter is the case, are there opportunities for enterprising Millennials to make useful suggestions and assist with a more constructive role in implementing change?

3. Bridge the technology divide in ways that provide an opportunity for Millennials to shine and for senior workers to learn and grow. Millennials may be uniquely situated to translate technological complexities and to help demonstrate how pushing past discomfort can result in greater ease and efficiency. Reverse mentoring programs are a growing trend in the corporate sector and offer great opportunities in professional services as well. Such programs can be implemented and structured to help Millennials develop stronger relationships with the more senior colleagues they mentor. An effective reverse mentoring program will also recognize Millennials for their specific contributions and help them benefit from the efficiencies they can create.

4. Monitor and reward roles that should be recognized. When workplaces do not monitor the extra time spent by Millennials in providing additional tech support responsibilities, the result can be unfinished assignments and increased attrition. The older generations' discomfort with technology; overreliance on the technical support of younger workers; and, in some cases, outright refusal to incorporate available efficiencies into workplace interactions can drive Millennials to distraction (literally). Effective strategies can facilitate stronger intergenerational communications and more effective use of technology. Workplaces should consider implementing ways to provide Millennials with some form of internal credit for their role as technology teacher. The assumption that younger workers will be available throughout the day to teach their less proficient colleagues imposes an unfair burden and impedes workplace productivity. If technology tutoring is more than an incidental part of a young professional's day, greater structure needs to be created around the role.

5. Do not make assumptions that privacy and confidentiality mean the same thing to a Millennial as to other generations. Recently, an in-house lawyer told me about seeing a younger colleague happily recounting on Facebook the company's excellent result in a recent negotiation. The senior lawyer was horrified. To the younger lawyer, it was the logical extension of what one always does with good news—share it with friends. Boomers and Gen Xers need to be more explicit than seems inherently logical to them in developing and communicating the boundaries around what can and cannot be shared. And, even if the answer is a blanket prohibition, that needs to be clarified—and not in a way that calls into question the judgment of a younger colleague. All generations in the workplace are traversing new ground when it comes to communicating on-line. Overbroad rules are at greater risk of being ignored than are well-crafted policies that everyone can understand as essential to their effective job performance and responsibilities.

Both Millennials and senior generations have a role to play in addressing the challenges posed when technology allows for continuing intrusions in the workplace. The opportunities for distraction will only increase. Determining where and how to erect boundaries are questions for all generations. Moreover, finding those opportunities to help Millennials channel their significant technological expertise in a way that improves workplace effectiveness can result in improved relationships and added value. Meeting each of these challenges and opportunities openly and creatively is in everyone's best interest.

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Portions of this article are excerpted from her book You Raised Us – Now Work With Us.

Quote of the Quarter:

"In the 1990s, coaching was often selected as a remedial measure for underperformers. In 2013, people are selected to be coached because they are highly valued by their companies. Especially in challenging economic times, companies invest in coaching winners, not poor performers. These days, people fight to get coached because they realize that coaching is an acknowledgment of their importance to their organizations."

—Bill Wiggenhorn, consultant and former Chief Learning Officer at Motorola, in November 2013 *T+D*.

A Murmur Becomes a Roar—and an Opportunity for Development

Jennifer Leonard

The MacCrate Report[1] produced a murmur of agreement over twenty years ago when it suggested ways that legal education could better serve its students, the employers those students will join after graduation, and the clients they will serve together. Even before that, lawyers in every corner of the industry had considered how legal education might be improved. But, despite many years of debate and discussion and a widely accepted view that more experiential learning opportunities and greater emphasis on the development of professional skills are necessary, change was incremental.

Since the Great Recession, though, the murmur and the somewhat leisurely discussion and implementation of change that accompanied it became a roar as many legal employers demanded a more holistic approach to the preparation of the students who would soon join their ranks as practicing attorneys. Gone are the days when a student can arrive to a legal employer with a basic doctrinal legal education and gain the other skills necessary to be an effective practitioner on the job and at the expense of her employer. Instead, employers expect today's law school graduates to arrive prepared to practice and to possess and have practiced the many diverse skills necessary to execute their craft and serve their clients.

This sudden fast-tracked market demand has created tremendous opportunity for law schools to be creative in developing an educational experience that allows students to begin practicing and improving their executive skill set during their three years at law school. At the same time, it sharply focuses students' attention on the value of engaging in these programs now, while they have the time to dedicate to their own development, so that they arrive on their first day of practice more holistically prepared than were their counterparts from twenty, fifteen, and even ten years ago. At Penn Law, the Center on Professionalism ("COP") is tasked with listening and responding to the evolving demands of the legal market by developing and integrating the programs that will ensure that Penn Law graduates meet those demands and more and add instant value to whichever organization—whether private, public, non-profit, or non-legal—they join after law school.

Why a Center on Professionalism? The Three-Dimensional Approach to Legal Education

At Penn Law, students become educated to enter practice as holistic practitioners. This preparation focuses not just on one dimension of an effective practitioner's composition but on the many elements that combine to create a lawyer who understands the law—how to apply it; how to effectively represent her client's positions and take the steps necessary to achieve that client's goals; and how to build the relationships that will allow her to effectively serve her duties to the client, the court, her employer, and third parties. These many skills and attributes can be organized into a three-dimensional approach to legal education, and Penn Law strives to provide students with as many opportunities as possible to hone their skills in each of these areas.

Dimension One: Doctrinal Legal Education:

The heart of classical legal education, doctrinal legal education encompasses the study of the core legal curriculum. This doctrinal curriculum includes the required first-year courses that are familiar to all

[1] American Bar Association Section of Legal Education and Admissions to the Bar. *Legal Education and Professional Development—An Educational Continuum. Report of The Task Force on Law Schools and the Profession: Narrowing the Gap.* American Bar Association, 1992.

graduates of American law schools and includes Criminal Law, Torts, Civil Procedure, and Contracts. It also includes a broad variety of other curricular offerings, such as the classical upper-level electives like Federal Income Tax; Evidence and Corporations; and diverse seminar offerings that delve more deeply into specific issues that face practitioners in particular practice areas, including Education Law, White Collar Crime, and Statutory Interpretation. Penn Law faculty and adjunct faculty are absolute experts in these areas, bring an incredible wealth of experience and scholarship to the classroom, and teach their students the fundamental knowledge a practitioner must possess as the bedrock of effective practice.

Dimension Two: Legal Practice Skills:

In addition to providing a doctrinal legal education, Penn Law is also keenly focused on ensuring that its graduates learn and begin to refine the fundamental practice skills that effective practitioners require and clients demand. To that end, over the past few years, Penn Law has refined the mandatory, first-year program formerly named "Legal Writing" to encompass a broader set of skills and focus on the many types of communication lawyers use in practice.

1L students are immersed in Legal Practice Skills from day one through a year-long, six-credit course. This course teaches students to find the legal principles that apply to a particular situation, combine legal authorities to develop a cogent overall picture of the law, apply the law to a new set of facts, and analyze problems and communicate solutions orally and in writing. First-year students practice many types of written and oral communication through their coursework, including formal legal documents and oral argument as well as the less formal communications practicing lawyers perform on a daily basis, such as email and face-to-face meetings. The course also introduces practice skills including interviewing, negotiation, contract drafting, and fact development through a series of linked assignments, and urges students to think broadly about how their discrete assignments and tasks fit together to contribute to the broader goal of representing a client.

Penn Law's Legal Practice Skills course is taught by full-time faculty members who bring a wealth of experience as lawyers from the government, law firm, public service, and education sectors. Beyond the first-year Legal Practice Skills program, Penn Law also offers numerous in-class and co-curricular skills development programs and opportunities. The Curricular Compass, our Academic Advising system, encourages students to think about skill development as a distinct and important component of their overall academic and co-curricular program.

Clinical Programs are another avenue through which Penn Law students begin to practice and apply the skills most lawyers will use during post-graduate representation. Through these Clinics, which have grown in depth, breadth, and sophistication through a variety of community and cross-University partnerships and initiatives, students begin to develop an authentic and tangible understanding of the relationship between attorney and client and how each representation is focused on achieving a specific goal—and the skills a lawyer must master to design a plan to reach those goals.

Dimension Three: Professional Skills:

Of course, every effective legal practitioner must master the skills in Dimensions One and Two to provide superior legal representation. But many practicing lawyers will tell you that the transition from a smart and skillful attorney to an exceptional practitioner requires more. To reach this distinguished level of legal representation, a lawyer must understand the whole picture, be able to accurately and thoroughly assess her client's needs, be able to work with a team to develop a solution to meet those needs, and be able to support the client in reaching its goals. She will do all of this while employing skills that will allow her to develop professional relationships to heighten her own knowledge of the legal landscape, provide her with greater access to information about the participants in the industry environment in which she and her clients operate, and allow her to use all of that information to more effectively help her client reach its goal.

The Center on Professionalism strives to provide students with original programming as well as the integration of existing programs throughout Penn Law and the greater Penn community, laying a strong foundation for the lifelong development of the skills that will catapult graduates to assume post-graduate positions thoroughly prepared to provide complete, three-dimensional representation to the organization's clients. COP executes its vision for professional development programming from the very first days of a student's journey through law school to well after a student graduates to pursue her practice.

Introductory Programming

1. Professionalism Day

Because Penn Law believes so strongly in the importance of professional development for aspiring practitioners, it highlights this focus at the very beginning of a student's time at Penn Law. In the first few weeks of the 1L year, the Center on Professionalism holds "Professionalism Day," a day whose agenda is entirely devoted to the importance of professional development.

In the invitation to students, COP requests that students attend the event in business casual attire both to underscore the importance of the occasion and to offer students an event where they look the part and are able to see one another as the professionals they will soon become.

The day begins with a keynote address from a prominent Penn Law alum. In recent years, James Sandman L '76, the President of Legal Services Corporation, has delivered the keynote address to 1L students. In his address, Mr. Sandman—whose legal background includes judicial, private, government, and non-profit work—speaks to students about the many elements of being a professional, including themes of client service, the importance of professional satisfaction, mentorship, public speaking, building professional relationships, giving back to the community in which one practices, and work-life balance.

After a question and answer discussion with Mr. Sandman, the students break into smaller groups of about fifteen students. These groups, known as Professionalism Cohorts, disperse into different rooms around the law school. In these smaller meetings, a member of the Law School administration leads students through a presentation that introduces students to the Center on Professionalism and the programs that it will offer to students during the year. The presentation also frames for students the major skills COP will foster during their time at Penn Law—including Leadership, Management, Confident & Purposeful Communication, Relationship Building, Organizational Savvy, High-Level Strategic Thinking, Technological Savvy, Problem Solving, and Team Dynamics.

Each student is then assigned to one of three panel discussions with Penn Law alumni who represent a variety of practice areas. During the presentation, these alumni discuss the many opportunities Penn Law offers students to develop and practice the professional skills that every effective practitioner needs. In past presentations, panelists have included a federal judge, Navy JAG attorneys, entrepreneurs, private practitioners, solo practitioners, government attorneys, and attorneys who serve the public interest. Regardless of panelists' particular practice areas (or, in some cases, even their non-legal focus), the message they send remains the same: professional skills—things like emotional intelligence, organizational dynamics, teamwork, relationship building, and professional communication—are critical to the effectiveness and success of any professional.

The day ends with a celebratory networking reception at which several dozen regional Penn Law alumni join the students to provide them with one of their first opportunities to speak with professionals in the field and to practice engaging in the types of conversations they will encounter at work-related functions throughout their careers.

Professionalism Day is COP's first opportunity to share with students the many services and programs it offers and the ways in which it will partner with students during their time at Penn Law to lay the groundwork toward becoming the holistic practitioners their clients need.

2. Professionalism Cohorts

Throughout the 1L year, the Center on Professionalism programs three additional events in which students' Professionalism Cohorts from Professionalism Day will reconvene to discuss a particular aspect of professional development, why this particular skill is necessary to career enhancement, and how COP can support students in developing their strength in that area. These Professionalism Cohort sessions meet once every two to three months during the first year of law school and focus on topics such as balancing academic demands with career exploration; how to receive, interpret, and apply feedback in an academic and professional environment; and how to make the most of summer legal job opportunities. These meetings offer students a relaxed, supportive environment in which they have the opportunity to explore their thoughts on these topics with their classmates, with guest presenters from the 2L and 3L classes, and with the Law School Administrative representative who guides their meeting.

COP's goal is to ensure that students are well prepared for the expectations their employers will have of them by the end of the first year, when students enter their first legal job opportunity as law students. If students are well prepared, they are better able to make the most of their summer experience, impress the employers who will invite them into their workplaces during that summer, understand the skills students should seek to develop during these job experiences, and develop more meaningful relationships with the professionals with whom they will interact in those environments.

Partnerships

The ability to form supportive partnerships is vital to the success of an organization and each individual who works for the organization. Partnerships take many forms and can range from a one-on-one relationship between a junior attorney and a more senior mentor to multi-faceted partnerships that connect teams within an organization with resources that are not otherwise linked to the organization. A truly effective "connector" is able to see how these relationships move the organization toward realizing successful outcomes and lays the groundwork for nurturing these relationships.

The Center on Professionalism seeks to highlight the importance of building relationships, thinking strategically, understanding organizational dynamics, and working as a member of a team. It practices what it preaches by collaborating with others in the Penn Law community and beyond to better understand the resources available to support students in their professional development and to build and nurture relationships that assist COP in reaching its goals as well as the goals of its partners. COP partners with other offices around the Law School, with other programs at the University of Pennsylvania, with individuals and organizations outside of the University, and with the students who will soon occupy professional roles outside of the law school.

1. Law School-Wide Partnerships

Like many organizations, Penn Law School consists of many different offices with defined goals and missions that frequently overlap and offer the opportunity for collaboration. The Center on Professionalism draws on these rich resources by looking around the Law School to identify programs that other offices offer that also emphasize the skill set COP supports and to identify areas in which common interests between the Center and another office offer the opportunity to create new initiatives, share resources, cross-promote programming, and demonstrate for students the holistic nature of their legal education. This year, COP has been proud to work with its counterparts around the Law School to create and execute many programs, including the following:

International Programs/ Graduate Programs Office:

The Center on Professionalism, the International Programs Office, and the Graduate Programs Office have partnered to offer two secondary language-based programs this year. These three offices recognize the importance of building relationships among different communities in the Law School, particularly between J.D. and LL. M. students, and of developing enhanced cultural competency and secondary language skills. To that end, these three offices collaborated to offer two related, but very different, programs:

Brown Bag Language Exchanges: In these informal, low-key meetings, J.D. students whose primary language is English but who also speak one of four other languages (Spanish, French, Mandarin or Japanese) are paired with LL.M. students whose primary language is one of the four but who also speak English. The students meet once a week to practice their secondary language skills with one another and to build relationships between the two graduate programs. These sessions are designed to be fun and loosely structured. While facilitators distribute a suggested topic or exercise (such as a mock interview or a debate based on a current event), students are encouraged to "go where their conversation takes them." The most important thing is to continue speaking with one another, first in the language that is the primary language for one student and then switching to the other student's primary language. Through the brown bag sessions, students have the opportunity to brush up on secondary language skills in an environment that is fun and supportive. The sessions also offer an opportunity for J.D. students and LL.M. students who might not otherwise interact in an academic environment to meet and spend time together in a program that is not primarily focused on legal education.

Spanish Language for Legal Professionals Boot Camp: This more intensive program, designed for the native English speaker with high proficiency in Spanish who may one day practice in a predominantly Spanish-speaking environment, is taught by a Penn Law LL.M. student who speaks Spanish and English at a Distinguished level and who also has experience as a legal practitioner. Caterina Olivero Abreu, a Penn Law LL.M. student who has been a teacher and law practitioner in her home country of Guatemala, led this year's program. The Boot Camp is offered for five consecutive days the week before spring classes resume; and the syllabus combines traditional lecture, hands-on team exercises, guest speakers, and off-campus cultural outings. The timing and program design ensure that students have significant time to immerse themselves in Spanish and focus only on the development of their Spanish language skills and legal knowledge before the many diversions of the spring semester place greater demands on their attention. The goal of the Boot Camp program is to allow students with elevated Spanish proficiency the opportunity to connect their language skills with their legal education and to provide a unique forum in which they can practice those skills together while learning new vocabulary and concepts from an experienced practitioner.

Legal Practice Skills:

Penn Law Practices: Nuts & Bolts Series: Over the last few years, as commentators assess the current state of legal education and ways in which law schools might improve it, many point to the need for more "experiential learning" opportunities for law students. Obviously, clinics, externships, *pro* *bono* opportunities, and summer job experiences offer students several major ways to complement their classroom education with real-world application. In addition, COP is proud to participate in a new venture it has assisted in launching in collaboration with the Penn Law Legal Practice Skills Program, the Office of Development and Alumni Relations, and the Toll Public Interest Center. The *Penn Law Practices: Nuts & Bolts Series* is a three-session series in which junior-level practicing attorneys who graduated law school in the last three years return to Penn Law to lead workshops that provide students a chance to practice the types of tasks they are likely to execute as practicing junior attorneys. While working through the assignments, students will gain a better sense of how a junior attorney receives a task, how she should develop a plan to complete that task, and what kinds of questions she needs to ask to ensure that she has sufficient information to approach the problem.

Each 75-minute session is devoted to a specific practice area. In this, the program's first year, the group has chosen to highlight Litigation/Discovery, Corporate Transactions, and Criminal Prosecution and Defense. Because the sessions are led by junior-level attorneys rather than senior-level practitioners, the leaders are still able to "know what they didn't know" on day one of practice and will design an exercise to demonstrate for students what the earliest days of practice entail. Students will have the opportunity to receive feedback on their approaches to the tasks and to discuss with the practitioner-leaders how they might approach these tasks differently based on the practitioners' experiences. The organizers also hope the students will feel comfortable asking these practitioners questions they may be uncomfortable broaching with more senior attorneys.

The Center on Professionalism, Legal Practice Skills, Development & Alumni Relations, and Toll Public Interest Center have also partnered with Penn Law's Biddle Law Library to create companion resources for attendees of this year's series. Through these companion resources, we hope to provide our students with support beyond graduation and resources they can reach for when they find themselves needing direction during the early days of practice.

Microsoft Word for the Law Student Program: Most students and professionals have basic familiarity with Microsoft Word, having used it to write papers and projects since middle school and continuing to use it daily to support various professional endeavors. Nonetheless, law students and attorneys work with documents very closely and in a manner that requires precision, attention to detail, and a firm grasp of the basic functionality of this ubiquitous word-processing program. Moreover, particularly in the private practice arena, corporate clients have begun to demand greater efficiency in the basic technological tasks an attorney must complete as part of her practice. As such, legal employers are becoming more aware of the importance of staffing their matters with associates who possess a complete understanding of how to use the functionality of Microsoft Word to more efficiently complete the tasks for which they are billing a client.

The Penn Law Legal Practice Skills Department, which has the opportunity to observe a great deal of student work requiring mastery of word-processing functions, has been critical in providing input on how best to design and promote the program to students and on which topics are most important for law students and attorneys. By designing a program that introduces and reinforces the importance of mastering Microsoft Word functions such as Tables of Contents, Tables of Authorities, Track Changes, Using Styles for Uniform Formatting of Headings, Formatting Footnotes, and Creating Shortcuts for Commonly Used Symbols, COP will offer students the opportunity to learn more about the tools that will make them more efficient, allow them to provide more effective service to their clients, and endear them both to the professors who will review and critique their documents during law school and to the employers and clients they will serve after graduation.

Development and Alumni Relations and Toll Public Interest Center:

Fundraising Fundamentals (Coming Next Fall): The Development and Alumni Relations Office, the Toll Public Interest Center, and the Center on Professionalism are currently developing programming to prepare students who will soon serve on the boards of non-profit organizations or will represent non-profit clients. This programming will serve two purposes.

First, from a professional development standpoint, this programming will underscore for students the many opportunities that non-profit board service offers relatively junior legal practitioners, both in providing a positive contribution to one's community and in developing one's professional skill set. At a very early stage in a lawyer's career, serving on the board of a non-profit—in particular, a smaller, local non-profit that may lack the resources of a larger, national non-profit—offers junior attorneys a tremendous opportunity to assume leadership positions; build relationships with other professionals in their community; dedicate time, energy, and professional services to a mission that is particularly meaningful to the attorney; and gain valuable experience by taking on tasks a junior attorney may not otherwise have the opportunity to complete in her daily practice.

Second, the three offices aim to develop programming that provides students with a better idea of what, exactly, an attorney may be asked to do as part of her board service, the unique issues that an attorney who works with a non-profit agency faces, and how a student can begin to develop the skills that will make her more effective at providing that service. The three offices will work with recent alumni who serve on non-profit boards or represent non-profit clients to develop experiential workshops illustrating the fundamental skills these attorneys need to successfully represent or serve on the board of a non-profit.

Student Affairs and Toll Public Interest Center:

Student Group Town Hall: One of Penn Law's distinguishing characteristics is the active role its students play in defining the institution. Through the formation of student groups, the coordination of conferences that relate to specific group focuses, and other events students execute, the students shape the character of Penn Law School. Leadership in a student group is particularly fertile ground for practicing professional skills like leadership, teamwork, organizational dynamics, and professional communication. In both the spring and fall semesters, the Student Affairs Office leads a Town Hall for student group leaders. At these meetings, students learn how different offices from across the law school (*e.g.*, facilities, information technology services, etc.) work together to support student group events. Further, students gain insight into how they can maximize the relationship between law school offices and student-led activities.

This year, the Center on Professionalism will join the Student Affairs Office to connect student group leadership with the development of professional skills that will one day enhance their provision of professional services. During the Town Hall meeting, the Center will offer its support to these groups as they interact with one another and with outside presenters to ensure that their group's events run smoothly and generate a positive response from the Law School community and external participants.

Toll Public Interest Center Student-Led Events and Service Projects: Similarly, COP works with the Toll Public Interest Center to support the professional development of the student leaders who execute student-led events and manage *pro bono* legal service projects. In collaboration with representatives from the Toll Public Interest Center, COP meets with the student *pro bono* project leaders to work through issues they encounter during event and service project planning, to identify solutions to problems, and to execute those solutions in a way that demonstrates professionalism and leadership to Penn Law's community partners.

2. University-Wide Partnership: Wharton Certificate in Management

The Wharton Certificate in Management is a joint initiative between Penn Law and the Wharton School of Business. This three-credit course is the first of its kind because it is designed specifically for law students and is offered only to law students. As such, the course attracts a broad spectrum of legal scholars with incredibly diverse interests and career goals. The Certificate is designed to give law students a broad look at basic fundamentals of organizational management and covers such topics as company valuation, leadership, communication styles, financial decision-making, understanding emotional intelligence, the psychology of persuasion, internal and external marketing, and team dynamics. The course is team-taught by six Wharton professors who are expert in their fields and also includes several guest experts from other organizations. COP enthusiastically promotes this Certificate program to Penn Law students as a way to engage in material that will support their development as professionals regardless of the practice area or career sector they intend to pursue.

3. External Partnership

Participation in Suffolk Law School's Tech Audit Advisory Board:

In 2013, Kia Motors' General Counsel Casey Flaherty received significant attention in the legal industry by highlighting the pervasive lack of lawyer proficiency in standard technology products such as the Microsoft Office Suite. Mr. Flaherty developed a technology audit that he requires firms competing for Kia Motors' business to complete to assess the technological skills of the firm's associates. Mr. Flaherty found that many firm associates who completed the audit lacked a basic understanding of the skills needed to efficiently use the technology that most attorneys employ every day. Thus, these associates are billing clients for work that is purely a result of not understanding how to use the technology available to them to complete and support legal tasks.

In the wake of the attention Mr. Flaherty's audit drew, he partnered with Professor Andrew Perlman of Suffolk Law School to develop a more robust and systematic audit that corporate clients may use to assess the skill level of the attorneys who serve them. Penn Law's Center on Professionalism is honored to participate on this advisory board, sharing the skills offered through its technology programming and ensuring that Penn's programming prepares students to master the skills these audits will test so that they begin legal practice ready to add immediate value in this arena. At present, COP offers programming to its students in Microsoft Excel (at both a fundamental/intermediate level and a more advanced level), Microsoft PowerPoint, and Microsoft Word. By participating in the Tech Audit Advisory Board, COP also hopes to learn more about the audits the Board is developing so that it might expand its technology programming to include other applications, as well, such as Adobe Acrobat and more commonly used Case and Document Management Systems, to meet these evolving market demands.

4. Student Partnership

Perhaps the most exciting partnership in which the Center participates is its partnership with Penn Law students. These opportunities offer students the chance to identify areas of professional development they wish to pursue and also offer them a forum in which to practice a variety of professional skills as they work with various constituencies—both inside the law school and externally—to execute their vision. Going forward, COP seeks to increase and enhance these partnerships.

Toastmasters:

In Spring 2014, 1L students Mike Keblesh and Nate Hancock will kick off a new chapter of Toastmasters International at Penn Law school when they host the inaugural meeting of the Penn Law Toastmasters Club. The launch of this new venture is an exciting way for Penn Law citizens to practice their public speaking skills in a low-stakes and supportive environment. The Penn Law student leaders who organize this event have the opportunity to build a relationship with regional Toastmasters governance and to lay the foundation for a program that will benefit many Penn Law students in a variety of areas, such as speaking in class, speaking during an interview, speaking with a client and giving a speech or presentation to a small or large audience. Through designing the program, the students also have the opportunity to interact with the Law School Administration and to put their own unique stamp on the Penn Law Community.

Purposeful Design of Director Position

To facilitate the execution of the Center's goals, Penn Law purposefully and thoughtfully designed the position of Director so that the Director serves as a member of the Career Planning & Professionalism ("CP&P") team, participating fully as a career counselor for Penn Law's J.D. students in addition to focusing on professional development programming. Rather than simply tasking the Director with developing programming based on the information *conveyed* to her by the dedicated and knowledgeable team of career advisors at Penn Law, the Law School wisely recognized the value of structuring the position in such a way that the Director learns of the needs of students and employers not only from others but also directly from the students she counsels and the employers with whom she interacts as a member of the CP&P Office.

In this way, the Director more fully understands the evolving state of the legal job market through daily engagement with both job seekers and employers. She is therefore better able to identify areas for assisting both parties to achieve greater success in their relationship by ensuring that the candidates Penn Law presents to employers possess the professional skills employers demand.

A Word About Students Interested in Public Service

Students sometimes view the development of professional and executive skills as something that is critical only to students who plan to one day enter private practice. The Center on Professionalism's mission and focus is far greater, and through its programming it hopes to convey the message that professional development is meant for every professional.

Moreover, the development of professional skills is, in some ways, even more critical for those students who will serve the public. The inherent lack of resources within many public interest organizations coupled with the incredible workload these organizations handle results in junior-level attorneys who are tasked with assignments that require greater client contact, less oversight, and a more advanced skill level than may be the case with their counterparts in the private sector. In addition, because of the lower likelihood of formal training and mentorship programs in public sector work, many junior-level attorneys who serve in these organizations learn as they go and often navigate a very complicated professional landscape with less guidance than private sector junior attorneys.

The Center on Professionalism hopes to successfully make the case to the many Penn Law students who wish to one day serve the public interest that engaging in COP programming now is just as critical for the needs of the clients they will serve as it is for the needs of the corporate clients their peers will serve in the private sector. Put simply, professional development is critical for *professionals*, not just private professionals or professionals who serve the public interest. It is a set of skills that is crucial industry wide, and COP looks forward to designing programming that will appeal to all Penn Law students, regardless of the professional arena in which they will soon practice as individuals.

The Future

The area for growth in the realm of professional skill development is tremendous, and the Center on Professionalism is just getting started. Over the next few years, the Center seeks to expand its own original programming, particularly in the areas of leadership, technological savvy, problem solving, and relationship building. In addition, it looks forward to partnering with the many offices and organizations at Penn Law, at the University of Pennsylvania, in the Greater Philadelphia area, and beyond that share a stake in ensuring that tomorrow's legal practitioners understand at a very high level the purpose of their representation.

By expanding and refining its programming, COP strives to ensure that Penn Law students master the many skills above and beyond the essential doctrinal and critical legal practice skills that are necessary to become a truly effective practitioner, a valued collaborator and team member, and a superior representative of the profession. At Penn Law, this commitment to the development of a holistic legal practitioner begins in the very first days of a law student's journey and continues throughout an attorney's career to ensure that, from start to finish, a Penn Law attorney is the attorney of choice to serve each client's unique needs.

Jennifer Leonard *joined Penn Law's Office of Career Planning & Professionalism as the Director of the Center on Professionalism and Associate Director for Professional Development in 2013. Jennifer is a 2004 graduate of Penn Law School and a 2000 graduate of Penn State University, where she earned a Bachelor's Degree with high honors in Political Science and a minor in Spanish. Before returning to Penn Law, Jennifer served as the Chief of Staff for the City of Philadelphia Law Department, a full-service law office that provides civil legal representation to the Mayor's Office, Philadelphia City Council, and dozens of other City departments and agencies. Before working for the City, Jennifer was an associate with Montgomery, McCracken, Walker & Rhoads in Philadelphia, where her practice focused on complex commercial litigation. After she graduated from Penn Law, Jennifer served as a law clerk to Justice Russell M. Nigro of the Pennsylvania Supreme Court. Jennifer lives in Philadelphia with her husband, two dogs, and their cat. She can be reached at jaburns@law.upenn.edu or 215-746-3362.*

The Changing Face of E-Learning in Law Firms (and why that's a good thing)

Steve Gluckman

> *"You can't teach people everything they need to know. The best you can do is position them where they can find what they need to know when they need to know it."*
> *—Professor Seymour Papert, MIT*

This past fall I was approached by PD managers from two large firms within about two weeks of each other. Both had very similar objectives: They needed to create new learning resources to address some key fundamental topics for their newest associates, and they needed to do so in a way that would cater to the learning needs and styles of this growing segment of the workforce. Both firms wanted to create e-learning resources that would help get their newest associates up to speed quickly, with content presented in a way that would actually be embraced and absorbed by the associate. And they had limited budgets with which to accomplish this.

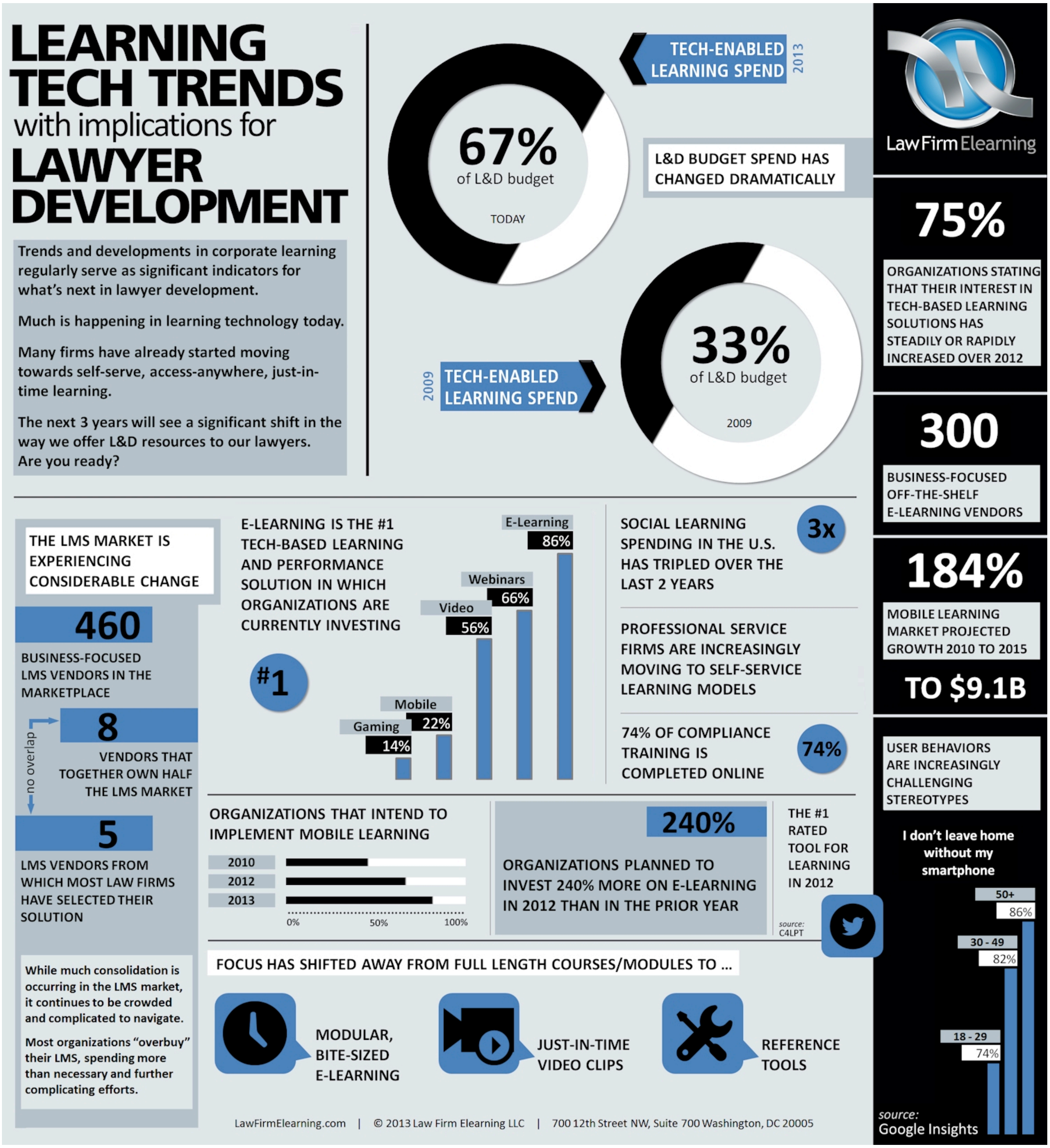
When I first started working with law firms to address online learning more than 10 years ago, a request like this would have been a relatively tall order. When done well, e-learning was rather expensive to develop and was seen as a fairly intimidating undertaking by most firms.

Luckily, for those who dove in, it soon became apparent that this kind of solution did have significant merits and was not as daunting a task as they had anticipated. However, due to associated costs and other factors, most still reserved e-learning for only select targeted topics. There were relatively few who included in-house e-learning resources as a foundation component of their overall learning approach.

The landscape today is very different. I can point to very few firms that *aren't* doing something with e-learning; and many, in fact, have incorporated online learning into all facets of their PD and talent management methods. Online learning is no longer an experiment or an occasional-use tool; it is a mainstay of organizational learning and an important part of the overall approach to developing any workforce.

Online learning, in all its forms, has become more prevalent and accepted across all industries (including law) because it is increasingly recognized as an effective means of enabling the workforce to—as noted in the quote above—"find what they need to know when they need to know it." In 2009, for example, 33% of learning and development budgets across industries was dedicated to "tech-enabled learning," including e-learning, learning management, mobile learning, and other such resources. That's one dollar out of every three spent on some kind of technology-based learning tool or solution—a big number to be sure. However, by 2013, that number jumped to 67%! Organizations today are driving two-thirds of their training through digital content, mobile devices, video, and other new media sources. (Source: *Corporate Learning Factbook 2013,* Bersin & Associates). That's a big shift in a short period of time.

Trends and developments in corporate learning often serve as significant indicators for what's next in lawyer development. As you can see in the graphic below, that world is undergoing tremendous change.



"We need to bring learning to people instead of people to learning."
—Elliott Masie, The Masie Center

These advances in learning technology, the way in which online learning is being embraced by users, and the availability of new development tools have introduced a host of fresh possibilities for firms looking to incorporate online learning into their total talent management approach.

Applying these new instruments to quickly evolving law firm training requirements (driven, in part, by the changing generational demographic in our firms) allows resources—like those outlined above—to be created successfully and inexpensively.

The two firms mentioned earlier knew that the way their newest associates learned was different and required a new approach and new resources. At the same time, partners were looking to their PD groups to help fill gaps they were seeing in their associates' educational background. One firm wanted to address some practice-specific topics, while the other needed to focus on firm fundamentals (law firm finance, client engagement practices, writing skills, etc.).

Both firms planned to use their own in-house expertise and subject matter experts (partners, counsel, etc.), and both wanted to create learning resources that were targeted and engaging. This meant creating brief modules (no longer than 10 to 20 minutes each) that were energetic and tightly focused from a content standpoint.

The goal for these modules was two-fold. First, associates would review related modules in a prescribed sequence to gain a comprehensive overview of the topic at hand. Second, the targeted nature of these modules would also allow each to serve as a true "just-in-time" learning resource for lawyers across the firm.

Adding supporting elements such as speed-whiteboarding, animation, exercises, and video to these brief modules helped to make them "Engaging, Entertaining, Enduring, and Effective" (I call these the "Four E's of E-Learning"). At my company, we have branded this type of learning resource as a "SkillBurst."

Example

A large national firm has developed a series of modules addressing e-discovery topics for new associates across practice groups. Rather than build a single two-hour module presenting everything associated with that topic, they divided the content into multiple 15-minute "chunks," each addressing one of the following topic areas:

- "What is E-Discovery Anyway?"
- "E-Discovery Terminology"
- "Intro to the E-Discovery Process (EDRM)"
- "The Role of E-Discovery in the Litigation Process"
- "Overview of the Federal Rules of Electronic Discovery"
- "Preservation Best Practices"
- "E-Discovery Practice Points"
- "What is Expected of You"

Once the series was in place, new Litigation associates were required to review the entire series in sequence (at their own pace) within their first year at the firm. The firm had a Learning Management System (LMS) in place, so they created a specific learning path for all associates in the Litigation Group that consisted of the eight e-discovery modules along with a few other supporting resources.

In addition, the associates (and others) could then access these modules down the road as a just-in-time reference in their day-to-day work. So, for example, when a senior associate in the Chicago office was about to work with a client to create a "legal hold" on electronically stored information ("ESI"), she took 15 minutes just prior to meeting with that client to review the "Preservation Best Practices" module in the firm's "Introduction to E-Discovery Series" as a refresher. The module, presented by the chair of the firm's Litigation Practice, outlined the top five things to remember when addressing ESI preservation. The senior associate was then able to walk into her meeting with these pointers fresh in her mind, with her chair's words still ringing in her ears.

Example – Snapshots from an "Introduction to E-Discovery" series for new associates

The Process

I must admit that I was a bit nervous at the start of these projects last fall. My biggest concern was the fact that we were relying on firm partners to serve as subject matter experts and to present on camera. I just wasn't sure how that would go. Would they engage? Would they understand what we were trying to accomplish? Would they see the value?

I am happy to say that I have been more than pleasantly surprised by the response. In both projects, the partners we have worked with have been excited about the concept and eager to participate (even a little too eager in one or two cases).

While meeting with a partner the evening before a video shoot in her firm's Washington, DC office, I asked what she thought of the project as a whole. She was quite enthusiastic and told me that, in addition to using the modules as a learning resource for new associates within her firm, she had received permission to share the modules with a few of her clients and planned to send a link to a specific prospective client as well.

This is a new twist on a concept that's been around for some time. Many firms are already offering training and CLE resources to clients; however, these have traditionally been in the form of a link to a synchronous video-conference or webinar event or some other live ILT course.

Interestingly, we are now seeing a move to offering this kind of training in an asynchronous, self-paced fashion; and often the audience is anyone who's interested, not just firm clients.

Case in point: Richard Hsu is a technology transactions and intellectual property partner in the Mergers & Acquisitions Group of Shearman & Sterling. As a Silicon Valley IP attorney, he decided that he'd better join the 21st century and began blogging about Intellectual Property issues. Inspired by a TED Talk, he began incorporating video and white-board drawings into his blog (with the help of his 13-year-old daughter). His blog eventually turned into "HsuTube," where he now hosts a variety of brief, engaging videos addressing a host of M&A topics.

hsutube.com

Richard has received some great press about his videos and has made a name for himself across the industry. What started out as Richard simply trying to find a better way to get IP concepts across in a digestible fashion has turned into a fantastic marketing and personal branding tool for Richard—and for Shearman & Sterling as well. At a recent Legal Marketing Association event, Richard gave a presentation outlining his journey and some of the benefits he's been able to realize from creating these videos. Lawyers in other firms have taken notice and are now looking to develop their own targeted, video-based learning resources.

Richard and the DC partner I mentioned earlier have both discovered that this type of learning resource can be used for multiple audiences and purposes. One module alone can be:

- Used as a training resource designed to get new associates up to speed quickly on important topics.
- Used as a just-in-time learning reference for lawyers across your firm.
- Provided to clients as an added service and potential source of CLE credit (if offered as a series).
- Provided to prospective clients to spotlight professionals and highlight firm expertise.
- Offered more broadly (via social media, YouTube, etc.) to serve as an effective branding and marketing tool.

Online learning has become much more accessible—not just from a user standpoint, but from an organizational standpoint as well. The cost to create an entire series of high-end, engaging modules like those outlined above is now less than it used to cost to create a single hour of much more basic e-learning. And that's a very good thing indeed.

***Steve Gluckman** is the co-author of the best-selling ABA book "E-Learning for Law Firms" and is the founder of LawFirmElearning.com. In addition to helping firms design and build SkillBursts and other similar online learning resources, the company's flagship offering is www.V2E.Me which helps firms convert their live training programs to engaging and effective e-learning modules. Steve is based in Washington, DC and can be reached at 202.529.2360 or Steve@LawFirmElearning.com. You can connect with Steve on LinkedIn at linkedin.com/in/stevegluckman.*

Conference Reviews:

December's PD-Fest in DC

Gaye Mara and Nora Mara

In December we enjoyed a conference double-header: the winter conference of the Professional Development Consortium (attended by Gaye as an alum) and the annual NALP/ALI-CLE Professional Development Institute (attended by both of us). Together they provided three heady days of immersion in PD learning and networking.

The Fairmont Hotel in Washington, DC's West End neighborhood—an elegant and conveniently located venue with every conference amenity one could ask for—was the site for both meetings. It had snowed in Washington the day before, snarling transportation into and around the city and delaying many arrivals. But the new snowfall combined with the festive holiday lights and decorations (including a colossal and intricate gingerbread house in a corner of the hotel lobby) revived our spirits as we all straggled in from near and far.

For those of you who would like to know what you missed, and those who attended and would like to revisit the experience or compare notes, we give a capsule review of the conferences and the sessions we attended, along with the main lessons we took away.

PDC Conference (December 11): "Less Is More"

There looked to be about 100 PDC members and alumni in attendance. The handouts were provided on a flash drive. The conference planners wisely chose to treat a few well-chosen topics in some depth and at a high enough level to offer something for everyone:

"Engaging Learners with Simulations, Scenarios, and Stories." This was one of two morning breakouts, led by PLI's Chris Rousseau and JC Kinnamon (the other breakout was on leadership skills). PLI has three online courses now in development that use simulation and/or gaming techniques:

- a free MOOC (massive open online course) for legal aid attorneys on effective communication with legal aid clients,
- a corporate internal investigation "game" based on a simulated sexual harassment case, and
- a business development course simulating interactions with clients.

Rousseau and Kinnamon showed video clips from the courses and discussed the development process—which is not for the faint hearted or the budget constrained—and what they've learned from it. What we learned from it was to leave such a project to the pros. Also that lawyers more willingly engage in a course called a "simulation" than in the same course when it's called a "game," which seems to have PLI pretty well decided to rename the internal investigation course.

"The Future of Legal PD and Law Practice." Armstrong Teasdale partner Michael Downey, who chairs the ABA's new Law Practice Division,[1] gave this noon keynote address at breakneck speed. It was a dizzying SWOT analysis of the realities U.S. law firms face today, including internal weaknesses caused by dysfunctional attitudes and practices along with external threats from abroad and from nontraditional alternatives and changing attitudes toward law practice at home. He gave us too much to digest in one sitting but a lot to chew on afterwards. One of his PD-related comments that stuck immediately was about the increasingly prevalent view, "Let's not grow someone, let's steal some-one," with the consequence that a firm's PD people may unintentionally be "developing the stars of some other firm later." (Regrettably, the slides for this information-packed session were not included in the handouts, and we couldn't take notes on all of it.)

Lunch Networking Quad. The plan was to discuss over lunch one of four topics at the assigned table for that topic, the topics being:

- Diversity & PD: Creative events for affinity groups
- Effective training on a low budget—or no budget
- PD and technology: Helping attorneys pass the audit
- What's in your toolbox? Off-the-shelf professional development

Having reported on the outside counsel technology audit developed by Casey Flaherty of Kia Motors,[2] we were interested to see how PD professionals were helping their firms to respond. Gaye stepped out to fill a plate and make a phone call, then returned to the table labeled for the technology discussion, which was quite sparsely populated. By the time she found out that the discussion had been moved to another table, she had missed it. (Learning: Stuff happens. Pay better attention!)

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[1] The ABA elevated law practice management from a "section" to a "division" in 2012, in apparent recognition that firm management is a core organizational function and not a legal specialty. But not everyone at ABA seems to have gotten the message: As of this writing, LPM is still listed on the ABA's web site as a section. (www.americanbar.org/membership/sections_divisions_forums.html)

[2] See "Law Firms Flunk In-House Counsel's Technology Audit" at pp. 22-23 of our August 2013 issue.

"The Casual Coach Workshop" (Parts 1 and 2). This afternoon session was in two parts to give members the option to attend just the first part and then a NALP "Management Foundations for PD Professionals" workshop starting in the mid-afternoon. Gaye attended both parts of the coaching workshop.

Jennifer Rakstad of Mayer Brown and Dina Glassman of Perkins Coie, both certified coaches who provide formal career coaching for the attorneys in their firms, facilitated a workshop billed as preparation for "casual coaching" by the rest of us. After sharing their principles, techniques, and illustrative experiences, they divided the group into teams of three. Each team reviewed two case studies of career issues on which associates wanted coaching and then conducted several rounds of coaching, with team members rotating roles as coach, coachee, and observer and then reporting out to the group. Gaye's team all agreed that the hardest part of the coaching role was to refrain from giving advice and, instead, to craft productive questions that led the coachee to think differently and find a path to her own solutions.

Gaye was most impressed by Rakstad and Glassman, by the high quality of their knowledge and skill, and by their warmth, integrity, and caring—all of which no doubt engenders great trust and confidence in the lawyers who seek their help. The workshop left her feeling better prepared for elementary coaching-type interactions. But, as was perhaps the presenters' intention, she did not feel at all prepared to coach a lawyer through a deeply sensitive and potentially career-altering issue. Again, better to leave it to the professionals than risk making a hash of it.

"The PDC Competency Project: Are We Certifiable?" This session reported on the Consortium's ongoing development of a competency model for the PD profession and on the options for establishing some type of certification program based on the model. After lengthy discussion of the model in its current iteration, the pros and cons of certification, and possible options for certification, a show of hands was taken on the certification options; results were almost evenly divided among the three options considered. Our view is that certification—requiring a formal education and testing program—is too ambitious an undertaking for an organization of PDC's small size (under 500 members). The American Society for Training and Development, for example, which has a somewhat similar competency model and a training and certification program based on it, has tens of thousands of members.

Cocktail Reception at Patton Boggs LLP. This was an enjoyable way to decompress and close out the day, catching up with colleagues and noshing on delicious food and drink. Thanks to Kathleen Dunn and Patton Boggs for treating us.

NALP/ALI-CLE Professional Development Institute (December 12-13)

This was a much larger conference, with over 300 members and non-members of NALP and the PDC attending. Each day opened with a morning plenary session, followed by successive blocks of five 75-minute concurrent sessions the rest of the day, with a one-hour break for lunch. We both attended the plenaries and split up for the breakouts. Nora, who had reviewed the Carnegie Report for *PDQ*,[3] decided to concentrate mostly on the sessions related to what's happening in legal education. Gaye focused on the other end of the spectrum, the breakouts related to senior lawyers.

We both appreciated the handy pocket-sized "Schedule at a Glance" included with the conference materials. It made it easy for us to find our sessions and each other without having to keep looking up locations in the bulky conference binder. The binder, however, should have been bulkier; a substantial fraction of presenters did not

[3] See our February 2010 issue at 16-18.

provide copies of their slides for inclusion, which made for arduous and incomplete note taking at their sessions. (NALP could perhaps use a few tips from those of us who noodge tardy evaluators every year.) It would also have been helpful to have more tabs in the binder, or at least colored sheets, dividing the materials for the different sessions to make them easier to find.

Our session highlights:

Thursday Plenary: "Navigating Change Amid Competing Demands: What Law Firms Can Learn from Business." We were pleased to see that the co-presenters at this session, Jennifer Fraone and Lauren Rikleen (a former law firm partner), are associated with the Boston College Center for Work & Family. We had just come across the Center's study of reverse mentoring at The Hartford, seeing that program as readily transferable to the law office setting,[4] and were interested in hearing what else the Center could tell us about PD-relevant innovations in the business world. Quite a lot, as it turns out.

The Center seems to possess a rich trove of data on talent management practices in the business world. Fraone and Rikleen contrasted those with the management practices common in law firms—which practices perhaps explain the depressing statistics they cited that the job of associate attorney is "the unhappiest job in America" (according to a 2013 cross-industry survey) and the suicide rate for attorneys is six times the national average. They also discussed the gender gap in law firm hiring, compensation, and advancement and the differing values and expectations of Millennials with regard to work and careers. [5] (They said what Millennials are telling partners is, "I don't want your life.") They ended by listing and discussing seven best practices in talent management at high-performing organizations.

One work/life balance example that stuck with us as eminently doable in the busiest law firm is the Boston Consulting Group's institution of a predictable one night off per week for every consultant: the rest of the team covers, and that one evening is inviolate.

This was a powerful and valuable session. But its retention and transfer value definitely suffered from the slides not being available in the handout. In particular, there were two slides packed with data on (1) areas of disconnect between managers and Millennials and (2) innovative options that businesses, including high-pressure consulting firms, have implemented to increase employees' workplace flexibility and thereby improve morale and retention. There was no way to get all the information down, let alone remember it and take it back to the office.

"Creating Better 'Career Marriages'—The Intersection of the Carnegie Report, Law School Curricula, and Student Decision-making." Bill Henderson of Indiana University Mauer School of Law opened the session with some great graphics on the typical law school curriculum (sadly, not in the handouts). Touching on the Carnegie Report's recommendations that schools do more to integrate the various aspects of legal education, these slides highlighted how disjointed a law student's experience really is. Henderson pointed out that, just as with professional development programs in firms, there's a serious need in law schools for coordination, cooperation, and engagement.

Luke Bierman, from Northeastern University School of Law, outlined the cooperative legal education students receive there, one that's "immersive, iterative, and integrated." After the first year at Northeastern, students participate in a boot camp, the "Pathway to Practice." Then it's on to eight quarters—two full calendar years—of alternating course-

[4] See "Reverse Mentoring on Social Media," November 2013 issue at 12-13.

[5] See Rikleen's article in this issue on Millennials and technology, above at 1-5.

work and full-time internships. Students apply, interview, and work at 11-week internships four times over their final two years, adding up to a full year of practical experience and "learning to be a lawyer." One PD professional in the audience commented that her husband's "boutique" firm in Boston was so impressed by its Northeastern intern that the firm created a position for that student upon his graduation.

As Henderson pointed out, the work experience the students gain on "coop" impacts more than their practical skills. They've had the opportunity to try different types of law and different types of practices so they can make more informed choices about where they want to be after graduation. And, when students come back to their academic work from their internships, they're much more aware of their own knowledge deficits: they read more and engage more than students in a more traditional curriculum.

It was encouraging to see here—and in other programs at the conference—the strides schools are making to improve the way they teach and prepare their law graduates. It does seem, however, that high tuitions and the years required to pay back student loans will continue to impact graduates' initial job decisions.

"Setting the Stage for a Successful Project Management Curriculum." Thank you, Steve Armstrong and Mara Nickerson, for giving us your slides in the handout! Armstrong is a Principal in the consultancy Firm Leader, and Nickerson is Chief Knowledge Officer at Osler, Hoskin & Harcourt. Armstrong described the current pressures on firms for greater efficiency and value, the rising expectations and even requirements by clients for legal project management expertise in firms, and two possible approaches (one essentially bottom up and the other top down) for establishing an LPM curriculum. Nickerson shared her firm's process for getting buy-in and rolling out the program, the resulting curriculum and LPM competency model, and the lessons learned. A lot of attendees probably picked up on two asides by Nickerson: (1) "Project management gives you a seat at the table," and (2) To raise participation, give LPM training for CLE credit at the end of the CLE year when people are belatedly scrounging for credits.

Like the consummate PD professionals they are, Armstrong and Nickerson gave a beautifully designed and delivered session, and their supremely useful handout included substantial materials in addition to the slides and a good list of further reading.

"No More Second Class Citizens! Strategies for Breaking Down the Barriers." Scott Westfahl of Harvard Law School and Heidi Gardner and Chad Losee of Harvard Business School co-presented their interim results from ongoing research into the consequences when firms treat their alternative-track lawyers and non-lawyer staff as "second class citizens," and better strategies that firms can implement. The findings so far include conclusions that (1) "language matters," and terms like "off track" and "nonprofessional" are perceived as denigrating by, and are demotivating to, the personnel to whom they are applied; (2) being "proud to work at the firm" seems to be a key motivator; and (3) community service work by lawyers and staff together is a key "sub-driver" of that motivator. The loss of status by associates who are re-routed onto non-partner tracks has proven especially traumatic, and their titles and others' informal characterizations of their status create additional sensitivity.

No handout at all, slides or otherwise, for this session. The findings so far probably fit with many PD folks' own observations. We hope that having Harvard's name attached to the research will make it more convincing to those who need to be convinced that it makes good business sense to treat every category of employee with respect and appreciation.

"Assess ROI Through Design: Applying Randomized Clinical Trial Concepts to the Design of PD Programs and Initiatives." Jeanne Picht of Lawyer Metrics and Chris Zorn, also of Lawyer Metrics and a Political Science Professor at Penn State, presented an interesting and different slant on addressing the PD professional's constant challenge: "Do more with less, prove value, demonstrate results, and win the battle of budget priorities." Having identified a problem and developed a proposed solution (or "treatment"), PD departments can pitch a trial rather than asking firms to jump right in to a full program. A carefully designed trial will include well-crafted tools for measuring skills and/or performance before and after the trial, a truly randomized selection of participants receiving the "treatment," and a control group tested before and after as well for comparison. Significant improvement by the trial group as compared to the control group provides justification for broadening the scope of a program (where resources allow, of course). Picht and Zorn pointed out that even a trial that doesn't end up with the hoped-for results can open the door to communication and collaboration on subsequent tests.

The basic outline for conducting a trial was made available after the PDI with the other handouts on the NALP website.

"Is Anyone Else Worried About Partner Morale and Retention?" The co-presenters were Diane Costigan and Sang Lee of SJL Shannon and Michelle Nash of The NALP Foundation. They are collaborating on an upcoming survey of law firm partners to assess the state of partner morale. The draft survey questionnaire was the only handout, and Nash invited the attendees to email her with suggested edits. They also shared their current perceptions of the state of partner morale (low) and the reasons for it, along with a number of suggested remedies that PD and firm leadership could implement. Among the latter were extended training and development opportunities for partners and partners-to-be (including business development support), and strategic planning for the future (including succession strategies for institutional clients). We look forward to the results of the survey and expect them to have real value.

Friday Plenary: "Learning from YOUR Law Firm Leaders." This session was a relaxed and frequently entertaining chat among Kim Koopersmith, firm chairperson at Akin Gump; Sue Manch of Bingham McCutcheon; and Michelle Nash of The NALP Foundation. Most of the attention was on Koopersmith, her path to firm leadership, and her observations about the demands of and requirements for the role. One of the issues raised was the importance—and, typically, neglect—of succession planning in law firms, along with the observation that corporations dedicate millions of dollars and entire staffs to their leadership pipelines. Koopersmith believed that her progression through a series of increasingly responsible management positions at Akin Gump both prepared her for the top job and allowed the firm to evaluate her suitability for it. Manch discussed leadership development at her firm, including their diversity pipeline, and findings from the research for her 2012 book, *Learning from Law Firm Leaders*. Both Manch and Nash presented general and useful information on leadership and learning theory—things to think about in looking at existing leaders and in developing future ones.

No handout for this one, either, but a most interesting discussion.

"How Legal Educators Are Shaping the Future of the Profession: Challenges, Triumphs, and Reflections from Around the World." This session provided so much information and food for thought that discussions of the questions it raised (both practical and theoretical) could have gone on much longer than the allotted time. Consultant Terri Mottershead introduced the session with an overview of global trends and their impact on business models, staffing models, and talent management. In particular, she noted the continuum of learning for lawyers, the transition they make between law school and early practice ("Knowledge In") to later practice and continuing education ("Knowledge Out"), and the importance of bridging this gap.

From the law school side, Libby Taylor, Professor at Bond University in Australia, and Sandee Magliozzi, Director of Professional Development and Externships at Santa Clara University, discussed some of the changes and challenges they're seeing. Taylor, who calls herself a "pracademic," outlined Bond's breakdown of legal skills into four modules and the specific substantive subjects and practical skills assessments under each module. As schools strive to prepare practice-ready graduates, Taylor noted the importance of continually rethinking what schools are doing, particularly in considering adjuncts in response to the question: "Who's going to be teaching our students?" Sandee Magliozzi reviewed some of the drivers (aside from law firms) in the push to change legal education. She mentioned the Shultz-Zedeck Lawyering Effectiveness Factors[6] as the direction she sees law schools heading. Like Bond, Santa Clara has focused on the competencies new lawyers need and even helps students track their skills development with a road map.

From the law firm side, Michele Bendekovic of Steptoe & Johnson pointed out that it's not necessarily fair of employers to ask why law schools can't "produce graduates who are ready to hit the ground running." She noted a shift at her firm in its thinking about what types of graduates it's recruiting and hiring. That said, she acknowledged that clients drive what's happening in law firms and that law firms' need for graduates with real skills and experience in legal practice as well as in finance, relationship building, etc., requires strong collaboration between schools and employers and a real understanding of the strengths and constraints of each.

[6] There's a brief account of the Shultz-Zedeck study and its results on p. 15 of our February 2013 issue.

"Essential Elements of a Business Development Curriculum." This was a lively and informative session led by Tracy LaLonde of the Akina consultancy (who also moderated and regularly invaded the audience to get us involved), Julia Borginis of Fox Rothschild, and Gillian Murray of Bryan Cave. LaLonde contributed a good process overview and set of general principles, along with the useful and colorful metaphor she uses with the lawyers she coaches that the first meeting with a potential client is only an initial step in the much longer process of building a long-term relationship: It's just "the first date," and it's much too early at that stage to "propose marriage" or expect to "get laid." Murray outlined her impressive and relatively mature BD training program at Bryan Cave, and Borginis talked about her experience getting Fox Rothschild's program off the ground. Enjoyable and well done, and thanks for the slides!

"Driving Innovative Learning in the Law Firm: Lessons from Law Without Walls." Just to emphasize this session's point that innovation is key for lawyers and law firms in differentiating themselves in a competitive market, one of the conference attendees at my table mentioned a statistic on the "revolving door" aspect of the legal profession: every year 50,000 new lawyers enter, and every year 50,000 lawyers leave. (I looked it up and found *The Lawyer Bubble: A Profession in Crisis* by Steven J. Harper, published last year, if you're interested.)

Scott Westfahl of Harvard Law School introduced the Law Without Walls program. (The conference binder contains a handout with a pretty comprehensive description.) Basically, the program's goal is to bridge the divide between the academic and law firm worlds, with particular focus on leadership and innovation. For one semester, students from law and business schools around the world work virtually with mentors from law firms, business, and academia on developing an implementable solution to a real business or legal problem.

James Batham, Head of Innovation at Eversheds LLP in England and a participant in the program, joined us by Skype to talk about his firm's focus on partnerships, working collaboratively, and creating a community of people adopting new practices and innovations. His firm has chosen innovation as its differentiator because, as he pointed out, "People pay for things that are scarce."

Ida Abbott, of Ida Abbott Consulting, and Michele De Stefano, Associate Professor at the University of Miami School of Law, got the entire room out of our seats and engaged in an exercise designed to challenge our notions of how we communicate and solve problems. Once they had us feeling successful and innovative, they talked about some of the obstacles to problem solving and had us work at our tables on brainstorming and then developing solutions for serious issues faced by real organizations.

"Partner Business Planning: Opportunity Knocks." Tim Leishman of Firm Leader and Kay Nash of Wiley Rein discussed ways to support partners' business planning—Leishman giving an overview of general principles and best practices, and Nash using her program at Wiley Rein as a case study. Leishman noted there's a dichotomy between a firm culture that emphasizes relationships vs. an "eat what you kill" culture. A Leishman survey found that firms that have "origination credits that matter" are less collaborative, and it's necessary to approach partner planning there more individually than at a relationship-oriented firm, where solutions can be shared and one can engage partners in group coaching and in helping one other. This was a highly informative and well done session, with a good handout of the slides, sample materials and readings, and a list of additional recommended readings.

"Identify, Integrate, Innovate: The Importance of a Cohesive Recruiting, Professional Development, and Marketing Strategy." This session was more narrowly focused than the title indicates: It addressed the coordinated integration of lateral hires. Julie Mulhern and Courtney Kall, respectively the PD and Marketing Directors at Benesch Friedlander, described their comprehensive process for identifying, recruiting, onboarding, and supporting the firm's lateral hires. It begins with using search tools "to find out who else is servicing our best clients" and then recruiting those lawyers. But the meat of this session addressed all that the firm does to support and monitor laterals' success. Mulhern goes beyond the typical PD role to serve as the initial and continuing point of contact for new lateral entrants, "to make sure they are getting what they need." She also regularly collects and reports data on their performance to their practice group leaders. A striking statistic that has come out of their data collection (we wonder how many firms have measured this) is that, despite the significant support they provide, it takes three years for the average lateral hire or group to become profitable for the firm. This session was well done and well worth attending; but, again, there was no handout to simplify note taking and help refresh our memory of the content afterward.

"Say What?!! Teaching Law Students and New Lawyers to Manage Difficult Conversations." Lawyer and author Grover Cleveland, Sheila Neilsen of Neilsen Career Consulting, and Charlotte Wager of Jenner & Block did a great job translating the valuable lessons of the book, *Difficult Conversations: How to Discuss What Matters Most*, into practical strategies for helping young lawyers talk to senior ones when something has gone wrong. (Two other books on difficult conversations and an online source are mentioned in the handouts.) After a simulation of the type of disastrous conversation we want to help young lawyers avoid, the presenters offered an overview of the factors that make certain conversations so difficult—the fears, vulnerabilities, assumption of blame, and differing expectations that each party brings. They provided useful and specific suggestions for helping young associates decide when and how to approach a conversation; acknowledge the realities of power and status differences; and keep the focus on the client, the team, and the solution rather than the mistake and who's to blame. (See "Ten Quick Tips for Having a Difficult Conversation with a Senior Lawyer" in the handouts.) Mastering these strategies and skills can help associates be the calm in the storm and, as Neilsen said, "reassure their way to the top."

What we took away

Our main takeaways from the two conferences were:

- As always, the need for real vision, awareness, and communication within and among schools and employers.
- The question, What does it really mean to get a legal education? One presenter, having talked about all the practical skills her school works to teach/offer, also said, "A law degree should be about learning and about learning the law—not just about spitting out people [for law firms]."
- The expectation that, as long as law school continues to cost a fortune and law graduates come out with massive debt, they're going to continue pursuing high-salaried employment they don't necessarily intend to keep—no matter what specialty or type of practice really grabs their interest in a course, clinic, or internship.
- The disconnect in the transition from academia to practice: Law schools accept applicants who are strong students (know how to study, take tests, and write papers); law firms hire graduates who are strong students (class rank, law review); BUT law firms WANT graduates with practical skills and knowledge.
- The continuing theme of the dysfunctionality and short-sightedness of many firms' approaches to talent management and business success. As a striking example, there was the cross-industry survey that showed the job of associate attorney is "the unhappiest job in America." Another example is the common expectation for the lawyers to do everything. We can't help thinking that a hospital would want its best surgeons performing surgery rather than running the hospital. If law firms are to grow and thrive, they need to have professional management and give it the resources it requires.
- As to the PD profession, Lauren Rikleen's PDI plenary remark that "There is no parallel in business where so few people are asked to do so much." That sent a murmur of recognition through the audience.
- The importance of relationships as the "glue" that holds a law office together and keeps it healthy and successful for the long term. More than one speaker referred to the significant differences between a "relationship" culture and an "eat what you kill" culture and the negative impact of the latter on collaboration, mutual trust, and retention.
- The educational value of a good handout that tracks the presentation, to help capture and retain the knowledge being conveyed and to enable sharing that knowledge afterward with others "back at the ranch." Such handouts are even more essential when one is attending multiple sessions packed end-to-end over several days.
- The high quality of every session we attended, and the good flow and cohesiveness of the subject offerings within and between the two conferences.

This was our first PDC conference in years, and it was impressively well done. As to the PD Institute, one or both of us have attended five of the last six; in our opinion, and that of some other attendees we spoke with, the 2013 PDI was the best one yet.

We thank the PDC, NALP, ALI-CLE, and all the conference planners, presenters, and sponsors for a supremely enjoyable and informative three days.

Book Review:

Games for Learning

Gaye Mara

Karl M. Kapp, *The Gamification of Learning and Instruction: Game-Based Methods and Strategies for Training and Education.* San Francisco, CA: Pfeiffer, 2012.

These days gamification—particularly in the form of computer-based video games—is a hot topic in academia and corporate training. Computer-based learning games have recently osmosed into CLE and law practice as well, in the form of simulated practice environments.[1] And they are a current focus of legal education reformers.[2]

My first experience with the use of games for learning was with games created by training gurus Thiagi (Sivasailam Thiagarajan) and Steve Sugar, along with the Beer Game supply chain simulation created by MIT's business school, twenty plus years ago. All the players were physically present in the same room and used physical objects to play the game—balls, string, tape, paper, game boards and pieces, cards, etc. With a nod in that direction, Karl Kapp's book notes that, "with the push toward technology, it's easy to forget that card and board games can be a great alternative to online games. They're easier to prototype and don't require a massive team to build."

That mention appears on page 266, ten pages from the end of the book's final chapter. It is his only mention of an alternative to computer technology—and very sophisticated computer technology at that—for creating games. So, if you are looking for guidance on creating a simple game quickly and inexpensively, this book is not the answer.[3]

Indeed, Kapp takes care to caution the reader about the time and resources that are needed to create even a seemingly simple computer game like Angry Birds, which took an experienced, twelve-person design team eight months to develop (194). Kapp says the typical design team for a computer-based educational game consists of

- A project manager
- An instructional game designer (a skillset he says is so far in short supply)
- A subject-matter expert
- One or more artists
- One or more programmers
- An IT representative
- One or more representatives of the learner population
- A music/sound technician
- An animator
- A level designer ("the person who creates the challenges and sets parameters for the game play on each level" of difficulty). (202-204)

The strengths of this book—and they are considerable—lie in its very thorough illumination of the research and theory behind the design of educational games and of instruction in general. I found especially

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1 See our discussion of PLI's foray into computer simulations above at p. 22.

2 See, for example, Gregory Silverman, "Law Games: The Importance of Virtual Worlds and Serious Video Games for the Future of Legal Education." *Legal Education in the Digital Age,* Edward Rubin, Ed. Cambridge University Press, 2012.

3 Steve Sugar's *Games That Teach* (1998, Pfeiffer) is a basic introduction to low-tech educational gaming, and both Sugar's and Thiagi's web sites (www.thegamegroup.com and www.thiagi.com, respectively) contain additional information and resources. There are some free customizable games, including email games, on Thiagi's site.

fascinating the author's discussions of what the research has shown about the value of

- *Prompt and continuing feedback*
- *Distributed practice* (chunking the content into multiple short, spaced sessions)
- *Storytelling*
- *Scaffolding* (building incrementally from basic knowledge and skills to increasingly more difficult ones)
- *Internal motivation* (*e.g.,* overcoming a challenge) vs. *external rewards* (*e.g.,* points, compensation)—both for coaxing learners to participate in and stick with a course of instruction and afterward for promoting retention of what has been learned
- *Third-person perspective* (in computer gaming, observing while an avatar representing you engages in an experience and reaps the consequences; in the kind of training most of us are familiar with, practicing a skill and afterward watching your performance on video and getting expert feedback on it) vs. *first-person perspective* (engaging in an experience and reflecting on the results)—for changing both behavior and attitudes.

Also fascinating are Kapp's descriptions of how government and nonprofits are creating and using computer games not only to teach but also to crowd-source innovations and solutions to intractable problems. For example, the U.S. Department of Defense has been a leader in the creation of simulations, for the purpose of military training. Now the Office of Naval Research has designed an Internet game to crowd-source new ideas for defeating piracy on the coast of Africa (20-21). The National Science Foundation has underwritten the development of "Survival Master," a video game that teaches math and engineering concepts to middle school students (271-274).

If there are teenagers or Millennial lawyers in your life, you will be interested in Chapter 11, "Perspective of a Gamer," written by Kapp's 17-year-old son and arguing the superior learning value of video games. Nathan Kapp makes some valid points, such as that computer games gave him immediate, continuous feedback and allowed him to progress at his own pace, whereas in school one has to wait for everyone else to catch up before the class can move on. He also explains how he learned leadership, negotiation, and other interpersonal skills from online multi-player games and how that prepared him for his first job interview.

While Kapp's book doesn't equip us to design a computer game, it does help us to evaluate the learning value of one or to work with a game design team to make sure their product meets our learners' needs (although I doubt most of us will ever possess the resources to support the latter experience). More than anything, it made me appreciate the time and effort and the diversity of talents that go into the creation of a really good computer game.

Now please excuse me while I go play Angry Birds.

Professional Developments

News and Press Clips

MoFo Women's Initiative

Morrison & Foerster has launched a new Twitter feed, @MoFoWomen. In a press release Mika Mayer, co-chair of the firm's Women's Initiative Committee, said the feed is "our latest project to ensure MoFo remains top of mind for women in the legal and business communities." She added that the firm's "first major social Media campaign will be … to live-tweet the third annual MoFo Summit for Women In-House Counsel…."
www.thestreet.com/print/story/12290872.html

Legal Project Management Webinar

Steve Nelson of The McCormick Group and Tim Corcoran of The Corcoran Consulting Group are offering a one-hour free webinar on February 4th at 1 pm, on why your firm should have a legal project management program and how to put it together, including what training is needed. For more information or to register, go to
www.eventbrite.com/e/legal-project-management-putting-all-the-pieces-together-tickets-10224767555?ref=estwenivtefor001

The Science of Training

Eduardo Salas, a psychology professor at the University of Central Florida, and three coauthors have published a report that reviews forty years of literature on organizational training and summarizes the findings on what works and doesn't work in training and development. Their major conclusions, as they state at the outset and flesh out in their article, are that "(a) properly designed training works, and (b) the way training is designed, delivered, and implemented can greatly influence its effectiveness." Eduardo Salas, Scott I. Tannenbaum, Kurt Kraiger, and Kimberly A. Smith-Jentsch, "The Science of Training and Development in Organizations: What Matters in Practice." *Psychological Science in the Public Interest,* 13(2) 74-101. Available online at
www.psychologicalscience.org/index.php/publications/journals/pspi/training-and-development.html

Data Analytics for Talent Management

December's *Atlantic* features an article we highly recommend, about how major corporations are using "people analytics" to inform their personnel decisions and thereby improve hiring, retention, and job performance. Some of their ways of doing this:

Tracking and analyzing detailed internal personnel and other data to see, for example, what particular credentials and experience match up with superior performance. This apparently is causing many companies to devalue degrees from elite schools, and in some cases any degree at all, in favor of other types of background that have proven more predictive of success.

Retaining data aggregators who collect and analyze the "digital exhaust" that candidates and/or employees leave on the Web—web sites visited, social media postings, participation in online communities, etc. One striking example was a sales presentation by Gild, which "uses people analytics to help other companies find software engineers." At a company with a job posting for coders, Gild's representatives displayed a map of the company's home city with red pins locating all the coders having the skills listed in the job announcement, with an attached quality rating on a scale of 1-100, all based on the coders' online histories including their "affinity for a particular Japanese manga site" which has proven to be a strong predictor of coding ability.

Developing online assessments and other digital tools to produce additional relevant data. Xerox, for example, uses an online assessment developed by San Francisco-based Evolv to staff its call centers. The test results so dramatically improved both the quality and retention of Xerox's hires that " 'some of our hiring managers don't even want to interview anymore'—they just want to hire the people with the highest scores."

Especially fascinating is Royal Dutch Shell's use of games developed by Knack, a Silicon Valley start-up, to determine which Shell employees are selected for its GameChanger unit, "a 12-person team that for nearly two decades has had an outsize impact on the company's direction and performance" and whose "job is to identify potentially disruptive business ideas." Knack's video games were designed by a scientific team "to suss out human potential"; based on the data its games collected on Shell's first players, Knack correctly identified the top 10% of past idea generators, as well as the six factors that were most predictive of someone producing successful ideas.

The author sees both pros and cons in these new approaches—certainly privacy concerns, but also the promise of better prospects for people whose talents would have been overlooked in the past. (Don Peck, "They're Watching You at Work." *The Atlantic*, December 2013, at 72-84.)

Conferences

Legal Profession:

- 2/6-8/14, Chicago, IL. *ABA Law Practice Division Midyear Meeting.* American Bar Association, www.americanbar.org/groups/law_practice/events_cle.html.
- 2/20-22/14, Long Beach, CA. *2014 Newer Professionals' Forum.* Association for Legal Career Professionals, www.nalp.org/events.
- 3/27-29/14, Chicago, IL. *ABA TechShow*. ABA Law Practice Management Section, www.techshow.com
- 4/9-12/14, Seattle, WA. *2014 Annual Education Conference.* Association for Legal Career Professionals, www.nalp.org/events.
- 4/30- 5/3/14, St. Louis, MO. *ABA Law Practice Division Spring Meeting.* American Bar Association, www.americanbar.org/groups/law_practice/events_cle.html.
- 7/20-12/14, Montreal, QC. *2014 PDC Summer Conference.* Professional Development Consortium, www.pdclegal.org.
- 8/2-5/14, Boston, MA. *50th Annual Meeting.* Association for Continuing Legal Education, www.aclea.org.

General Audience:

- 2/10-12/14, Saratoga Springs, NY. *Video & Learning Lab.* The Masie Center, www.masie.com.
- 2/20-21/14, San Diego, CA. *Telling Ain't Training.* American Society for Training & Development, www.astd.org/Events/Telling-Aint-Training.
- 3/6-7/14, New York, NY. *The 2014 Executive Coaching Conference.* The Conference Board in collaboration with The Center for Creative Leadership, www.conferenceboard.org/coaching.
- 3/9-11/14, Jeddah, Saudia Arabia. *ASTD MENA 2014 Conference & Exposition: Enabling Excellence in Human Capital Development.* American Society for Training & Development, www.astd-mena.com.
- 3/19-21/14, Orlando, FL. *Learning Solutions 2014 Conference & Expo.* eLearning Guild, www.elearningguild.com.
- 3/19-21/14, Orlando, FL. *Ecosystem 2014: The Learning Infrastructure & Strategies Conference.* eLearning Guild, www.elearningguild.com.
- 3/21/14, New York, NY (repeated 3/25 in Chicago). *Elliott Masie's Learning Directions.* The Masie Center, www.masie.com
- 3/26-27/14, Nashville, TN. *Telling Ain't Training.* American Society for Training & Development, www.astd.org/Events/Telling-Aint-Training.
- 3/31-4/3/14, Fort Lauderdale, FL. *Impact 2014: The Business of Talent.* Bersin by Deloitte, http://impact.bersin.com.
- 4/2-4/14, Saratoga Springs, NY. *MOOCs and Corporate Learning: Symposium and Lab.* The Masie Center, www.masie.com.
- 4/11-16/14, Indianapolis, IN. *THE Performance Improvement Conference 2014*. International Society for Performance Improvement, www.ispi.org/content.aspx?id=86
- 4/16/14, Silicon Valley, CA. *Elliott Masie's Learning Directions.* The Masie Center, www.masie.com.
- 4/29/14, Houston, TX. *Elliott Masie's Learning Directions.* The Masie Center, www.masie.com.
- 5/4-7/14, Washington, DC. *ASTD International Conference & Exposition*. American Society for Training & Development, www.astdconference.org.
- 6/24-26/14, San Diego, CA. *mLearnCon 2014 Mobile Learning Conference & Expo.* eLearning Guild, www.elearningguild.com.
- 7/28-29/14, San Francisco, CA. *Training Ain't Performance.* American Society for Training & Development, www.astd.org/Events/TAP.

- 9/8-9/14, Boston, MA. *Performance Support Symposium 2014.* eLearning Guild, www.elearningguild.com.
- 9/16-17/14, Atlanta, GA. *Training Ain't Performance.* American Society for Training & Development, www.astd.org/Events/TAP.
- 10/13-14/14, Chicago, IL. *Training Ain't Performance.* American Society for Training & Development, www.astd.org/Events/TAP.
- 10/26-29/14, Orlando, FL. *Elliott Masie's Learning 2014.* The Masie Center, www.masie.com.
- 10/29-31/14, Las Vegas, NV. *DevLearn 2014 Learning Technologies Conference & Expo.* eLearning Guild, www.elearningguild.com.

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 (see the relevant web page for online and/or on-site dates and locations for each topic).

CPLP Certification: Certified Professional in Learning & Performance, www.astd.org/Certification:

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

ASTD Master Trainer Certificate Program, www.ASTDMasterTrainer.org:

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.

Other ASTD courses and certificate programs in the following subject areas, online or face-to-face, www.astd.org/Education.aspx*:*

- Business Partnering
- Delivering Training
- Designing Learning
- E-Learning/Online Learning
- Human Performance Improvement
- Management and Leadership Development
- Measuring and Evaluating Learning
- New Approaches to Learning
- Organizational Development
- Presentation and Facilitation Skills
- Project Management
- Sales Enablement

Cornell University Human Capital Development Program. www.ilr.cornell.edu/hcd/

Cornell's ILR School offers 1- to 3-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

Workshops may be attended at the New York City facility or delivered at your site.

The School also offers a calendar of online courses, which again may be taken individually or in a certificate series.
www.ecornell.com/individual-course-list/human-resources-management-courses/fam/hr

George Mason University Leadership Coaching for Organizational Performance Certificate Program, www.ocpe.gmu.edu/programs/org_dev/leadership_coaching.php. 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 held in Fairfax, VA, supplemented by distance learning and independent work between modules:

- 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

Harvard Law School Program on Negotiation, Cambridge, MA. All courses held in Cambridge. www.pon.harvard.edu.

Spring 2014 Executive Education Seminars:

- 1-day courses:
  4/10/14. *The Odd Couple: Capturing the Power of Reason and Emotion in Your Negotiations*
  5/22/14. *Practical Lessons from the Great Negotiators*
  6/19/14. *Women and Career Negotiations*
- 3-day course:
  4/7-9/14. *Negotiation and Leadership: Dealing with Difficult People and Problems.* (Repeated 5/19-21 and 6/16-18)

Harvard Negotiation Institute: 5-day courses held during June 2-6 and 9-13, 2014:

- *Negotiation Workshop: Strategies, Tools, and Skills for Success*
- *Mediating Disputes*
- *Negotiation Workshop: Improving Your Negotiating Effectiveness*
- *Intensive Negotiations for Lawyers and Executives*
- *Dealing with Difficult Conversations*
- *Deal Set-Up, Design, and Implementation*

International Society for Performance Improvement, www.ispi.org. Monthly one-hour "SkillCast" webinars on a variety of performance and development topics.

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, www.ali-cle.org**.** Archived video webcasts:

- Coaching Your Lawyers in Business Development
- Leadership in Practice: How Law 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

(Note: These courses are not easy to find on the ALI-CLE site. What worked for us was putting "NALP" in the *Search* box on the home page.)

Training Live+Online Certificate Programs, www.TrainingLiveAndOnline.com. Online courses; check the web site for dates:

- Advanced Articulate Storyline for eLearning
- Creating Engaging eLearning with Articulate Storyline
- Designing eLearning with Captivate
- Developing Short and Instant Learning
- Instructional Design
- Leading Effective Live Online Events
- Project Management for Learning Professionals
- Producing Great Podcasts
- Social Media for Trainers
- Training Coordinator Certificate
- Training Manager Certificate

Degree Programs

George Washington University/Hildebrandt Institute Master of Professional Studies and Graduate Certificate in Law Firm Management, http://nearyou.gwu.edu/sfm/index1.html. *(See article about this program in our February 2011 issue.)*

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.

University of Pennsylvania Executive Education for Chief Learning Officers, http://pennclo.com**.**

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.

Saint Joseph's College Online—Master of Science in Education: Adult Education & Training Concentration, http://online.sjcme.edu/adult-education-and-training-concentration.php.

"Learners choose a major project in adult education or human resource training that is useful in their workplace. This master's degree concentration project evolves through a succession of courses in this program based on the students' personal interests and needs at their workplace in consultation with their faculty mentors." 33 credits.

Villanova University Master of Science in Human Resource Development, www.villanovau.com/hr-masters-degree/. 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

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