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Succession Planning for Firm Leaders
Victoria Ruttenberg

Due to the unique nature of law firms, succession planning can be more difficult for them than for other types of organizations. This article discusses the value of succession planning, the particular challenges a law firm faces, and steps that a law firm's leaders need to take in order to plan appropriately for the departures of the firm's most valuable people.

For the purposes of this article, I have assumed that the person for whom the firm is doing the planning ("Jessie") is a senior partner with a strong book of her own business, active involvement in her clients' work, and a significant role in the management of the firm.

What is succession planning?

Basically, succession planning is the planning an organization does to prepare for the departure, anticipated or not, of someone important to that organization. The premise is that things happen—people retire, leave for other opportunities, get ill, *etc.*—and it is better to plan for those things ahead of time. Succession planning's goal is to minimize negative repercussions from this person's departure.

"Succession planning" is an insufficient term, however. It should really be called something more like "succession

planning and doing" because just coming up with a plan is not enough. Organizations need to take a fairly significant number of steps ahead of time in order for the plan to be successful when the time for its implementation arrives.

What is the value of succession planning?

Let's face it. At some point, everyone in the firm, including Jessie, will leave. Maybe Jessie will stay for another 20 years, maybe she will decide to stay for 10 more years and then do something different for a while, or maybe a ghastly accident will befall her in the next month. No one can control that. But the firm can control what steps it will take when she does leave.

Smooth transitions

When a key person leaves a firm unexpectedly, the firm can initially be thrown into chaos because there is no one ready to take over all the unfinished business. Succession planning can help smooth this transition. A good succession plan outlines who is going to take over the many roles Jessie plays. This includes deciding who will take over her leadership roles in the firm, who will handle the specific client matters on which she is working, and who will maintain her client relationships—assuming she does not leave for another firm and take her clients with her. It is quite possible that multiple people will step into her shoes.

In order for people to be ready to step into Jessie's shoes, however, they need to be trained first. Getting up to speed takes time. Having a succession plan allows the firm to think through what support and development people will need in order to take over Jessie's roles, and gives the firm the time to develop and teach these people so that they will be ready.

Retain the best people

The value of having a succession plan is not simply that it helps smooth the inevitable transitions that occur when someone leaves. Having *and sharing* a comprehensive succession plan also helps firms retain their best people.

In particular, many firms have difficulty keeping their mid-level partners happy. Assuming everything is going well, the junior partners are generally happy because they finally made partner. The senior partners are generally happy because they are making a lot of money, have powerful positions in the firm, and usually have a lot of autonomy and recognition.

The mid-level partners, however, may be in a very different situation. Having made partner several years ago, the bloom is often off that rose. The mid-level partners are still working really hard; they are making a good deal of money, but not as much as the senior partners; they are on some committees, but

they are not in charge of running the firm; they have less autonomy than senior partners; hopefully they have some of their own clients, but often they are still servicing firm clients.

The mid-level partners might be fine with all of this *if* they have a sense of what their future holds. This is where succession planning can be key. I have worked with a number of firms that were losing people—often people they really wanted to keep. It turns out that many of these people left because they did not see a path forward for themselves. They were content at their firm—they were well paid, received a lot of positive feedback, had strong reviews, and did interesting work. But when the headhunters called, offering a position in a firm that would groom them to be head of their department in three years, they grabbed the opportunity.

This is where the need to share the plan is key. It was not unusual for the firm that the mid-level partner was leaving to have the same plan as the firm to which the mid-level partner went. In other words, the firm had planned to groom that mid-level partner to take over the department once Jessie left. But neither Jessie nor other firm leaders had ever bothered to discuss this with the mid-level partner.

Keep the clients happy

Having a comprehensive succession plan and sharing it with the firm's clients can also keep the clients happy. Because guess what—law firm clients know that their lawyers could retire, change careers, or get sick. Furthermore, a firm's competitors are probably regularly wooing their competitor's clients, or at least making nice to them whenever they have the opportunity. So, if Jessie suddenly decides to leave to sail around the world, there are plenty of other lawyers outside her firm who are eager to take her place. Her clients are much more likely to stick with her firm if they have met

and worked with, preferably over a number of years, the lawyers who will ultimately take over her work.

Prepare for future changes

Optimally, law firms wrap their succession plans into their strategic plans. In other words, as a firm thinks about what might be happening externally two, five, or ten years from now, it should also think about its existing talent pool and give people the opportunity to get the experience they need so that they, and thus the firm as a whole, will be ready when these changes do occur.

Why aren't law firms better about doing succession planning?

The concept of succession planning is something that law firms discuss regularly. (As in, law firm managers often say, "We really should develop a succession plan." And then nothing happens.) For some reason, law firms seem to be particularly bad about doing succession planning. And, due to the unique nature of law firms, this is understandable. In fact, much of it hinges on Jessie because, without her buy-in, nothing is going to happen.

People are hesitant about transitioning relationships

Succession planning in law firms has to be a highly collaborative process. So much of what a lawyer does is relationship driven. Jessie has developed relationships with her clients, her fellow partners, her assistant, the paralegals and associates on her team, co-counsel, and so on. When senior management asks her to develop a succession plan for herself, they are essentially asking her to begin sharing and transitioning these relationships.

Let's begin by looking at her client relationships. Even if Jessie is willing to

bring someone into that relationship, the client might not be amenable. Many clients do not see their lawyer as fungible. Rather Jessie is someone on whom they have relied, and sometimes in very personal ways—entrusting her with their business, their concerns, and their weaknesses. Jessie has developed the relationship by being responsible, knowledgeable, responsive, reliable, honest, trustworthy, and hard working. In other words, originally the client may have hired her because she has a particular area of knowledge, expertise, or reputation. But her clients have stayed with her because they trust her.

The reverse is also true. When the firm asks Jessie to develop a succession plan, it is asking her to entrust someone else with a relationship that she may have developed over many years. It is quite possible that Jessie's clients are not only people with whom she has a business relationship but also people with whom she has developed a friendship over the years.

This means that trust is the key to making any succession plan work. Jessie has to trust that the people who take over from her will take as good care of her clients as she does. And the clients have to trust that their new lawyer will do as good a job as Jessie did.

To put this in a different context, imagine someone you know—maybe not all that well even—comes to you and says, "You are going to leave in the relatively near future. At that point I would like to become close friends with your close friend. Could you introduce us and then gracefully back out of your friendship a bit so that your friend and I can get to know each other better?" Alternatively, imagine you are the close friend, a.k.a. the client, and Jessie says to you, "I'm planning on moving on but I don't want to leave you in the lurch. So I'd like to introduce you to someone and I hope that someday she will become your new close friend." While these requests make sense logically, they could feel very uncomfortable to everyone involved.

Succession planning digs up difficult emotions

There are other very complicated emotions involved in succession planning. If a firm asks someone relatively young to develop a succession plan based on the "What if you get hit by a bus?" question, there are fewer emotional roadblocks involved. The potential scenario feels hypothetical, since the young partner's intention is to look both ways when she crosses the street and to stay around for many more years.

It is a very different story, however, when a firm is dealing with someone who is nearing retirement age. For many people, their egos, self worth, and self-image are wrapped up with their vision of themselves as a successful, working lawyer. They fear that, if they stop being practicing lawyers, they will lose their identity. In addition, succession planning raises the specter of mortality. Jessie may very well fear that, post-retirement, her life path will go like this: she stops working, she putters around the house, does some traveling and volunteer work, plays a little tennis, and then she dies.

That is not a scenario most people, including the fictitious Jessie, want to contemplate. So they don't. They stick their heads in the sand and continue along, hoping the issues will magically solve themselves.

Lawyers are very autonomous

As anyone who has ever spent any time trying to manage a law firm knows, lawyers tend to be highly autonomous, independent, self-starters. In other words, law firms are filled with people who hate to be told what to do. So tasking the head of HR or the head of a department with "develop a succession plan" for a partner is not likely to be successful. If that partner does not feel like planning for her departure, there is not all that much that someone else can do.

What steps can a firm take?

At a minimum, the best-managed firms have solid succession plans for their key leadership positions. Here are the steps that every firm can take to make that outcome more likely.

Establish the proper culture

Begin by ensuring that having a succession plan is part of the firm's culture. In other words, it is expected and required. To set this culture, the firm's leadership should take the following steps:

First, start at the top. *Every partner* needs to have a succession plan, beginning with the most senior people. If the managing partner and the members of the executive committee don't have plans, why should anyone else go through the hassle of developing one? Obviously, for junior partners without their own book of business, succession planning is simpler and less crucial. But the goal is for succession planning to be the norm for the firm.

Second, be transparent. Remember, one of the values of succession planning is that a firm's junior and mid-level partners are more likely to stick around if they can see a path forward in their career. This means that the firm's management needs to share their plans early and often. Let people know who is being groomed and for what.

Third, revisit the succession plan. Every couple of years the senior people should review their succession plans, think about what has changed both internally and externally, think about whether the people they were grooming to take over are still the best people, and adjust accordingly.

Think creatively

The best way to encourage recalcitrant partners to cooperate is to give them

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something to look forward to. Remember, one reason that senior/older partners avoid succession planning is because they cannot imagine their own future. At least not a

future that looks enjoyable. If a firm can provide these partners with opportunities to contribute in meaningful ways after they retire or scale back, the senior/older partners are more likely to transition their work earlier and more willingly.

Opportunities need to be interesting, carry some status, and be tailored to the individual. For example, if a soon-to-retire partner has always been good at developing business, the firm can keep her on in a more limited role to help manage client relationships or to teach senior associates and junior partners how to market. If a partner really likes the hands-on practice of law, give her a leadership role in a high profile *pro bono* matter the firm is handling. If the partner has always been involved in firm management, the firm can use its contacts to help the partner get involved in leadership roles in other organizations, including state bars, the ABA, or non-profits. In addition to smoothing the partner's transition, these types of steps often benefit the firm.

Make introductions early

Once someone has figured out how they would transfer their practice, they need to get the right people involved early on. This means introducing other partners to the client and ensuring that associates working on the matter actually meet the client and have fairly regular direct contact so that the client is comfortable with the other partners and the associates.

In summary

Succession planning is a very important step for a law firm to take if it wants to keep clients, retain high performing lawyers, and transition smoothly when someone leaves. However, due to the relationship-driven nature of legal work, combined with the difficult emotions involved in planning for a future outside of the firm and the autonomous nature of lawyers, succession planning in law firms can be very difficult. For it to be successful, the firm's leaders have to set a good example, start taking steps early, and look for positive alternatives for its senior partners.

Looking to the Future of *PD Quarterly*
James G. Leipold, NALP Executive Director

I am both excited and honored that Gaye Mara has chosen to entrust the future publication of *PD Quarterly* to NALP after her retirement later this year. The November 2014 issue will be the first issue published by NALP.

As part of NALP's commitment to ensuring both the quality and continued relevance of this journal's content, we have already formed an advisory group to help guide the future publication of *PD Quarterly*. The members of this group, identified with advice from Gaye, have all been supporters of *PD Quarterly* as subscribers — and in many cases as contributors. They are:

- Heather Edes, Director of Professional Development for Sullivan & Worcester LLP;
- Kay Nash, Chief Professional Development and Attorney Recruiting Officer for Wiley Rein LLP;
- J.D. Neary, Director of Professional Development and Attorney Recruiting for McGuireWoods LLP;
- Thelma O'Grady, Professional Development Manager for Bull Housser & Tupper;
- Beth Shackleford, Director of Student Professional Development for the University of Georgia School of Law;
- Scott Westfahl, Professor of Practice and Director, Executive Education, for Harvard Law School; and
- Steve Armstrong, Principal of Firm Leader.

PD Quarterly has for years provided an important service to the PD community and has contributed significantly to the knowledge base within the field. As NALP looks to the future of *PD Quarterly*, we are excited about continuing and building upon this strong base. I welcome hearing from you at jleipold@nalp.org if you would like to share comments about what you value most in *PD Quarterly* and suggestions for the future.

Games, Simulations, and Stories in Legal Education and Training
Gaye Mara

From the beginning, legal trainers and educators have used simulations (*e.g.,* mock trials, mock negotiations) and stories (*e.g.,* case studies, "war stories") to promote learning. But they have made little use of games. Lately, however, "serious" games (games with an educational or problem-solving purpose) have become a hot topic in the corporate training industry.

All three formats—games, simulations, and stories—establish a context within which learners can see the application and results of the knowledge and skills they are learning.

Similarities and Differences Among Games, Simulations, and Stories

Games (for purposes of this discussion, all the games are "serious games") and *simulations* provide an "immersive" learning experience—another hot training topic these days. The learner is actively trying out job-related knowledge and skills while *immersed* in a more or less realistic workplace scenario. Learning by doing has always been superior to learning by listening (or reading, or watching) for developing competence that will "stick" and be transferable to one's real-world job.[1] Actual practice is how our brains grow the neural pathways that will ultimately support instinctive performance (*i.e.,* "unconscious competence"[2]).

A lot of the training literature makes little or no distinction between games and simulations. There's some overlap between

the two in practice, but in my experience there are also some distinct differences:

1. **Correspondence to the real world.** A game is usually a little farther removed from reality than a simulation:

   - *Games* usually have pre-set goals and arbitrary rules of play (whether voluntarily adopted or enforced by a software program) that constrain the players' options, a more limited and artificial environment, and an artificial reward system (points, badges, etc.).
   - *Simulations* are generally constructed to be as faithful as possible to the actual work environment and experience. Mock trials, for example, are held in a real or simulated courtroom with a "judge" and a "jury" and with the advocates in proper courtroom attire. Commercial pilots do their initial training in a simulator that accurately duplicates the cockpit and controls of the plane they will be flying.

2. **Performance evaluation and feedback:**

   - *Games* are constructed to provide immediate and continuing evaluation of and feedback on the players' performance—with each action one gains or loses points, receives a corrective or reinforcing message, loses or gains a turn, has to start over, etc.
   - In *simulations*, evaluations and feedback are typically withheld until the end, although in some simulations arrangements are made for interim feedback at set points in the action (and in computer-based simulations feedback can be programmed to occur continuously).

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[1] Of course, learning by doing can also be accomplished even more effectively in real work experiences like legal clinics, internships, and client and *pro bono* work. But in law and other high-stakes professions, that experience needs to be competently supervised to ensure the appropriate learning and to protect others from harm.

[2] See "The Four Stages of Competence" below at 18-21.

3. First- vs. third-person perspective:

- In computer-based *games* with avatars (on-screen characters who represent the players), one can be simultaneously a participant and a third party—directing the actions of the avatar while observing what happens to him/her. Enabling a third-person perspective on one's performance has been shown to be an effective learning approach. (Kapp at 100-101)
- Computer-based *simulations* may or may not be conducted using avatars for a third-person perspective. In a simulation in a physical setting, that perspective can be provided with a video replay of the learner's performance.

Stories alone, on the other hand, do not immerse learners in the same way games and simulations do. If they are compelling and relevant, if they depict an important situation learners have already encountered or expect to encounter, learners can mentally place themselves inside the story. They gain vicarious experience—but without putting their knowledge and skills to the test.

Stories basically serve as an extended example to put facts, concepts, and principles into context, showing how they can be applied on the job and the consequences of actions and decisions. Their learning value can be increased by engaging the learners in "What if?" discussions to envision alternative situations and actions and their results, or by leaving the story unfinished for them to figure out a course of action, rather than by simply telling them what happened.

But a good story can be a powerful device for grabbing and holding learners' interest, which is why games and simulations are generally organized around a carefully constructed story such as a client dilemma.

A common attribute of all three formats is that they can be effective with or without the use of technology.

Games

Games and Learning

Remarkably effective low-tech learning games have traveled mostly beneath the radar for a half-century. The North American Simulation and Gaming Association (NASAGA) has been around since 1962, The International Simulation and Gaming Association (ISAGA) since 1969, and *Simulation & Gaming: An International Journal of Theory, Practice and Research* since 1970. Sivasailam Thiagarajan (more familiarly known as Thiagi and also as the "guru of games") has been a leading influence in both associations, and a leading developer and practitioner of learning games, over all that time; at this writing his website (www.thiagi.com) lists 396 games, nearly all of them low-tech, that he and his group have developed.

For example, around 1990 I played a Thiagi card game called "Barnga" at a conference on diversity in the legal profession. The players at each table were given playing cards and a set of the rules of play. After the first round of play, players rotated to other tables—after which chaos ensued. What emerged in the post-play debriefing was that each table had been provided with a slightly different set of rules, which the new players rotating in did not know; thus, misunderstanding and controversy erupted in the subsequent rounds of play. That set the stage for a very thoughtful and productive discussion about cultural differences and the different rules by which people from different backgrounds might be operating. Essential to the learning effectiveness of the game, as you might imagine, was the skill of the individual who facilitated the debriefing and discussion.

Another very effective low-tech game is The Beer Game,[3] developed at the MIT Sloan School of Management in the 1960s. Playing it feels rather like conducting a contentious negotiation while desperately hanging onto a bucking bronco. Teams compete under time pressure to manage a boom-and-bust business cycle based on the production and distribution of beer in response to consumer demand that rapidly rises and then falls. The game can be adapted to any type of market with a significant lag time between the initiation of demand and the availability of supply (for example, the housing market, law firm entry-level recruiting). Here again, the learning came from processing the experience in a skillfully facilitated discussion afterward.

With the advent of online multimedia games and the arrival of large numbers of game- and technology-loving Millennials in the workplace, the interest of educators and employers in computer-based gaming has exploded in recent years.

Accompanying the explosion of interest has been an explosion of surveys and studies. Perhaps the all-time shortest survey was a single-question online survey by Pew Research and Elon University in 2012, which elicited responses from "1,021 technology stakeholders and critics" who gave "a more or less split verdict" on the future of technology-based gamification:

- 42% agreed with the option, "By 2020, gamification (the use of game mechanics, feedback loops, and rewards to spur interaction and boost engagement, loyalty, fun and/or learning) will not be implemented in most everyday digital activities for most people," while
- 53% agreed with the opposing alternative: "By 2020, there will have been significant advances in the adoption and use of gamification," including in "education, health, work,

and other aspects of human connection." (Anderson and Rainie)

According to Brian Burke of Gartner, an IT research and consulting company whose technology forecasts are often cited in the business press, the term "gamification" (as in the gamification of education and training) first popped up in Google Trends in 2010. Gartner's analysts then turned their attention to the phenomenon and projected its track through their technology "Hype Cycle" as follows:

- Gamification would arrive at "the Peak of Inflated Expectations" in 2012;
- It would then fall into the "Trough of Disillusionment" around 2014 because of a "lack of understanding of game design and player engagement strategies, resulting in many failed applications"; and
- It would finally attain the "Plateau of Productivity" around 2017-2022 (Burke at 2).

It appears that the seduction of technology has overcome our resistance to games, which most of us see as inherently frivolous. Heaven forbid anyone should have fun at work![4] Thus we are hearing the new term "serious games" to emphasize learning games' worthy purpose. There is even a Serious Games Association (www.seriousgamesassociation.com), founded in 2012—right at Gartner's "Peak of Inflated Expectations." And perhaps the marketers of technology are more effective and energetic at selling their wares than are instructional game designers.

Last fall the American Society for Training and Development surveyed business and

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[3] There's now an online version (www.beergame.org), which some consider less effective than the original.

[4] The Pew/Elon survey elicited the following thoughtful comment: "Play, it seems, may not only be an end in itself, it may be a better way to view and understand the world.... Recently gamers deciphered the structure of an enzyme of an AIDS-like virus that had thwarted scientists for a decade.... Our view of gaming may be a legacy of the live-to-work ethos of the Industrial Revolution; this view may keep us from seeing the powerful uses of gaming." (Anderson and Rainie, comment by Barry Chudakov)

learning professionals in a variety of locations and industries about their organizations' use of learning games. They found that, "at present, interest in using gamification and serious games in organizational learning outweighs actual usage":

- 20% of the responding organizations were using serious games for learning and another 37% were considering doing so in the coming year.
- Slightly more (25%) were using some form of gamification—in which learning programs included at least some game elements such as scoring—while 46% were considering it.
- At the same time, fairly significant fractions were neither using nor considering serious games (27%) or gamification (19%).
- Games *per se* were seen as more effective than game elements added to a non-game program. Among the present users of serious games, 51% found them highly effective and 38% moderately effective. Among gamification users, 37% found them highly effective and 40% moderately effective. (ASTD 2014, 8-9)

Nowhere does ASTD's report refer to the games they asked about as "computer-based" or "technology-based," but the context and all the experts they cite imply that they are. The report also lumps simulations in with games and characterizes them as "often software-based." (p.7)

We e-mailed a short survey at the beginning of April (bad timing, as it turned out) to try to get a read on the situation in legal education and training. What with academic spring break and NALP's annual conference going on at the time, we received dozens of "out-of-office" replies and only twenty usable responses—our sincere thanks to those twenty hardy souls! The respondents included 2 U.S. law schools, 5 small to medium-sized law firms of fewer than 500

lawyers (4 U.S., 1 Australia/New Zealand), and 13 large U.S. law firms of 500 or more lawyers. (Perhaps the response was also affected by the respondents having entered Gartner's predicted "Trough of Disillusionment.")

Our results are a long way from statistical significance, but they roughly agree with ASTD's:

- Six respondents (30%) are using games or game elements in "some or a few programs," eight (40%) are considering them, and six (30%) are not considering them.
- Of the respondents who are using games or game elements, one (17%) rated them "very effective" and five (83%) "somewhat effective."

The fact that two-thirds of our responses came from the larger law firms first led us to think that sector has the highest level of interest in gaming. In fact, we had expected that to be the case, which is why we created two size categories for the law firm respondents. But that expectation was not borne out by their answers to the questionnaire:

- Of the 13 larger firms, four (31%) are using games and another four (31%) are considering them, but five (38%) are not considering them.
- Of the 5 smaller firms, two (40%) are using games, two (40%) considering them, and only one (20%) not considering them.
- Among our law firm respondents overall, then, there's an even split among those using games, those considering them, and those not using or considering them, with six firms (33%) in each status at present.
- Neither of the two law schools is currently using games, but both (100%) are considering them.

We asked some further questions about games:

Subject Matter. Among those organizations that reported using games or game elements, the subject matter treated breaks down as follows, ranked in descending order:

1. Four firms are using games to develop:
   • Interpersonal and Communication Skills
   • Client Relations/Business Development

2. Three firms use them for:
   • Management Skills
   • Orientation/Onboarding

3. Each of the following is taught by only one firm using games:
   • Diversity and Inclusion
   • Legal Skills
   • Finance
   • Firm Economics
   • Team Dynamics, Team Building
   • Time Management
   • Writing

Target Audience. The audiences most frequently targeted for game-based learning rank as follows:

1. Attorneys in the first 3 years of practice—by all 6 firms that use games
2. Law students (summer associates/legal interns/law clerks)—5 firms
3. Attorneys with 4-8 years of experience—3 firms
4. Attorneys with more than 8 years of experience—2 firms

Media Used. The majority of the games currently in use are low-tech. The media respondents use in their games rank as follows:

1. Five firms use:
   • Board, paper, and/or card games
   • Face-to-face interaction

2. Two firms (one on a very limited basis) use:
   • Computer-based games

Game Developer. The games the firms are using were developed by:

1. Internal personnel—at 4 firms
2. External consultants working with internal personnel (custom-designed)—at 2 firms
3. External provider (off-the-shelf)—at 2 firms (One firm mentioned Fullbridge as the source of its games)

While there seem to be some strong proponents for video games in legal education,[5] we haven't seen evidence that they are yet being used in law schools. Simulations, however, are a different story— see the next section.

Games and Motivation

Another apparent trend pushing some organizations toward games is a growing reliance on extrinsic rewards (points, recognition, compensation) to motivate engagement and performance. But that can backfire. What numerous researchers have found is that extrinsic rewards, particularly those that are highly valued, can "crowd out" internal motivation, destroy teamwork, and distort performance by channeling workers' energies toward doing whatever it takes to get the reward (including shortcuts and cheating). (See the meta-analysis of the research by Deci et al., 1999.)

More recently, two professors at Penn's Wharton School studied the effect of management-imposed computer games that were intended to increase employee engagement and motivation. Their results were a mixed bag. They found that

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[5] 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.

Those employees who regularly played the type of games used … were much more likely to consent to the use of games in the workplace. A failure to consent to the game, moreover, resulted in a large negative change in positive affect, as well as a marginal decrease in job performance, indicating that mandatory fun creates a double-edged sword. Negative effects accrue to those who react to the 'mandatory' nature of the management-imposed game, while positive effects accrue to those who, instead, engage wholeheartedly with the game. (Mollick and Rothbard at 26-27)

We can certainly envision the same conflicting results in today's law office.

One arena where computer games seem to have greater motivational effectiveness—or, at least, greater than the typical e-learning course—is in motivating interest in mandatory compliance training of various sorts. J.C. Kinnamon of SAI Global Compliance, who has been working with the Practising Law Institute on the development of several computer-based legal games and simulations,[6] makes the point that

Exposition (telling someone something) may work moderately well for motivated learners, but e-learning learners are free from any social influences (such as a room full of colleagues) to keep focused. Unmotivated learners in this situation are more of a challenge, and they require a more sophisticated instructional strategy. (Kinnamon et al. at 6)

Perhaps a better answer is to put learners back into that "room full of colleagues" and facilitate a game that raises awareness of why compliance matters, in the way that Barnga raises awareness about why diversity and inclusion matter. But I suppose if one is going to force people to sit alone at a computer to take training they don't think

they need, it's best to make it instructionally sophisticated.

Simulations

As noted earlier, simulations like mock trials and negotiations have long been a part of legal education and training. Published information and our survey results indicate they are still going strong and that technology is beginning to enter the equation.

Simulations in Law School

Simulations are the experiential format of choice in U.S. law schools today. An article in the Spring 2014 issue of *preLaw* magazine ranked schools according to the per-student availability of their experiential training offerings, based on information the schools provided in December 2013 to the American Bar Association. The ranking scheme assigned the most weight to clinical experience as "the best hands-on experience available," the second most weight to externships (which offer "real-life practical training, but not necessarily under faculty guidance"), and the lowest weight to simulations, since they are removed from the real world and real clients. But what I found most striking in *preLaw*'s data charts is that the availability of those three types of learning experiences is in reverse order to their perceived effectiveness, with simulations being the most common followed by externships and lastly by clinics. Yale is the only law school listed at which the availability of clinical experience exceeds— indeed, significantly exceeds—the availability of externships and simulations. (Stetz 2014)

In the UK, "SIMPLE" (SIMulated Professional Legal Environment), an extraordinarily sophisticated and comprehensive computer-based learning simulation, was piloted at 5 law schools and 3 other professional schools in England, Scotland, and Wales in 2007-08. A virtual town resided on the school's

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[6] See our review of PLI's presentation at the December PDC Conference in the February issue, p. 22.

intranet; it was complete with virtual businesses (including law firms), other institutions, individuals, and even a Google Maps-style map that could be zoomed in on to show more detail. Students practiced as lawyers in the town and were tutored both online and in seminars on their actions. An open source software platform (download available at http://simplecommunity.org, though there is no sign of recent activity on the site) was created to support the simulation. The project was sponsored by the Joint Information Systems Committee (JISC), which develops technology for education and research, and the UK Centre for Legal Education. (Hughes et al. 2008)[7]

The two law school respondents to our survey, both in the U.S., offer simulations as well to their students, on the following subjects:

- Interpersonal and Communication Skills
- Client Relations/Business Development
- Legal Skills
- Management Skills
- Substantive Law

One school commented that it has started a new program "in which junior practitioners in a variety of practice areas created 75-minute experiential exercises for students to practice the type of tasks a junior lawyer in that practice area would perform." The program was well received and they plan to expand it.

At neither school are the simulations computer-based. Both offer in-person role-plays in a classroom setting, and one each conducts role-plays in a mock or actual work environment and role-plays via video feed with other role players.

Simulations for Practitioners

PD professionals are familiar with classroom-based simulations for legal skills training, available from numerous CLE providers both as public courses and for conduct in-house. Thirteen of the 18 firms who responded to our survey (72%) use simulations in their learning programs, and three more (17%) are considering them. Only two are not considering them.

Subject Matter. Legal skills are still the top subject matter for simulation training in the responding law firms, but other subjects are beginning to be addressed as well. The content covered in simulations ranks as follows:

1. Legal Skills (11 firms)
2. Interpersonal and Communication Skills (6 firms)
3. Management Skills (5 firms)
4. 4 firms each:
   - Client Relations/Business Development
   - Ethics/Professionalism
   - Substantive Law
5. Diversity and Inclusion (2 firms)
6. 1 firm each:
   - Harassment/Discrimination
   - Orientation/Onboarding

Target Audience. At 12 of the 13 firms using simulations, the target audiences are "Attorneys in the first 3 years of practice" and "Attorneys with 4-8 years of experience"—in other words, all associates. Six firms use simulations as well with "Attorneys with more than 8 years of experience," and five with "Law students/law clerks/summer associates/legal interns."

Media Used. In-person role-plays are still the delivery medium of choice. The media used rank as follows:

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[7] Curiously, while the SIMPLE simulation was widely acclaimed and won awards after the conclusion of the pilot programs, I could find no evidence that it is in current use at any UK law school. The final report (Hughes et al. 2008) indicates some resistance to its learning-by-doing approach from the faculty. We wonder if faculty resistance may have doomed SIMPLE in the end.

1. In-person role plays in a classroom setting—12 firms
2. In-person role-plays in a mock or actual work environment—7 firms
3. In-person role-plays via video feed with other role players—3 firms
4. Computer-based role-plays in a virtual environment—2 firms. One firm commented that its computer-based role-plays are provided by Fullbridge.

Simulation Developer. The simulations that firms are using were developed by the following:

1. Internal personnel—11 firms
2. External consultants working with internal personnel (custom-designed)—6 firms
3. External provider (off-the-shelf)—5 firms

Stories

Stories, too, have a long history as a teaching device in law schools and law practice, in the form of case studies/practice scenarios and as "war stories" of practice experiences. As noted above, stories *per se* do not provide immersive learning experiences and skill development opportunities, but they often form the basis for games and simulations that do. They are the most widely used of the three tools discussed in this article, and also the most variable in their effectiveness (see the comparative ratings in Tables 1 and 2 below) because anyone can tell a story, whether or not they are good at it, and just about everyone does.

In the programs of our survey respondents, stories are slightly more prevalent than simulations and much more prevalent than games. Both responding law schools use them, and 13 of the 18 responding firms. Because of the consistency across schools and firms, we are combining the results and noting any differences that seem noteworthy.

Subject Matter. Every topic in our survey questionnaire is the subject of stories, with Legal Skills ranked at the top and a tie for second place between Client Relations/Business Development and Ethics/Professionalism.

Target Audience. Stories are used in programs for law students and attorneys at all levels of experience, with the most consistent emphasis at firms on Attorneys in the first 3 years of practice.

Media Used. As we might expect, live storytelling is the most consistent delivery medium, but there is some divergence in the other means of delivery. Rankings are as follows:

1. Live oral story-telling—1 school, 13 firms
2. Print—1 school, 9 firms
3. Video recording—1 school, 6 firms
4. Audio recording—3 firms
5. Computer animation—1 firm

Story Developer. The most common source of the stories is internal personnel:

1. Internal personnel—1 school, 13 firms
2. External consultants working with internal personnel (custom-designed)—7 firms
3. External provider (off-the-shelf)—1 firm
4. Bar association—1 school

Learning Effectiveness

We asked the survey respondents to rate the learning effectiveness of each of the three tools, and broke out the data in two sets: how the six firms that are actually using games rated them in comparison to simulations and stories, and then how all respondents rated the three tools.

Table 1. Effectiveness Ratings by the 6 Firms Using Learning Games

Ratings (points)	Very Effective (2.0)	Somewhat Effective (1.0)	Ineffective (0.0)	Average Rating
Games	1	5	0	1.2
Simulations	5	1	0	1.8
Stories	4	1	1	1.7

Table 2. Effectiveness Ratings by All Respondents

Ratings (points)	Very Effective (2.0)	Somewhat Effective (1.0)	Ineffective (0.0)	Average Rating
Games	2	5	0	1.2
Simulations	12	4	0	1.75
Stories	7	6	2	1.5

Among just the respondents using games, and again among all the respondents, simulations rated first, stories second, and games last. Stories had the most inconsistent ratings, and the only "ineffective" ratings.

Closing Reflections

We are saddened to see the growing trends to emphasize computer-based learning approaches over all others, when interpersonal communication and collaboration skills are so critical to the success of everyone in a knowledge- and service-based profession like law. Certainly lawyers—and especially law students and beginning lawyers—do a fair amount of individual work and need individual skills to do it. It may be that a computer game or simulation, then, would be effective at teaching such skills.

In any case, remembering Abraham Maslow's classic hammer analogy,[8] we don't start with the tool. We start with the learning need and ask what is the best way to meet it. Starting with the tool instead is one reason there is so much truly bad e-learning out there.[9]

Our associate editor Nora Mara (also my daughter and a gifted former high school teacher of English and Creative Writing) offered the following insights about the three tools discussed in this article:

> *A game the learner plays individually can be useful for individual skills; but, where the more collaborative skills are needed, the game should reflect that … —[the] game or learning format should fit the*

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[8] "I suppose it is tempting, if the only tool you have is a hammer, to treat everything as if it were a nail." Abraham H. Maslow (1966). *The Psychology of Science.* p. 15 (citation courtesy of Wikipedia).

[9] Against which a group of concerned instructional designers is leading a revolt. See the Serious eLearning Manifesto at http://elearningmanifesto.org.

skills being learned. And all formats should include some type of reflection on the skills learned and how the learner learned them.

She suggests that a natural progression for using these methods could be:

1. *Stories—inform the learner; make him/her aware of problems and solutions (maybe stories and games can make the learner conscious of his/her incompetence,[10] particularly if the games aren't only individual. Some people might need a group setting to help them recognize their lack of awareness.)*
2. *Games—individual or group practice of skills; lowest-risk environment for trying things out*
3. *Simulations—slightly higher risk environment; practice of skills in a supervised, realistic setting; and collaboration with others (games and simulations can bring the learner closer to conscious competence)*
4. *Real-life situations (with supervision at first and then without), moving skills up to the level of unconscious competence*

But competence alone is not enough. The engagement of lawyers with their supervisors, colleagues, and clients is critical to their success and that of the organizations that employ them. Engaging them with their computers instead is not the answer.

What *is* the answer is learning experiences that are competently designed and delivered, in a format and an environment that are effective for the learners and for what you need them to learn.

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[10] See the following article on the Four Stages of Competence (pp. 18-21) for an explanation of the progression she refers to.

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My Favorite Models: Part 2 of a Series
The Four Stages of Competence
Gaye Mara

Referring back to the first model in this series ("The Nine Performance Factors," November 2013 at 10-11), we are now zooming in on the center cell, Competence, in that nine-cell matrix. Here's that first model again:

The Nine Performance Factors

Work	Worker	Workplace
Load. The amount of work to be performed.	**Capacity.** The mental, emotional, and physical capabilities the worker brings to the job.	**Resources.** The systems, tools, staff, time, funds, and other resources available to support the work.
Level. The difficulty and/or complexity of the work to be performed.	**Competence.** The worker's level of knowledge, understanding, and skill.	**Information.** The data, guidance, and feedback available to the worker.
Meaning. The purpose and results of the work.	**Motivation.** The worker's attitudes, values, and commitment to the work and the organization.	**Incentives.** The rewards, penalties, and other consequences experienced or expected by the worker.

The model we consider this time, the Four Stages of Competence, is one that is so intuitively appealing that it "went viral" in the training industry decades ago, whereby

its original source got lost and is now disputed. Its claimed origins include Confucius, an ancient Persian proverb, Socrates, a 1969 church newsletter, and several different training industry leaders in the 1970s.[1]

The model has also assumed different graphic forms: a ladder, a staircase, and a 4-cell matrix are the ones I've seen. I prefer the ladder, which seems to me a cleaner, more intuitive design and which allows for a decent amount of explanatory text between the rungs. The ladder graphic from my workshop slides is reproduced below in Figure 1.

Content of the Model

Here are descriptions of the four stages depicted in the model, the stages through which a learner moves in progressing from initial ignorance to complete mastery of a given competency:

Stage 1—Unconscious Incompetence. Learners at this stage of development are both incompetent and unaware of their incompetence. Either (a) they don't know that the competency exists (*e.g.,* people who have never heard of mediation or mediators), or (b) they know of it and wrongly see themselves as good at it (*e.g.,* rambling, incoherent lecturers who believe they are fascinating and effective). To be ready to learn, they must first accept that they are incompetent. In that regard, bias and harassment training come to mind: few people consider themselves to be guilty of bias or of behavior that could fairly be characterized as harassing. So that type of training will be wasted unless we first move

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[1] There's a good and lively discussion at www.businessballs.com/consciouscompetencelearning model.htm of the conflicting claims. I wrote a brief Learning Lab piece about this model in the August 2007 issue ("The Learning Ladder: The 4 Stages of Competency Development," p. 19) crediting Dr. Thomas Gordon of Gordon Training International, as was my understanding at the time.

the learners from Stage 1 to Stage 2 by engendering the necessary awareness. That can be especially difficult with a professional population like lawyers, who have a lot of ego invested in being and feeling thoroughly competent.

Stage 2—Conscious Incompetence. These learners are aware of their incompetence. If the competency is important enough to them, they will undertake to learn it. For some types of training, therefore, it is necessary to show Stage 2 learners why it matters and how they will benefit. (If their jobs depend on it, it will of course matter to them. Even then, it's more motivating to explain the importance and benefits.) And, because adult learners who know they lack competence feel exposed and vulnerable, it is always necessary to create a supportive environment in which they can safely reveal their ignorance, explore, experiment, and learn from their mistakes.
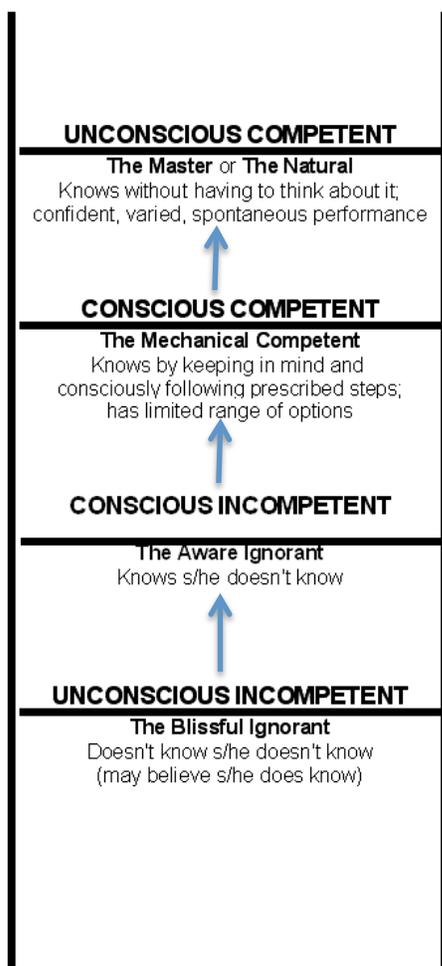
Stage 3—Conscious Competence. Learners at this stage know the basics and can perform competently by consciously applying the concepts, principles, and other knowledge they have learned. What is needed for them to progress to complete mastery is repetitive and varied practice in the full range of situations they will be facing.

Stage 4—Unconscious Competence. The Unconscious Competents are the masters, the experts, the ones who can perform competently without even having to think about it. For a relatively simple competency (*e.g.,* batting a ball), there are two ways to arrive at this stage: (1) by progressing through the previous three stages, or (2) by possessing an innate, natural talent that allows one to skip those stages. But for complex competencies like most professional skills, one must still progress through the stages of learning them. The "naturals," however, will progress much faster than others, though they may be less able to recognize and articulate how they learned what they know.

Figure 1. The 4 Stages Represented as a Ladder

Various authors have also suggested a **Stage 5**, ranging from *Complacency,* in which competence decays or becomes outdated without the person being aware of it (thus effectively falling all the way back down the ladder into *Unconscious Incompetence*), to *Reflective Competence, Meta-Conscious Competence,* or *Enlightened Competence,* in which state one can perform instinctively but can also analyze and articulate one's processes for the benefit of others, and perhaps creatively improve those processes as well.

Many people have noted that there seems to be a sort of "Aha!" experience, a sense of something "clicking into place," that

accompanies the transition from each stage to the next.

Usefulness of the Model

This model simplifies the stages of competency development in a way that seems to be highly intuitive for everyone to whom I've introduced it and to evoke personal experience that confirms its validity for them.

Once accepted as valid, the model also paves the way for explaining to decision-makers in the organization how the different stages of development require different learning approaches:

- The challenge at **Stage 1, Unconscious Incompetence**, is to engender (a) awareness of the competence deficit and (b) the motivation and confidence to undertake the effort of learning. That is all about attitudes, not information. It calls for providing an experience within which people can become aware of their own incompetence and its negative consequences, without being judged or embarrassed. One way to do this is by having learners participate in a game or simulation designed to reveal their incorrect assumptions. For example, "Barnga," a card game created by Thiagi (Sivasailam Thiagarajan), was used effectively in a diversity workshop I attended to raise awareness of cultural differences and to generate a dialogue about them.[2]

- **Stage 2, Conscious Incompetence**, is all about guided learning experiences. The learners at this stage don't know what they need to learn and are dependent on those who do know to give them the basics. The knowledge they need can be gained through such avenues as instruction, reading, and research. For

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[2] See the preceding article at p. 9 for more about Barnga.

skill development, progressive experiential activities (real or simulated) with guidance and feedback are the most effective approach. (You can't learn to ride a bike by reading about it; you have to get on and pedal.)

- As mentioned earlier, the **Conscious Competents** in **Stage 3** mostly need practice—and lots of it—to get to the level of full mastery. These are fairly independent learners who will generally know what they need and may at most need help getting access to it. If they have teaching skills, they can also be useful as teachers of those in Stage 2, since they are still consciously aware of what they have learned. Teaching others can also help them solidify their learning.

- The continuing learning needs of the **Unconscious Competents** in **Stage 4**— the Masters—can sometimes be neglected

by themselves and others. But they need to keep current and active lest their skills degrade or become outdated. They, too, can be useful as teachers if they are capable of stepping back their perspective to the learners' level; however, not all of them can.

Finally, the model can support a discussion with learners of how differing strengths can affect one's progress up the ladder, and even one's starting point on it. In the Myers-Briggs context, for example, skills like networking, teambuilding, and client relationship-building typically come more naturally and quickly to Feeling types (which most lawyers are not) than to Thinking types (which most lawyers are). Knowing that can be reassuring to someone accustomed to academic success who is having unexpected difficulty learning a different kind of subject matter.

Classic Quotes:

"I never try to teach my students anything. I only try to create an environment in which they can learn."

— Albert Einstein

"I'd say intelligence, energy, integrity. If you don't have the last one, the first two will kill you. All you have is a crook who works hard."

— Warren Buffett, on what he looks for in a manager.

Envisioning the path forward

During my consulting days, I set up and facilitated strategic planning retreats for different types of organizations. One of the most productive openers for jump-starting a group's energy and creativity proved to be a visioning exercise, wherein I presented a future in which the group's plans were already in place and had been wonderfully successful.

This was a technique I learned from Dr. Catherine Fitzgerald, the gifted organizational psychologist and executive coach who taught my Myers-Briggs qualifying course.

Here's an example of a vision statement—presenting just such a successful future—similar to one I used to open a CLE provider's strategic planning session:

> *A group of lawyers is lunching together at the State Bar Convention in the year 2019, five years from now. They have not previously met, and they practice in diverse specialties and organizations.*
>
> *The conversation turns to continuing education. They discover that all of them are regular participants in the programs offered by X (the CLE provider) and that X is everyone's first choice among CLE providers. They start to get specific about just what it is they prefer about X's programs over those of all other providers. What are they saying?*

Copies of this statement were handed out at the beginning of the exercise for each participant to read silently. After everyone had read it, I allowed participants 3 minutes to list privately the things their customers were saying about them at that luncheon.

My next steps were to collect, finalize, and prioritize, with the group's input, the items on their lists to produce a set of common goals for the organization. (The rest of the meeting, the bulk of it, actually, was then spent working through an analysis process—*e.g.,* Force-Field or SWOT analysis—to develop an action plan for achieving the goals.)

What was striking about the visioning exercise was how immediately and intensely engaged—inspired, really—the participants became when they envisioned their task as both successfully accomplished and appreciatively recognized by important constituencies. And the exercise and data collection typically took no more than 10 minutes.

Key Requirements

After the first few iterations of the technique, I arrived at the following general principles:

Climate: Relaxed and positive at the time the exercise is entered into. If there's tension in the group, take care to diffuse it before starting the exercise.

Distribution: Make the statement available to meeting participants at the beginning of the exercise ONLY. Advance distribution would greatly lessen the impact.

Scenario elements:

- Envisions optimal results of the day's planning efforts, in terms specific enough to set appropriate boundaries for participant output but general enough to encourage creative thinking (use the group's mission statement or the goals of the planning meeting as a guide).

- Set at a future time when the group's results are targeted to have been accomplished.

- Characters in the scenario consist of one or more constituencies who are (a) important to the group and (b) in a position to recognize and care about the outcomes of the group's plans.

- The occasion that brings the characters in the scenario together is highly plausible.

Ground rules: I found it useful to limit the output of the exercise to a maximum of 5 items. Many people will list more; ask them to pick their top 5. Otherwise the quality of the contributions degrades and the quantity becomes unwieldy.

More sample statements

Here are some updated and sanitized examples of vision statements I used with other groups:

Law School Writing Faculty:

It is the Year 2021, and the members of the Class of 2016 are having a reunion dinner. They start comparing notes about what for all of them was a highlight of their academic experience at X. That highlight was their first-year writing course, because of the exceptional quality of the instruction and the extraordinary way in which the instructors and teaching assistants worked with each other and with students. They get specific about what they learned and how the faculty did its work. What are they saying?

Law Office Professional Development Task Force:

It's the year 2017, the third year of X's new professional development program. The program has been a godsend. It has provided exactly the kinds of training and other support that you and everyone in your Practice Group needed to perform at your best and to work well together and with your clients. You and the rest of your Group are having lunch today to celebrate your success on a tough project for a client, and everyone starts talking about how much better the work goes now than it did before. Everyone has a specific change to mention. What are those changes?

Government Agency, Office of General Counsel

It is late afternoon on Election Day, 2016. A group of top Department officials has gathered in the Secretary's office to watch the election returns on television. Between news bulletins, the conversation gets around to the changes that have occurred in the Department since the last election. Someone mentions that the OGC and

bureau Chief Counsels have made extraordinary strides in managing and meeting the Department's wide-ranging legal needs. In particular, they seem to have markedly strengthened their communications and coordination with each other and with clients, and that has made a real difference in their effectiveness. Everyone has a specific example of OGC's exceptional communications and coordination. What are those examples?

Board of Non-Profit Arts Organization

It is the first concert of X's 2016-2017 season, two and a half years from now. A group of concert-goers is enjoying dinner together before the concert, and the "regulars" are educating a first-timer about X. Several of the regulars have been closely involved with X for 10 years or more; they include Board members of both X and its beneficiary organizations. One of them remarks that X has particularly outdone itself in the past two years: its music has been a special joy, its philanthropy has had a remarkable impact in the community, and its 25th

Anniversary celebration was truly memorable. When the first-timer asks what X has done in the past two years that is so extraordinary, the others begin to give specific examples. What are they saying?

Visioning exercises have launched some of the most enjoyable and productive work I've ever done with groups. Starting off a strategic planning retreat with this type of visioning gives participants goals to be thinking about throughout the entire retreat. Those goals might change or be fine tuned, but they help people keep a focus on the big picture—where they're trying to go—and avoid getting bogged down in unrelated and unproductive concerns. Envisioning others' ultimate benefit from and appreciation of their plans also helps to motivate and energize their efforts.

I hope you are able to enjoy the same experience.

— Gaye Mara

Professional Developments

News and Press Clips

How to receive feedback

Douglas Stone and Sheila Heen teach at Harvard Law School's Program on Negotiation and co-wrote the *New York Times* bestseller *Difficult Conversations: How to Discuss What Matters Most.* They have come out with a new book, *Thanks for the Feedback: The Science and Art of Receiving Feedback Well.* A sample quote from Harvard's promo:

> *In the workplace, treating feedback not just as something to be endured, but something to be actively sought out can have a pro-found impact. Feedback-seeking behavior—as it's called in the literature—has been linked to higher job satisfaction, greater creativity on the job, faster adaptation in a new organization or role, and lower turnover. We believe that the ability to receive feedback well is not an inborn trait but a skill that can be cultivated.*

Not enough pain around lawyer inefficiency

At the 2014 Chief Information & Technology Officers' Forum, Sam Shipley, an IT officer at Cole Valley Software, spoke on a February 5 panel provocatively titled, "Why Does It Cost $800,000 to Produce a Document?"

Shipley opined that there are just two possibilities for change: Either "We make the future look so great that everybody wants to go there," or "The current state is so bad that you have no choice." He added, "And that's the way … most of our law firms change. The problem is that it's not bad enough yet…. [T]hey're still making too much money for too little amount of work." (Katherine Montgomery, "Challenging Technical Inertia at Law Firms." *Law Technology News,* February 10, 2014)

Conferences

Legal Profession:

- 5/14-15/14, Washington, DC. *OPUS X: Race and Ethnicity in Large Law Firms*. Verna Myers Consulting Group, http://opusxconference.info/.
- 6/5-6/14, Chicago, IL. *2014 Diversity and Inclusion Summit.* National Association for Law Placement, www.nalp.org/events.
- 7/10-12/14, 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.
- 8/7-9/14, Boston, MA. *ABA LP Annual Meeting.* ABA Law Practice Division, www.americanbar.org/groups/law_practice.html

General Audience:

- 5/4-7/14, Washington, DC. *ASTD International Conference & Exposition.* American Society for Training & Development, www.astdconference.org.
- 5/19-21/14, Saratoga Springs, NY. *Video and Learning Lab.* The Masie Center, www.masie.com.
- 5/29/14, Atlanta, GA. *Games for Learning: Design, Theory and Facilitation.* ASTD Atlanta/North American Simulation and Gaming Association, www.astdatlanta.org > Events.
- 6/11-12/14, Charlotte, NC. *ASTD's Telling Ain't Training.* American Society for Training & Development, www.astd.org/Events/
- 6/24-26/14, San Diego, CA. *mLearnCon 2014 Mobile Learning Conference & Expo.* eLearning Guild, www.elearningguild.com.
- 7/7-11/14, Dornbirn, Austria. *45th ISAGA Conference: The shift from teaching to learning: individual, collective and organizational learning through gaming & simulation.* International Simulation and Gaming Association, www.isaga.com.
- 9/9-11/14, Saratoga Springs, NY. *MOOC's & Corporate Learning: Symposium & Lab.* The Masie Center, www.masie.com.

- 7/17-18/14, San Francisco, CA. *LearnNow! Design Innovative Learning Solutions.* American Society for Training & Development, www.astd.org/Events/
- 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.
- 9/9-10/14, Seattle, WA. *ASTD's Telling Ain't Training.* American Society for Training & Development, www.astd.org/Events/
- 9/16-17/14, Atlanta, GA. *Training Ain't Performance.* American Society for Training & Development, www.astd.org/Events/TAP.
- 10/8-11/14, Baltimore, MD. *NASAGA 2014 Conference: "Playing Stories, Sharing Worlds, Imagining Games for Learning."* North American Simulation and Gaming Association, www.nasaga.org.
- 10/13-14/14, Chicago, IL. *Training Ain't Performance.* American Society for Training & Development, www.astd.org/Events/TAP.
- 10/23-24/14, Denver, CO. *ASTD's Telling Ain't Training.* American Society for Training & Development, www.astd.org/Events/
- 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 Instructional Designer Program. www.astd.org/Education/Programs/ASTD-Master-Instructional-Designer. Program highlights include:

- an overview of design fundamentals
- a three-day, face-to-face course
- a case study discussion and evaluation of learning
- use of real-time on-the-job design projects
- multiple opportunities to practice and improve your final learning project.

Class size is limited to 16.

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
- Experiential Learning and Simulations
- Game Design
- Graphics for 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
- Test Design and Delivery

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.

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:
  5/22/14. *Practical Lessons from the Great Negotiators*
  6/19/14*. Women and Career Negotiations*
- 3-day course:
  5/19-21/14. *Negotiation and Leadership: Dealing with Difficult People and Problems.* (Repeated 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.

Pennsylvania State University, Master of Professional Studies in Organization Development and Change, www.worldcampus.psu.edu/degrees-and-certificates/organization-development-change-masters/overview

A 33-credit online curriculum including 9 required courses (27 credits), one elective (3 credits), and one field-based project (3 credits).

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. The program is titled *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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