

PD Quarterly

August 2016



Offering thoughtful, in-depth explorations of lawyer and law student professional development and talent management topics by PD people for PD people.



Setting the Mindset from Day 1: Training Associates on Pricing, Project Management, and the Business of Law
by Christopher Ende

Mindfulness, Focused Goal Attainment, and the Transformation of the Legal Practice
by Donna Branca and Diane Costigan

Igniting the PD Spark
by Susan Fine

Helpful Hints from a Director Who Is Always Learning How to Be a Better Manager
by Michele Bendekovic

Improving the Training and Supervision of Lawyers in Law Firms through Insights from Law School Clinics
by Michelle Sonu

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Welcome to the August 2016 *PD Quarterly!*

by James G. Leipold, NALP Executive Director



“It is imperative for law firms today to begin training associates on day one in the areas of pricing, project management, and the business of law.” That’s the assertion of Christopher Ende, former Managing Director of Pricing & Project Management at Goodwin Procter, who leads off this issue with an article that offers a look

at that firm’s training curriculum at every stage of associates’ development — from junior associates through senior associates.

Feel the need to pause and take a deep breath? In our second article, Donna Branca and Diane Costigan of SJL Shannon LLC explore the potential impact of mindfulness practice on lawyer development and legal practice in an article that offers a special bonus — a link to a short guided mindfulness exercise recorded just for this article.

In our third article this month, Susan Fine, Director of Professional Development at The George Washington University Law School, explains how an innovative program at GW works to instill the PD mindset early in the first semester and build critical lawyering skills. Finally, we have advice on how to manage one’s team more effectively from Michele Bendekovic of Steptoe & Johnson PLLC, and an article by Michelle Sonu of Stanford Law School exploring the ways law firm training and supervision might be improved through insights gained from law school clinics.

I hope you find this issue filled with helpful insights. I encourage you to learn more about becoming a contributor to a future edition at www.nalp.org/uploads/ForPDQauthors.pdf. I also invite you to contact me (jleipold@nalp.org) or Janet Smith (jsmith@nalp.org) to share your comments or let us know what you want to see in future issues of *PD Quarterly*.



PD Quarterly offers thoughtful, in-depth explorations of lawyer and law student professional development and talent management topics by PD people for PD people. In every issue leading experts in lawyer professional development, career development, and talent management present advanced-level content in core areas of lawyer PD — sharing research, best practices, lessons learned, and new developments in the field.

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Setting the Mindset from Day 1: Training Associates on Pricing, Project Management, and the Business of Law

by Christopher Ende

To build and structure a successful pricing, project management, and business of law training curriculum for associates, a firm must start with basic concepts and slowly build to more advanced levels.

When I graduated from law school in 2002, I was excited, invigorated, and a bit nervous about starting my legal career. After a year of clerking for a Federal District Court Judge, it was on to a big law firm. A major draw to joining a big firm was the opportunity to apply the legal training that I had received in law school and through clerking to solve complex and thorny legal problems. I fully expected to make some mistakes, but I knew that I would be learning along the way from some of the brightest legal minds in the industry. So, I dove in. I tackled complex legal issues, wrote insightful research memos, and cut my teeth on core legal skills, such as taking a deposition and writing a compelling summary judgment motion. In the end, it was a great experience, and my two years practicing at a firm were a fundamental part of my development as a lawyer.

Of all the things that raced through my mind as a young associate, how the firm priced its services, how the lawyers worked with clients to define the scope of projects and business objectives, and how the lawyers managed projects to provide both value to their clients and profit to the firm were nowhere to be found. Let me be very clear — I am not suggesting that others at the firm were not thinking about those issues or that I consciously chose to ignore them or just not care. These fundamental pricing, project management, and client value topics simply never crossed my mind.

A lot has changed in the legal industry since 2002 (nomination, please, for biggest understatement of the year). As the industry

has evolved since the credit crisis in 2007-2008, clients have set new expectations for their outside counsel — more efficiency, more cost predictability, more focus on meeting business objectives in the most cost-effective manner possible. In short, they expect real value and partnership from their law firms.

Law firms have taken a variety of steps to meet client value expectations. Dedicated pricing and project management professionals have become staple roles at large law firms, and the number of firms looking to create such positions continues to grow. There has also been an uptick in initiatives designed to improve the delivery of legal services, such as alternative pricing, process improvements, alternative staffing, outsourcing, and knowledge management projects. These initiatives have been an important part of driving better value, but what about how lawyers approach their work? How can firms think differently about training and developing their lawyers to be more facile with the business of law, and to think more holistically about how their legal skills affect their clients' businesses and their firm's business?

In my experience, changing how a senior, seasoned partner approaches business of law and client value topics can be challenging. For senior partners who have not had to spend much time focusing on these areas, it often takes a specific client request to prompt meaningful discussion and change. For example, a partner may be skeptical about offering alternative fee arrangements to clients. However, once a client requests a

fee structure that provides cost predictability and risk sharing, that partner will dig in and work with me to design a fixed-fee proposal that includes success incentives. In short, changing the mindset of more experienced lawyers is often best accomplished through situational opportunities.

For associates, the dynamic is different. New associates are typically eager and open to learning about pricing, project management, and the business of law.

For associates, the dynamic is different. New associates are typically eager and open to learning about pricing, project management, and the business of law. Moreover, they do not have years of practicing under more traditional service delivery models, such as the billable hour, to color their thinking and potentially drive skepticism. Reinforcing early in their career the importance of these skills as part of developing client relationships and effectively managing teams provides a big incentive for associates to invest time in these areas. If the development is successful, then an associate is primed to continue developing and honing these skills throughout the remainder of his or her career.

One key to designing a successful pricing, project management, and business of law training curriculum for associates is to start with basic concepts and slowly build up to more advanced skills. This necessitates a phased approach to the training that fosters incremental development of core skills. While it may be tempting to simply provide attorneys at all levels with a two-day intensive course on legal project management, that approach in isolation does not provide the opportunity for associates to learn and apply concepts that form the basis for more advanced topics and trainings.

Provided below are thoughts on how to build and structure a pricing, project management, and business of law training curriculum for associates.

Junior Associates

Overview and Objectives

Junior associates bring an incredible amount of life and energy to a firm. They are eager to learn, which provides fertile ground for enlightening them on the fundamentals of the business of law. For this group, it is important to open mindsets about business concepts right from the outset through high-level training on law firm economics and the client perspective on outside counsel. Through this type of education, new associates become better positioned to avoid the trap of blindly focusing on interesting legal work for the sake of just doing interesting legal work. Instead, they begin to see how their work connects to overall project deliverables, and, more importantly, how the overall project impacts their client's business.

At this early stage, it is unlikely that associates will be taking the lead role on pricing, scoping, and communicating with the client on strategy, but opening their minds and helping them begin to see the bigger picture provides an important foundation and core knowledge base on which to build in future years.

There might be some initial hesitation to squish more content into an already packed new associate training curriculum, but it is critical to provide the core concepts and building blocks right at the outset. If we expect lawyers to think critically about not just their legal work, but how it impacts their client's business and how to approach projects from a value perspective, firms need to start setting those expectations on day one.

Approach to Training & Development

Building the initial foundation can often be accomplished through delivering a basic business of law or law firm economics session during new associate orientation. This type of session can cover both basic financial concepts as well as the client perspective on outside counsel. I would not recommend covering complex accounting practices during this session, but instead focusing on how law firms price their services, the

basic levers of profitability, and the client perspective on value and project management. At the end of a new associate session I have co-led for several years, I recommend that every assignment, no matter how small or how seemingly removed from the overall case or transaction, should be viewed from the client's perspective. I encourage associates to ask themselves, "How does what I am doing help our client?" and "Would the client feel the work I have done has provided them with excellent value?" To be fair, these are not always easy questions for a new associate to answer. However, just getting them to ask the questions means that they are on the right path to developing the right mindset.

Building a budget is an excellent way to expose associates to project scoping, assumptions, staffing, and developing work plans aligned to business objectives.

In addition to the basic business of law training, exposing junior associates to some basic project management tasks will help in crystalizing some of the bigger picture concepts, and help them understand how those concepts apply to client engagements. I love working with new associates on developing client budgets. Building a budget is an excellent way to expose associates to project scoping, assumptions, staffing, and developing work plans aligned to business objectives. Allowing associates to struggle with some of these tasks allows them to appreciate the interconnectivity between coming up with an estimate and how teams approach a project from staffing, risk sharing, and project management perspectives. One bit of caution on having junior associates work on budgets: asking a junior associate to go through this process alone may lead to both sub-optimal results on the budget as well as anxiety and frustration on the part of the associate. Instead, have a Pricing Director or a more senior associate work in parallel with the associate to provide a more rewarding and positive experience. The goal at this stage is structured exposure, not solo immersion.

Whether to provide more in-depth training on pricing or project management for first- or second-year associates should be

considered carefully. Some associates will have the ability and experiences to absorb and quickly apply more complex techniques, but many will lack the necessary understanding of how legal work is performed to successfully apply more complex concepts.

Mid-Level Associates

Overview and Objectives

For mid-level associates, there is an opportunity to transition from learning and understanding to more doing. Hopefully, the foundational building blocks discussed above have now cured and there is a growing desire to start tackling some core pricing and project management tasks. The opportunity to take a more active role allows mid-level associates to see the nuances and challenges of executing on the concepts that have started to permeate their thinking. It is likely that by the time an associate becomes a third-year, he or she has seen project management techniques in play, and has likely taken a more direct role in one or more aspects of pricing or project management. Thus, the time is ripe to have them take a more expanded role on a more regular basis.

While there is more of an emphasis on "doing" in the mid-level years, that does not mean that education and training stop. In fact, this is a great time to provide more advanced, in-depth training on both pricing and project management. The associates now have a baseline understanding of what it means to work on a litigation or transaction, and they are starting to see the project management lifecycle in action. This background allows them to effectively take the lead on tasks like scoping, budgeting, and monitoring, which require a solid understanding of the legal work. Moreover, continuing to build their understanding of law firm economics and financials will provide more robust context as to how the new tasks they are performing drive both client value and firm financial objectives.

Approaches to Training & Development

As associates transition into their third year, it is a great time to introduce a series of more practical, "how to" training sessions.

These sessions might cover (i) developing an effective work plan for a new matter aligned to staffing, assumptions, and key deliverables, (ii) creating a matter budget, and (iii) core project management principles and how to apply project management techniques to legal projects. These sessions can provide valuable instruction, tools, and best practices in a way that allows associates to marry some of their experiences to the training. The sessions should empower associates to take on a more direct role in driving successful project management and the delivery of efficient legal services.

In addition to more practical sessions, providing a 201-level course on legal economics or the business of law can be a valuable piece of the overall training strategy at this stage. During this session, the focus should be on more complex concepts that drive how firms and clients run their businesses. Touching on profitability, utilization, and more advanced pricing theories are ways to further develop an associate's understanding of how the practice of law connects to the business of law. At this stage, having associates grapple with some of the tougher business of law issues can be a good way to drive home key concepts. For example, instead of just describing how alternative fee arrangements can be an effective way to meet client cost pressures, explain the basic concepts and then provide hypotheticals for associates to work through in small teams.

Coupling and connecting more advanced pricing and project management trainings with development of important related skills, such as delegation and managing up, provides an even more well-rounded, holistic approach to development.

At the mid-level stage, it is important to have a culture where associates are provided with opportunities to take a lead role in core pricing and project management tasks. Providing an in-depth session on developing and effectively managing a work plan will simply not have a meaningful or lasting impact if the associate is never given the opportunity to take the lead role in developing a work plan. Developing such a culture can be both time consuming and challenging. Obtaining buy-in from senior leadership is critical, and involving key partners

in developing a comprehensive training plan and delivering training content can reinforce the importance of continuous development in these areas.

At the mid-level stage, it is important to have a culture where associates are provided with opportunities to take a lead role in core pricing and project management tasks.

Finally, client panels can be a great way to drive home the importance of pricing and project management in delivering value and developing partnerships with clients. By the time associates hit their fourth year, there are bound to be some who have developed at least a bit of skepticism about the value of spending meaningful time on pricing and project management tasks. It is the age-old refrain of, "I went to law school so I could practice law, not to deal with all this administrative stuff." Hearing directly from either in-house counsel or legal operations professionals about the pressures they face, the scrutiny on their legal budgets, and the negative impact of outside counsel who cannot manage work effectively, is a great way to dispel any doubt about whether "this stuff really matters."

Senior Associates

Overview and Objectives

As associates move into their fifth and sixth years, we start to see a transition to leadership both in terms of expectations from the firm and mindset. At this point, for associates who have been given opportunities to take lead roles in core pricing and project management tasks, they are ready to take a more holistic project management role, including more client-facing responsibilities. The transition in mindset at this stage is very important — associates are moving from a focus on performing a particular role or task effectively to focusing on how to effectively manage and oversee entire projects. At this stage, senior associates are expected to have a keen awareness of the overall client goals

and objectives, and be able to take a lead role in ensuring that a project is run effectively to achieve those objectives.

Approaches to Training & Development

For senior associates, some of the most critical areas for project management development involve people management. As this stage, delegation skills and managing a team are essential to becoming a successful project manager. For example, developing a detailed estimate based on a lean staffing model and well thought-out work breakdown will not mean much if the work is not appropriately assigned to the various team members and then managed closely. When I work with senior associates on budgets, I do not just ask how they came up with estimates, but also what plan they have developed to successfully execute on the work plan.

In addition to delegating and managing more junior team members, managing up is also a key skill tied to a more advanced pricing and project management role. In the context of building budgets, it is important for associates to feel confident in their recommendations and comfortable pushing back when partners question their work. Often, associates feel uncomfortable engaging in an open discussion about their recommendations for fear that they are being insubordinate or the partner has superior knowledge about the likely fees for a project. One tip for reinforcing the importance of having an open discussion on budgeting is reminding senior associates that if they simply accept the partner's recommendation, they will likely be expected to manage to those numbers. If the team ultimately blows through the budget, it is highly unlikely the partner will even remember that the associate had initially suggested a higher number. Similarly, in the project management context, senior associates should be taking a more active role in communicating to clients about the status of projects and any scope changes. This means not simply flagging areas of potential concern for the partner, but ensuring that such concerns are shared with the client when appropriate.

Conclusion

In the current legal service ecosystem, it is imperative for law firms to begin training associates on day one in the areas of pricing, project management, and the business of law. As described above, the training is a process and journey that should take place in parallel with other core competency trainings. At each stage along an associate's progression, firms should strive to layer on more advanced and complex content and skills. If the curriculum is successful, newly elevated partners will be poised to develop successful relationships with clients that are built on a true partnership model with the firm invested in achieving its clients' business objectives in the most efficient manner possible.

About the Author



At the time this article was drafted, Christopher Ende was the Managing Director of Pricing & Project Management at Goodwin Procter. In this role, he oversaw development and implementation of the firm's pricing and legal project management strategies, aimed at delivering increased value to clients through

innovative fee arrangements, process improvement, and active matter management. He was also responsible for training attorneys on effective legal project management and client communications relating to pricing and matter management, and worked directly with clients on developing and implementing pricing proposals and project management strategies. Mr. Ende is transitioning into a new role with General Electric's Legal Operations Team.

Imagining the Possibilities: Mindfulness, Focused Goal Attainment, and the Transformation of the Legal Practice

by Donna Branca and Diane Costigan

“We cannot solve our problems with the same thinking we used when we created them.”
— Albert Einstein

It’s almost 10:00 pm and the associate is at her desk, sipping a freshly poured coffee. She has half an inbox of emails that still require responses, a “do you have the document I asked for?” voicemail from the partner running her biggest case, two filing deadlines for two of her other cases coming up in the next 48 hours, and a close friend’s birthday party this weekend she’s certain to miss because of her workload.

The phone rings. It’s the partner again, asking about the document. The worry and fear that have become a constant in her professional life — hovering just below the surface — burst to the fore, transforming into full-fledged panic. She swings into action: “I ... we hadn’t communicated about the document being done tonight.” And it’s true. Or is it? Suddenly, she can’t remember. And then: apologies — a string of them — several promises she knows she can’t keep, and a run-on description of all of the other assignments currently on her plate. All the while, her mind is racing. Will this affect her mid-year review coming up in June? Could her job be at risk? Will the partner now never work with her again?

On the other end of the line, the partner — himself under the gun and having already missed an 8:30 dinner reservation — stewes with frustration. He likes the associate and thinks she’s talented — at times producing really stellar work product. However, he’s found himself wanting to work with her less and less frequently, complaining to his colleagues that she’s been missing the mark. Tonight is yet another example — he just can’t seem to have a clear conversation with her. Fed up, the partner ends the conversation abruptly.

Given the demands of a modern legal career, interactions like this one are all too common in today’s practice environments. The stress and hostility they perpetuate affects not only individuals, but the culture and productivity of the entire enterprise. The unfortunate result is, as we are now seeing, unprecedented levels of depression, burn-out, substance abuse, and dissatisfaction among lawyers. It’s not surprising, therefore, that lawyers have become increasingly open to new approaches to managing the demands of the profession.

Changing the Conversation

The practice of mindfulness has been steadily gaining well-deserved traction in our industry. Over the past several years mindfulness has consistently been a topic at NALP conferences, and just this past April we helped NALP launch daily mindfulness sessions at the Annual Education Conference.

Not unsurprisingly and rightly so, a large part of the interest and focus seems to be on the extraordinary benefits of mindfulness meditation on decreasing stress and increasing productivity. From our perspective as coaches who leverage mindfulness, this focus, while a great way to introduce attorneys and students to the practice, sells mindfulness meditation somewhat short. For us, mindfulness is bigger — a powerful tool for individuals and organizations to help them stay in alignment with the goals they are pursuing. It provides a built in mechanism to confront whether or not a particular choice will support a desired outcome. In other words, to help ensure that impact matches intention.

For us, mindfulness is bigger — a powerful tool for individuals and organizations to help them stay in alignment with the goals they are pursuing.

Which leads us to this: what might have been possible if the associate and the partner had paused to check in with their intentions and goals before reacting to each other?

How It Works: A Formal Mindfulness Practice

In a formal mindfulness practice, we become the observer, rather than the actor. Think of it as the difference between being in the movie and watching the movie. We learn to sit with our focus on a central point, most typically the breath. As we sit and focus on the breath, we will notice that our minds wander. The practice is simply to notice the wandering, and bring our attention back to the breath.

When we start a formal practice, we may feel as though we just can't do it. In our work, we often hear people say that they are unable to clear their minds. It is a misnomer to say that when we sit to meditate the practice is to clear the mind. Paradoxically, the formal practice requires that we be with the thoughts as they come up, and look right at them without adding more thought, commentary, or judgment. The practice is in the noticing that the mind has gone off, often in subconscious repetition of old thought patterns, and simply escorting our attention back to the breath. This noticing and coming back is the bicep curl for our attention, resulting in a heightened conscious awareness that enables a different relationship to our thoughts and emotions.

Beyond the “Zen”: Mindfulness Benefits in Everyday Life

A. Empowering Active Decision-Making

Because mindfulness instills a practice of creating an awareness of the present moment, when we find ourselves in situations

that might otherwise trigger us to react in ways that work against the intention of our goals, we are able to catch ourselves.

We pause.

(Take a breath.)

We observe what's going on.

(Take another breath.)

We realize we're at a moment of choice.

(Take yet another breath.)

We understand that while we might not be able to control some of the external things happening in that moment, we do have control over how we respond to them. We exert this control by quickly examining the options we might have and then knowingly choosing the one that best supports our goals and success. In other words, by interceding between a potential stimulus (ex: someone on your team making a mistake) and an otherwise knee-jerk reaction (ex: yelling or belittling them), mindfulness provides us with the space to make powerful, success-based choices (ex: building up the confidence and collaboration between yourself and others).

B. Regulating and Reprogramming Thought

Another powerful benefit of mindfulness is its ability to help reprogram our thoughts — particularly those self-critical, goal-blocking thoughts that tend to talk us out of the kind of healthy behaviors that will propel us toward our goals. These are the kind of thoughts that tell us we don't really deserve our goal. Or that it would be too hard or take too much work. They convince us that we don't really want what we thought we wanted, or that it was never really possible to get what we wanted in the first place.

Mindfulness helps us with these thoughts. It empowers us to develop a conscious awareness of negative self-talk without

attachment to whatever we notice. It does so by facilitating a willingness to sit with our thoughts, name them, acknowledge them, and get curious about them, all without judging them. Here's what it might sound like: "Huh, isn't that interesting that I'm thinking that I'm a total fraud and not worthy of being here. I wonder what that's all about? I wonder how it's serving me? Is it even true?" It's in this "noticing" and the non-attachment that we can break free from unhelpful thoughts and learn to replace them with empowering and goal-inspiring ones instead.

Mindfulness in Action

As we look at the powerful advantage of mindfulness to enable us to see more clearly and better choose the actions that support our goals, let's return to our earlier question: what might be possible for ourselves or those we work with if we began incorporating these practices into our professional lives?

A. Intentions, Goals, and the Confronting Question

In our work, we often propose a tool that corresponds with the mindful pause, which we call a "confronting question." A confronting question is a question that checks in with our intentions and goals. It might be as simple as "Is this the highest and best use of my time?" or "Will this choice work for me or against me?" The idea of the confronting question is to meet the urge for immediate reactivity head-on, assessing the utility of the reactive behavior before "behaving" it.

Here's how it works. The first part is that powerful halt we've been talking about.

We pause.

(Take a breath.)

In the space created by that tiny break in time, we become mindful that we have a choice — or several — about how we can approach potential next steps. We "zoom out." Through this refocused lens, we are now able to see the fuller scope of

our options, which may sound something like this:

- "I can take this call from this recruiter because I'm so frustrated, or I can go talk to my mentor about what's bothering me."
- "I can stop off at the gym on my way home, or I can stop by a bar."
- "I can reach out and call a BD prospect I've had on my To Do list, or I can put it off a little longer."
- "I can reach out to the PD department about a difficult partner, or I can suck it up one more day and hope someone notices."
- "I can go to this networking reception to keep up with law school alumni, or I can go home and catch up on the latest Game of Thrones."

Once you pause to assess your choices, the next step is to apply your confronting question to each choice. You might ask yourself: "Is going to the bar to have a martini going to work for me or against me?" or "Does this choice align with my goals?" It may be, in fact, that going to the bar to have a drink with a colleague would align with your goals, but in actuality, you'd prefer to go the gym. Whatever the case, you've given yourself an opportunity to check in and have a brief internal conversation with yourself about your bigger picture goals.

YOUR CONFRONTING QUESTION:

1. Take a minute to think of one of the goals you are currently committed to pursuing.
2. What is a powerful question to ask yourself in a mindful pause that would increase the likelihood of making a success-based choice?

With the confronting question in mind, let's return to the associate and the partner. Although this is a fictitious interaction among fictitious personas, it reflects the very real emotions and behaviors of attorneys we coach.

First, the associate. Based on the information we've been given, the associate appears to be spending a significant amount of energy negatively interpreting communications, which has her in a rather chronic state of worry and fear. The result is that when she engages, she is reactive and unfocused. The partner notices the problem as something amorphous — a general “missing the mark,” but as time goes on, it becomes clearer that while the associate's work is strong, her communication skills are not.

Now, imagine this same associate after practicing mindfulness. She learns to utilize a mindful pause to more objectively view what is actually being communicated — before speaking and catastrophizing. Over time, instead of addressing communications with fear, trepidation, resistance, and skepticism, she will learn to pause, identify her resistance, acknowledge it, get curious about it, not judge it, ask herself a confronting question such as “Am I about to communicate in the most effective way possible?” and then choose an action that is congruent

with her intention. This awareness, as we've seen happen in our work, changes the way the associate looks at her colleagues and superiors — and ultimately the profession itself. She now knows to check in with her own assumptions, preempt reactive behavior, and engage with people in a clear and more focused manner. The result? A happier associate, who communicates better, approaches her work with a newly discovered vigor, and is more productive because of it.

This awareness, as we've seen happen in our work, changes the way the associate looks at her colleagues and superiors — and ultimately the profession itself.

And what about the partner? What might the influence be to the partner if he were to strengthen his present-moment awareness to move toward his goals? Rather than hanging up

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abruptly, perhaps the partner might realize he is at an intersection of possible choices, including:

- “I could admonish this associate who just messed up, or I could take a few moments to coach her.”
- “I can set up a less stressful time to give this underperforming associate feedback, or I can leave her to figure it out, and ultimately move the work to someone else.”

He may then ask a confronting question like “Am I being the most effective manager I could be?” which might help him make an active choice around whether or not, given his respect for the associate’s work product, it might be worthwhile to take a moment, or several, to invest in her professional development. Indeed, when the partner improves his communication around feedback, this increases the likelihood of the associate’s success, which, in turn, leads her to more positively support his practice. We’ve seen many of these situations where coaching around mindfulness, and guiding partners through the mindful pause, has led to partners reaping the benefits of remarkably intelligent and talented associates they might otherwise have written off.

When we consider these optimized scenarios both separately and together, we begin to see an emerging picture of how a mindfulness practice can ripple out from the self, moving beyond the practitioner by improving the quality of his or her interaction, and ultimately facilitating a better integration of those within a firm. These changes can impact individuals and teams in profound ways — whether it’s by building trust, enabling collaboration, mitigating bias, or adjusting unhealthy temperaments.

These changes can impact individuals and teams in profound ways — whether it’s by building trust, enabling collaboration, mitigating bias, or adjusting unhealthy temperaments.

B. Leadership

Whether it’s managing a practice, overseeing a process, developing a policy, working with colleagues, or growing relationships with existing and potential clients, each partner in the legal industry takes on some sort of leadership role. While these roles range in their level of formality, all pose a unique set of challenges and require a diverse skill-set. In our work, we’ve found that introducing mindfulness techniques to help develop the emotional intelligence and resilience required of such positions can prove incredibly fruitful in helping attorneys find their “inner leaders.”

By way of example, meet JP, a composite of several junior partners we’ve interacted with as trainers and coaches. JP was recently elevated to lead a practice group. The practice group is made up of a number of senior partners, a small number of junior partners, and a pool of associates that never seems to be enough to get the work done. Now that he’s occupying this role, JP has found himself in several very heated situations. His modus operandi is to push back — often in the form of either passive aggressive or outright aggressive behavior.

For JP, high-pressure situations are difficult, and he has the tendency to allow stress to get the best of him. In his previous role, he was okay leveraging stress to increase productivity, but is now seeing that this kind of chronic stress no longer serves him as a practice group leader because it causes him to react unprofessionally. He recognizes this behavior as potentially dangerous to both his well-being as well as his goal of building a strong team and set of relationships.

That’s when JP was introduced to mindfulness. Through mindfulness meditation, JP learned that the relaxation response is both involuntary (i.e., goes away when the stressor goes away) and voluntary (i.e., we can voluntarily send messages to the brain to recover). He was able to recognize and name the stressors that got him in the most trouble. He acquired the ability to look for signs or reactivity right in the beginning and catch them earlier, and saw that by doing this, he was empow-

ered to choose to consciously respond rather than resort to his subconscious default mode of unskilled, unprofessional, and ineffective reactivity. He was able to step back and see the positive impact on other individuals, the practice group, and the firm as a whole.

Building Your Own Mindfulness Practice

So you're interested — where do you begin?

It's important to note that being mindful at work, or in other situations, doesn't necessarily need to involve meditation or sitting silently for extended periods of time. Mindfulness can be both a formal and informal practice.

That said, formal mindfulness training enables one to better understand the discipline, strengthen the muscle, and learn the concepts, both intellectually and at a cellular level. Think of it in the context of physical health, wherein you might go for a run, opt to live healthily whenever possible, and eat well. But to take it to the next level, you may hire a trainer to better enable you to understand and meet your individual personal health goals. But you don't need to go big to get started. You can start small and build from there. Simply create the space and begin taking notice of the benefits. Once you do, you'll undoubtedly be encouraged to keep coming back to it.

Here are some ways how:

A. For Individuals

- **Leverage the transitions in your day:** As you're moving from one task to another, one meeting to the next, one chunk of your day to the following chunk, or even arriving at or leaving the office, take two to three minutes to just pay attention to your breathing, the sensations in your body, the thoughts crossing your mind, or even just to notice what or who you see in the space you're in. Or bring your attention to an intention you might want to set for whatever it is you are about to do.

- **Use things you are already doing as cues:** We have countless things that we do every day that we can use to remind us to incorporate mindfulness into our schedule. Whether it's eating a meal, inputting billable hours, checking social media, getting a cup of tea, or turning our computer off or on, try adding five minutes of a mindfulness practice before you do those things. Or, even better, try being more mindful while doing those activities.
- **Blend it with other practices you might have:** Are you a hobbyist? Do you keep a gratitude list? Love to get lost cooking a meal? Those can all be opportunities to sneak some mindfulness into your routine.
- **Connection and conversation:** Very few of us go through our day without speaking with someone and most of us could benefit from increasing our active listening skills. At its root, active listening is itself a mindfulness practice. Imagine if we had more conversations where we brought our full attention to what the other person was saying without judgment?
- **When in doubt, go with a guided approach:** If you're still unsure about mindfulness or worried that you might not be doing it "right" (which we hear quite often), go with a guided mindfulness meditation that can alleviate those concerns. There are many wonderful applications, podcasts, YouTube videos, or DVDs you can use to get some quality mindfulness time in. We also often recommend Calm.com because it has a nice variety and you can choose time intervals as short as 10 minutes. As we like to say, ten minutes of something good for you is better than no minutes of something good for you.

B. For Teams and Organizations

In addition to running mindfulness programs, having meditation rooms and highlighting mindfulness at wellness fairs, consider the following:

- **Building mindfulness into pre-existing functions:** Most firms have several events that happen yearly like partner-

DEVELOPING YOUR OWN MINDFULNESS PRACTICE

Mindfulness enhances our awareness of what is happening within and around us in the present moment and enhances our ability to focus and choose where we put our attention and energy.

It is important that your mindfulness practice be unique to you:

- Establish a routine. Much as you may have your own routine at the gym, establish a routine with a mindfulness practice.
- Start small. If you're just getting started, 5-10 minutes a day is a good start with an intention to increase that when you can — and to go easy on yourself when you can't get that much done. Just start again.
- Find a location. You may want to find a spot for your regular practice where you are generally free of distraction. That said, you can find many places throughout the day to have short, intentional practices.
- Identify an anchor. Using the breath as an anchor is most common. Other people like to use a mantra. A mantra can be a simple sound like "Om" or a simple thought. One such thought as it relates to moving toward our goals is: "I let go of my battles and open my mind to things exactly as they are right now so that I might rest awhile in the present moment."
- Focus on what is happening in the moment. Try to bring your full attention to the moment. Become aware of all that is happening, without allowing yourself to go off into more thought or judgment about them. Streaming thoughts will occur, that's what our brains do. Just notice the thoughts as they appear, let them go, and come back to the breath.
- Return to the anchor when you become distracted. We can become frustrated at how easily our attention wanders. The aim is to return your attention to the breath whenever you notice yourself having drifted off.



Remember that there is no bad mindfulness practice. The only unsuccessful mindfulness practice is the one that doesn't happen at all. We've also included [a guided meditation for you here](#). It is an audio file and is approximately seven minutes in length.

retreats or skills academies for associates that could incorporate a mindfulness session into the programming.

- **Incorporating it into meetings:** This may be aspirational, but what if every executive committee meeting began with two minutes of mindfulness? Or staff meetings? Imagine the efficiency and the potential for collaboration.

- **Creating mindfulness mentoring programs:** No doubt there are already some lawyers at your firm who have been practicing mindfulness for some time. You could deputize them as "Mindfulness Mentors" for anyone else interested in learning more about mindfulness. It need not be a huge commitment of time because the mentoring could easily happen in groups where there is enough collective interest.

Toward an Optimized Legal Practice Environment

We find that many lawyers take particularly well to mindfulness. In our own practice, we have seen almost a 70% increase in requests for mindfulness training at law firms, law schools, and local bar associations. As professionals with keen intellect, who are adept at analyzing situations and taking appropriate action when necessary, lawyers find the science behind mindfulness compelling in its cause and effect. It is a tool that suits them well. Many lawyers have had mindfulness in their toolkits for many years, many outright crediting their mindfulness practice for their ability to thrive in a challenging environment. As those leaders now look at their employees, colleagues, adversaries, and clients, they see that mindfulness skills could be useful to them as well. It is in large part due to the advocacy and commitment by these leaders that the transformative practice of mindfulness is steadily infiltrating the legal industry and gaining traction.

So we challenge you: think what would be possible if more people involved in this increasingly complex legal environment engaged in mindfulness that enabled them to pay better attention to each situation with the intention of managing their awareness in a way that allowed them to see situations more clearly, stop themselves from prematurely judging others, and make choices and decisions from that perspective as to what to say or what action to take. What might be possible if each of us engaged in mindfulness practices where we might enhance our innate sense of awareness, focus, and authenticity; where we might be unencumbered by bias and reduce risk to the organization; where we might make more strategic, innovative, and less reactive decisions; where we might better see the bigger perspective so we can glean better results and a competitive edge; where we might reinforce the values of concentration rather than rewarding the practices of distraction; or where we might inspire a culture of empowerment and respect for everyone's unique contributions, and improve employee engagement and satisfaction?

In a word: anything.

About the Authors



Donna Branca is a Director at SJL Shannon LLC overseeing the organization's Philadelphia office. She provides coaching, training, and career transition services for legal professionals in the Philadelphia, New York, and Washington, DC markets. Donna's breadth of knowledge in recruiting, professional development, performance management, and coaching, together with her academic background in organizational dynamics and psychology, her exceptional leadership and coach training with the Coaches Training Institute, and her nearly ten years of studying and practicing mindfulness meditation at the University of Pennsylvania gives her a unique perspective on helping lawyers to best navigate the myriad demands of their profession and to achieve their goals.



Diane Costigan has more than twenty years of experience helping lawyers at all levels take ownership of, maximize, and enjoy their careers. As Head of the Coaching Practice at SJL Shannon LLC, a legal talent management consultancy, she has an integrative approach to coaching attorneys on various topics ranging from business development and stress and time management to leadership and executive presence. Prior to becoming an executive coach, Diane spent ten years overseeing recruiting, legal personnel, and professional development and training for a global Am Law 100 law firm. Diane is dual certified in both executive and health coaching. She is currently pursuing certification in Emotional Freedom Technique (EFT/Meridian Tapping) and has practiced meditation for nearly twenty years. She is passionate about helping lawyers to be well so that they can excel.

Igniting the PD Spark

by Susan Fine

Instilling a professional development mindset early in the first semester of law school provides structure and purpose for the entire law school experience.

Law students are developing lawyers, by definition, but they don't usually see themselves that way at the start of law school when they are busy adjusting to a new and sometimes daunting learning environment. In the Inns of Court program at GW, we have found that instilling a professional development mindset early in the first semester actually facilitates that adjustment and provides structure and purpose for the entire law school experience. It's no easy task. Fortunately, we have help from the Inns of Court Professional Development Advisory Council, a select group of professionals who hire and/or train lawyers in law firms, public interest organizations, and the federal government. This article describes GW Law's efforts to "ignite the PD spark" by partnering with the Council and other friends of the law school on a session for 1Ls called "Critical Skills for Professional Success."

The Inns of Court Program at The George Washington University Law School

In the fall of 2012, GW Law rolled out a new program for 1Ls to create a more positive law school experience and a path to a more satisfying career. The program, which has both structural and substantive components, is designed to help students navigate law school, find a job that is meaningful to them and a good fit for their interests and values, and prepare them for the real world of practice. First-year students are assigned to one of six Inns of Court, named after a distinguished former Supreme Court justice, and led by an advisory team of faculty, administrators, students, and staff. Students meet with their Inn of Court advisors and invited guests for weekly, hour-long sessions on topics that fall under the broad umbrella of professional development, including promoting well-being,

increasing self-awareness, and building professional skills and relationships.

The Inns of Court program at GW is part of a growing trend in law schools toward professional development for law students. But what makes this program stand out is its foundation in Self-Determination Theory, a well-established branch of social psychology dealing with human motivation and what makes people happy and thrive.

The empirical research in this field demonstrates that individuals need three things in order to thrive in a professional setting:

AT GW LAW, PROFESSIONAL DEVELOPMENT IS A BROAD UMBRELLA THAT COVERS:

- Helping students to form a professional identity and transition from law student to lawyer;
- Learning how to navigate and thrive in the law school environment;
- Finding career satisfaction and "best fit" by charting an individualized path based on self-assessment, market research and exploration, and building relationships to gain a deeper understanding of what lawyers do day to day; and,
- Developing both cognitive and non-cognitive skills needed to compete in the job market and succeed in practice.

(1) a sense of relatedness to other people; (2) a sense of competence at what they do; and (3) a sense of autonomy and control over their own destiny. Law school challenges students in each of these areas, particularly in the first year when they encounter the unfamiliar skill of legal analysis. In addition, law students tend to be extrinsically rather than intrinsically motivated. Instead of pursuing goals that are personally meaningful to them, many law students are unsure about why they want to be lawyers and where their careers are headed. As a result, they tend to pursue goals that are measured by others, such as grades, law review, and other law school honors.

Instead of pursuing goals that are personally meaningful to them, many law students are unsure about why they want to be lawyers and where their careers are headed.

In a recent article based on data from 6,200 lawyers in four states, Professors Larry Krieger of Florida State Law School and Ken Sheldon of the University of Missouri confirmed that these three psychological needs and intrinsic motivation are the strongest predictors of lawyer happiness and satisfaction. (See Krieger, Lawrence S. and Sheldon, Kennon M., “What Makes Lawyers Happy? A Data-Driven Prescription to Redefine Professional Success,” 83 *George Washington Law Review* 554, 2015.) Their findings validate the Inns of Court program’s goal of helping students to redefine success in terms of their own values, rather than by competitive external factors like grades, prestige, or income, which can cause anxiety and lead to career dissatisfaction and frustration.

Through the structure of the advisory teams and the content of the weekly sessions, the Inns of Court program supports law students’ overall well-being by providing opportunities for them to feel connected to other people, to gain autonomy over their law school experience and the direction of their careers, and to develop a sense of competence that they will be able to master the skills required to succeed as lawyers. The Critical

Skills session in late September, discussed in detail below, is one of several sessions for 1Ls built on these principles.

My co-director, Professor Todd Peterson, and I have been assessing and fine-tuning the Inns of Court program since its inception and we’ve made many improvements to both the content and timing of the sessions. To strike a balance between the 1Ls’ short- and long-term needs, we’ve chosen to retain the Critical Skills session early in the first semester, despite a few detractors, including some of the 1Ls who tend to prefer “just-in-time information.” The feedback has been mostly positive, however, and we believe that the session serves the important purpose of supporting new law students’ psychological and emotional needs while making professional development integral to their legal education right from the start.

Critical Skills for Professional Success

We invite members of the Advisory Council to introduce students to a range of non-cognitive skills that contribute to success and effectiveness as a lawyer — the critical professional skills that must be integrated with the cognitive skills they are learning in the classroom. The speakers’ presentations and follow-on exercises illustrate the competencies that legal employers value beyond grades and journal participation, including self-awareness, team collaboration, planning and organizing, and communicating professionally. The sessions also highlight ways in which students may acquire these skills during their time in law school.

Many of these critical professional skills are included in the Shultz and Zedeck 26 Lawyer Effectiveness Factors. (See Shultz, M. and Zedeck, S., “Predicting Lawyer Effectiveness: Broadening the Basis for Law School Admissions Decisions,” 36 *Law & Social Inquiry* 620, 2011.) At the start of each Inn’s session, students receive a handout listing the 26 factors, grouped into 8 categories. The lead advisor for that day explains the context for the handout, noting that lawyers need many skills not typically taught in law school. The lead advisor then provides a brief summary of the Shultz and Zedeck research indicating that test

scores and academic performance were significantly correlated to only 8 of the 26 success factors with some of those correlations being negative (e.g., for networking and business development) while other kinds of measures focused on personality traits, biographical information, situational judgment, and one's values, preferences, and drive were correlated positively with the remaining success factors.

We ask the lead advisors to be explicit that this is very good news for law students **because they have control over many of the effectiveness factors** — they are not dependent on grades — and they can focus on building these skills in law school. We also note that because non-cognitive skills are so important in the lawyer hiring and evaluation process, grades in substantive classes may be less significant than they think.

With six Inns of Court sessions each week (!), we can experiment with different approaches for delivering the program content and provide multiple opportunities for volunteers to engage with students directly. Each speaker for the Critical Skills session developed his or her own presentation and exercise, with the advisors for each Inn helping to facilitate the exercise with students in small breakout groups. We featured four separate presentations in the fall of 2015. All of them accomplished the learning objectives for the session quite impressively, as evidenced by the following descriptions.

“Establishing Your Professional Profile”

Two Council members from law firms designed a program around their firm's competency models and evaluation criteria. In the Brandeis Inn, Don Smith, Director of Attorney Development and Diversity at Fried Frank, presented “Establishing Your Professional Profile.” Smith shared his firm's associate evaluation framework delineating competencies across a broad spectrum of lawyering and professional skills. He also explained the firm's own study to determine success factors for its attorneys, comparing these to the Shultz and Zedeck lawyer effectiveness factors. In the follow-on small group exercise, an advisor read two scenarios and asked students to identify

strategies and opportunities to establish their own professional profiles for each scenario, as well as some risks and challenges. One scenario involved a conflict with a classmate over an appellate brief assignment. The other involved a shaky start managing work assignments in the first week on the job. The students then reconvened in a large group to share insights from their discussions. To tie it all together, Smith distributed a handout entitled “Some Perspectives on the 26 Effectiveness Factors at Play” that mapped appropriate questions and considerations for each scenario against the Shultz and Zedeck list.

The exercise did a great job of illustrating that lawyers (and law students) must take ownership of creating their professional profile to shape how others view their competence and performance. That process requires the foundational competencies of a high level of self-awareness and a growth mindset, both of which are also beneficial in law school and in conducting a job search.

Lawyers (and law students) must take ownership of creating their professional profile to shape how others view their competence and performance.

“Global Core Competencies”

Tim Henderson, Director of Professional Recruitment and Development at Finnegan, took a similar approach with the part-time evening students in the Jay Inn. He first reviewed the firm's “Global Core Competencies” and criteria for partnership. Again, engaging advisors to facilitate small group discussion, Henderson then introduced case studies based on two associates' challenges as they progress toward partnership consideration. He asked students to apply the list of core competencies and evaluation criteria to each case to determine the areas in need of focus and improvement. The exercise was specially tailored for this group of students, whose work experience better positioned them to appreciate the issues in the cases. Finally, Henderson shared a handout that tracked the firm's competencies and identified opportunities for law students to develop and apply these competencies in law school.

If we had any doubts about whether students would absorb the lesson, this email to Henderson from an appreciative student put them to rest: “As students, we’re earning grades and practicing technical skills, so we’re very much in a mindset that there’s one, single standard for success. I want to say thanks for offering a different framework for approaching law school and my career. I feel like I can better articulate the value of pursuing skills that aren’t graded (beyond just saying I’m seeking a ‘balance’).” This kind of feedback is exceptionally rewarding.

Legal Aid Training

In the O’Connor and Marshall Inns, Jodi Feldman, Supervising Attorney and Training Manager at the Legal Aid Society of the District of Columbia, gave students a slice of the training for legal interns and new lawyers at Legal Aid. Her presentation and exercise focused on the multi-faceted skill of effective communication with clients. Feldman reviewed a list of practice tips on making a good first impression, building trust and respect, managing intimate and difficult conversations, managing challenging situations, knowing and communicating limits, and concluding a conversation. Students then applied these tips to two hypotheticals. The first involved an interaction between a first-year legal services attorney and a client with disabilities who questions her credentials. The other concerned an embedded law firm associate whose eagerness for courtroom experience may have blinded him to the client’s true goals.

Through the facilitated small group discussions, the students began to understand the importance of non-cognitive skills to their future careers as attorneys and to dispel the notion that being a lawyer is just about “knowing the law.”

Through the facilitated small group discussions, the students began to understand the importance of non-cognitive skills to their future careers as attorneys and to dispel the notion that

being a lawyer is just about “knowing the law.” One student reported that: “This week was amazing! It felt like it pushed beyond what we might have learned before into skills which are useful now and obviously will be useful this summer and beyond. Really wonderful.” While perhaps not all students are as astute (or as complimentary) as this one, the comment suggests that the session does indeed foster a sense of competence and control.

“Difficult Conversations”

The fourth Council member, JeanMarie Campbell, Director of New York Development for Ropes & Gray, spoke to students in the Jackson and Cardozo Inns on managing difficult conversations. Her presentation was based on the book *Difficult Conversations: How to Discuss What Matters Most*, by Douglas Stone, Bruce Patton, and Sheila Heen of the Harvard Negotiation Project. Placing this foundational skill in the larger context of skills valued by legal employers, such as problem solving and communication, Campbell underscored that lawyers who listen and work to manage difficult conversations are better able to build relationships with clients and colleagues and more likely to become leaders in their field.

The presentation and two exercises focused on understanding another’s point of view (inquiry) and sharing one’s own view clearly (expression). In the first exercise, students were given a scenario about a miscommunication between a law firm partner and associate around a deadline. In groups of four with assistance from advisors, two students role-played a difficult conversation concerning the miscommunication while the other two students acted as their “inner voices” — interjecting with comments that their counterparts might be thinking but not saying. The goal of the exercise was to demonstrate that reading another person’s inner voice is key to reaching a true understanding of his or her point of view and determining how best to respond. The second part of Campbell’s presentation reviewed the book’s three-step approach to difficult conversations and then asked students to apply it to a difficult conversation that they had or need to have. The program not only

offered useful lessons for law school and law practice but also for interactions with friends and family.

Igniting the Spark Together

In prior years, we've had other generous and talented Council members and friends of the law school present on this topic as well. Featured speakers have included Burt Lipshie, who created a pairs' role-play of a client pitch with one student acting as the lawyer and the other as the client; Tammy Seltzer, recent recipient of the Justice Potter Stewart Award from the Council for Court Excellence, who presented a case study about the difficulty of ascertaining

facts to assist a client with serious health problems; Sue Manch, now at Norton Rose, who introduced students to the competency model at Bingham, her former firm; and Andy Hales, who shared his firm's associate evaluation criteria and career development plan.

The Advisory Council (and friends) have been a wonderful resource for the Inns of Court program. We are extremely grateful to them for vetting, contributing, and delivering much of the program's content and for elevating the program's stature within the law school. For their part, the volunteers report that they appreciate the opportunity to interact with students and, potentially, to shape prospective hires and even the future of the profession.

THE GW LAW INNS OF COURT PROFESSIONAL DEVELOPMENT ADVISORY COUNCIL — AUGUST 2016

- **Rachael Bosch**, Administrator of Talent Acquisition & Development, Paul Hastings LLP (Washington, DC)
- **JeanMarie Campbell, Esq.**, Director of New York Development, Ropes & Gray LLP
- **Jodi Feldman**, Supervising Attorney and Training Manager, Legal Aid Society of the District of Columbia
- **Timothy Henderson**, Director of Professional Recruitment and Development, Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
- **Johanna Cohen Leshner**, Recruitment Director, Maryland Office of the Public Defender
- **Susan G. Manch**, Chief of People & Development at Norton Rose Fulbright & Jaworski LLP
- **Don Smith**, Director of Attorney Development and Diversity, Fried, Frank, Harris, Shriver & Jacobson LLP
- **David Zlotnick**, Attorney/Advisor and Training Coordinator for the Division of Investigations, Federal Energy Regulatory Commission

PAST COUNCIL MEMBERS INCLUDE:

- **Andrew Hales**, Firmwide Senior Director of Professional Development and Training, Venable LLP
- **Kay Nash**, Chief Professional Development and Attorney Recruiting Officer, Wiley Rein LLP
- **Nancy L. Rider**, Training Coordinator, Division of Enforcement, U.S. Securities and Exchange Commission
- **Jennifer Thomas**, Director of Legal Recruiting, The Public Defender Service for the District of Columbia

FRIENDS OF GW LAW WHO ALSO PRESENTED ON CRITICAL PROFESSIONAL SKILLS:

- **Burt Lipshie**, Managing Attorney of the Litigation Practice Group, Stroock
- **Tammy Seltzer**, Project Director, DC Jail & Prison Advocacy Project, University Legal Services

Participating in the Inns of Court program, says Andy Hales, “has been an invaluable experience. The program very effectively addresses one of the primary concerns in the legal industry today — the readiness of new lawyers. This includes not only the practice of law, which is paramount, but also the responsibility and emotional intelligence that goes along with being a successful attorney.”

The Critical Skills session, in particular, puts 1Ls on the right path to becoming the “complete package” — able to build and articulate the full range of competencies required for effective lawyering. A professional development mindset allows students to make the most of and thrive in law school and to make thoughtful and well-informed career choices. It also allows them to stand out in a positive way, in talking with lawyers they meet, in the recruiting process, and once they are in the workplace. Together with the Council, we “ignite the PD spark.”

About the Author



Susan Fine is the Director of Professional Development at The George Washington University Law School. She is also co-director of the Inns of Court program, a school-wide initiative to provide students with a diverse support structure, enrich their law school experience, and enhance career outcomes. Susan has spoken widely on law student professional development topics, including at the NALP Annual Education Conferences in 2014 and 2013 and at the Professional Development Institute (PDI) in 2015 and 2014. She is a past chair of the NALP Law Student Professional Development Section and a member of the Professional Development Consortium. She also serves on the inaugural board for the ABA’s Legal Career Central.

Earlier in her career, following a federal clerkship, Susan worked as an attorney in the Office of Legal Counsel at the United States Department of Justice. She is a graduate of the University of Michigan Law School.

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Managing Your Team — Helpful Hints from a Director Who Is Always Learning How to Be a Better Manager

by Michele Bendekovic

“In most cases, being a good boss means hiring talented people and then getting out of their way.”

— Tina Fey, *Bossy Pants*

No matter whether you are managing a team of twenty or a team of two, the theory and the principles behind managing down apply to each and every team. The concept of managing down is to focus on building and strengthening the team below you. It is all about the results created by your team. A ten-year, 200,000 person study of managers and employees conducted by O.C. Tanner Institute and Tower Watson revealed that effective managing down accelerates team performance and significantly increases results. It is the results that matter and it is the results that count.

What can you do in your role as manager, director, team leader, etc.?

You can remove as many of the difficulties your team may encounter as possible by using your influence and the capital you have built throughout your career. Sometimes this is not easy and it can be time consuming, but what better way to show your team how much you are invested in them than by making it easier for them to function in their role without having to worry about little issues that can derail their progress? Your help in removing those difficulties will allow your team to be great and to show off their individual talents and expertise.

Recognize and reward your team’s hard work and efforts and you will find yourself admiring their many accomplishments and talents. As we all know, recognition and reward do not have to be expensive. Sometimes it is as easy as saying “thank you” or “you did a fantastic job on that project” or “the hard

work and effort you put into that project is much appreciated by me and by the firm.” Words of recognition and reward are powerful tools that we don’t use often enough. We are always encouraging our partners to say “thank you” to associates and staff. We need to make sure we are doing this ourselves with our own team. When someone is recognized for their effort, they want to continue to strive for the same great results.

Empower your team to think, be creative, push the envelope, and speak up when they have constructive criticism to offer.

Empower your team to think, be creative, push the envelope, and speak up when they have constructive criticism to offer. Every month, I gather my team and we have “Cocktails and Conversations.” It is a confidential and open forum to talk, solve problems, complain, laugh, come up with great ideas, gossip, and offer feedback and constructive criticism about an issue or about how the team and the director have been performing. It is our own think tank.

Do not overlook ways to excite your team about the work they are doing and how it fits into the bigger picture of helping your team, the firm, or the client. When you guide your team to the finish line and explain along the way how important they are in the development and progression of the work, everyone can cross the finish line feeling good and satisfied about their

individual contributions and the team's overall contribution.

Roberta Chinsky Matuson, President of Matuson Consulting — The Talent Maximizer, developed tips for managing down that should be studied by all those who manage a team. Her tips include:

- Be credible
- Lead by example
- Surround yourself with the right people
- Build on strengths
- Cut losses early
- Cultivate the success of others
- Manage performance
- Be respectful

Be credible. This sounds easy but lack of credibility can cut you off at the knees when it comes to managing a team. Credibility is not earned overnight. It is built over time through working together day to day in the trenches. You cannot forget to be careful with your words and actions. They have a direct impact on how your team sees you. Credibility can be destroyed in no time if a manager is perceived as dishonest and does not have the team's best interests in mind.

Lead by example. This sounds simple but can be very difficult. I have adapted the Golden Rule into this guiding principle: act as you want your team to act. Show your team your passion for your job, your team, and your firm and act with the highest integrity. You can never forget that you are the role model for your team.

Surround yourself with the right people. Try to hire people who are better than you. My hiring philosophy is that I want my team to ultimately replace me. It takes training and a time commitment on your end but the comfort level you will have when your team can handle challenges in your absence is worth everything you invest in hiring the right people.

Build on strengths. It is very easy to focus on weaknesses and much harder to build on strengths. As a manager, you need to

find one or two strengths in each of your team members and help them develop those strengths. On my team, my Professional Development Manager is an expert with technology and has taken our curriculum to new heights when it comes to program delivery, offering alternative ways to stay informed, and pushing our internal team page to be more content driven. My Executive Assistant has been with the firm for many years and showed me how to navigate the firm when I started. In addition to being a fantastic assistant, she has taken on the role of LawCruit Queen and has helped to automate our correspondence to recruits. The strengths that we possess as individuals and as a team allow us to work together and satisfy the needs of all of our clients.

Cut losses early. This one is hard. You will know quickly if there is not a fit with a team member. For the health and well-being of your team, you cannot let this drag out. You need to take action quickly no matter how unpleasant and difficult. The situation will only get worse. The rest of your team will be distracted by all the disruption and you will not be working together in a cohesive way. Your human resources team can help you through this difficult time. By getting out in front of a bad situation, your team can regroup quickly and continue the good work that was interrupted by the disruptive team member.

Cultivate the success of others. Your success as the leader is no longer measured by your individual contributions. You are now measured by the success of your team. Your direct supervisor will notice if your team is highly engaged and working hard.

Manage performance. Consider working on your skills as a manager by giving just-in-time feedback on performance. Do not hold in all your feedback and comments and wait until the annual evaluation. You will find it easier to motivate your team by giving feedback after each project while it is top of mind and relevant. If there are issues, they can be addressed immediately and solutions can be found. As part of performance management feedback, discuss the positive contributions and positive impact the team had on the client and the firm as a result of this project.

Be respectful. Treat your team the way you want to be treated. Remember my adaptation of the Golden Rule: act as you want your team to act.

Management styles

As a manager, you need to be aware of a few key things about yourself so you can monitor your performance and continue to positively impact the performance of your team. You need to know what you do well and what you do not do so well. It is often very uncomfortable and sometimes awkward when you have to assess your own work style. You can let your team help you by using assessment tools such as 360 evaluations, personality assessments, or even the Belbin assessment tool to identify key strengths that allow the formation of high-performing teams.

A manager also needs to be aware of her communication style — both verbal and nonverbal. You need to be able to deal with difficult conversations, especially when cutting your losses. Ambiguity and a passive/aggressive style do not inspire confidence in you as a manager and do nothing to motivate and engage your team. Your credibility is continuously on the line with your team.

Not only will you be managing down in your role as a manager or director, you will also be managing sideways.

Not only will you be managing down in your role as a manager or director, you will also be managing sideways. Managing sideways is a fancy term that actually means delegation. Delegation is one of the most difficult challenges for those managing teams. It is a constant struggle to let go of work. No one can do it better than me. I do not have the time to explain how this needs to be done. No one has the history I have. I'll just do it because I can do it faster, better, and more efficiently. Are those phrases you are currently using or have used in the past? Can you hear yourself saying this or something similar?

If delegation is not in your toolbox as a manager or direc-

tor, you need to add it immediately. If you do not work on your skill as a delegator and pass down work, all of that good karma you have created with your team will evaporate. Some of the destructive consequences that will occur as a result of not delegating will include negative morale within your team, underutilized team members, and your own feelings of being constantly overwhelmed. The work of strategically moving your firm forward will just not get done. The impact will be misery for all involved.

If you do work on your skills as a delegator and become comfortable in this area, very good things will happen. You will create a strong team environment, your team will feel valued and utilized, you can manage your time and schedule, and you can work on the strategic, high-level initiatives that will move the needle forward.

How do you delegate successfully? As a director or manager, you will need to articulate exactly what needs to be done and the deadlines. Because you know the strengths of your team, you can determine who on your team will be successful in getting the project done. This will also lead to trust and confidence in your team member that she will get the project completed on time and correctly.

Once you delegate a project, your team member takes ownership and becomes accountable. Please do not micromanage your team. Please do check in and come to an agreement on when and how to give progress updates. If progress is not being made, discuss what is happening and why progress is not happening on that project. During this discussion, listen to your team member and then work together to come up with a solution, even if it means assigning the project to another team member.

As a director who is always learning, I try to keep the following end goals in mind as I continue on my journey to better managing and working with my team:

- Sustain credibility by helping my team trust in me and see that I can operate at a high level.

- Motivate my team by learning their strengths, letting them have a voice, and trusting them with projects, no matter how much I think I can do something better.
- Remember to give feedback and show how important each team member is to the team by saying “thank you,” “job well done,” and “we could not have done this without your efforts and hard work.”
- Encourage honesty in all discussions.
- Continue to work on building relationships among the team especially when new team members are coming on board or team members are leaving.
- Accept mistakes (we all make them), know how to handle the fallout, and then move forward.

About the Author



Michele Bendekovic is the Director of Attorney Recruiting and Professional Development for Steptoe & Johnson PLLC. In this role, Michele is responsible for managing firm-wide, in-house professional development and training programs in addition to lateral attorney and graduate recruitment endeavors.

Michele also leads continuing educational programs that focus on the professional, intellectual, and personal development of attorneys, with an emphasis on the collaborative process of strengthening lawyers’ core competencies. Michele is an integral part of Steptoe & Johnson’s Recruiting and Diversity Committees. She has been involved in professional development and recruiting for the past twenty years. Michele is very active in NALP, with service on the Nominating Committee, 2016 PDI Planning Committee, as past Chair of the Lawyer Professional Development Section, as a faculty member for the Newer Professionals’ Forum, and as a member of the Long Range Strategic Planning Committee. She is also active in the Professional Development Consortium (PDC), having served as a Board Member and as Chair of the Membership and Nominating Committees as well as on several conference planning committees. Michele frequently speaks and writes on topics related to lawyer professional development.

Improving the Training and Supervision of Lawyers in Law Firms through Insights from Law School Clinics

by Michelle Sonu

Here are a few of the ways law firm PD professionals and senior lawyers can take advantage of the knowledge, experiences, and pedagogy developed by law school clinics.

The conventional wisdom among many experienced lawyers and lawyer PD professionals is that the curriculum at most law schools still largely focuses on arcane topics that have little bearing on actual practice. Students spend most of their time reading, analyzing, and discussing cases with professors in a large classroom setting. They don't collaborate with one another and don't learn how to represent actual clients. Law students do spend time writing, but the bulk of their deliverables consist of anonymous final exams and research papers, neither of which bear much resemblance to the actual work products of practicing lawyers, such as emails to clients, contracts, or discovery requests. The opportunities to build practical and professional skills are limited.

As a result, large law firms do not expect recent graduates to have enough practical experience or substantive knowledge to hit the ground running. To address this problem, law firms have developed extensive formal training programs covering not only substantive law and practical lawyering skills but also topics like networking, leadership, business development, work-life balance, and so on. The need for training is particularly acute for business lawyers since the law school curriculum is oriented to litigation.

Many of the law firms' formal training sessions, particularly for substantive legal topics, are conducted by senior lawyers in the firm. Senior lawyers are also responsible for supervising and training new associates in an informal or one-on-one manner while working on matters for clients. While these lawyers are

subject matter experts or have demonstrated top-notch professional skills with clients and working groups over the years, often they have only limited time to think about teaching and training methods, including ways to convey information or deepen a student's understanding. How often do practicing lawyers utter the word "pedagogy"? Under pressure to bill clients efficiently and juggle multiple complex engagements, even senior lawyers who have exhibited talent or expressed interest in training and mentoring new associates do not have the time to do so — or to explore different methods for training them more effectively.

Law School Clinics

Instructors in law school clinics think about these things all the time.

In recent years, law schools have expanded their programs substantially to include experiential learning opportunities to better prepare students for practice. In fact, experiential education has recently become a requirement for ABA accreditation of law schools.¹ Experiential learning includes clinics, externships, simulation courses, pro bono programs, practicums, and professional development workshops and seminars, to name a few of the options.

All ABA-accredited law schools now offer in-house clinics, and the number of faculty members teaching in them is substantial.

In law school clinics, students represent actual clients under the close supervision of experienced attorneys and instructors. Clinical education has grown dramatically. All ABA-accredited law schools now offer in-house clinics, and the number of faculty members teaching in them is substantial.² Beginning in the 1960s, many law schools established clinics, but early clinics typically focused only on social justice and poverty. Now, the types of clinics offered are incredibly diverse, providing students with opportunities in transactions, intellectual property, criminal defense, international human rights, appellate litigation, death penalty appeals, community economic development, immigration, and more.

Clinical instructors have unique, dual responsibilities. Like any practicing lawyer, they represent and serve clients and are subject to applicable professional rules. In addition, they serve to train and prepare law students to become lawyers. As a result, these attorneys spend a lot of time learning about, developing, and experimenting with teaching methodologies. Over the years, they have developed a distinct and sophisticated pedagogy, resulting in hundreds of books and articles,³ frequent conferences, and ongoing online discourse about lawyering, teaching methods, supervision, and related topics. The challenge faced by clinical instructors is described by one prominent clinical professor as follows:

“Teaching is hard work. It requires a deep understanding of educational motivators, an appreciation of and for different learning styles, a thorough knowledge of legal theory and practice, and the ability to convey that knowledge in an understandable fashion to others... It also demands an understanding of which techniques best convey the knowledge and the insights the faculty member seeks to impart to ensure that students learn and that clients’ needs are met.”⁴

The pedagogy continues to evolve as the nature of lawyering changes (for example, using technology to communicate) or as the law students change (for example, adapting for millennials). Instructors develop detailed and practically oriented evaluation criteria and rubrics, which must be updated from term to term to address

these and other changes. To further keep clinical instructors on their toes, while working with students and clients the instructors must continually adapt their teaching methods in real-time based on the needs of particular clients, changes in the law, students’ learning styles, and many other variables. The bottom line: figuring out how to teach lawyers is challenging and constantly evolving.

The growth of experiential programs in law schools presents an opportunity for law firms and PD professionals to take a fresh and deep look at what’s going on in the law schools.

The growth of experiential programs in law schools presents an opportunity for law firms and PD professionals to take a fresh and deep look at what’s going on in the law schools. This growth will certainly continue, in part due to the ABA’s experiential education requirements described above. Some law schools are considering adopting requirements that go beyond the ABA’s standards. In addition, the New York state bar requires that law students engage in pro bono service before being admitted, and other states are considering adopting a similar rule,⁵ providing yet another reason that law students will engage in learning outside the classroom.

This article offers some ideas for improving the training and supervision of lawyers in law firms, based on clinical pedagogy, resources available to clinical instructors, and the experience of clinical instructors in their dual roles as practitioners and educators. While teaching in a law school clinic is different from training lawyers in a professional setting, and while law schools and law firms have very different missions, they do share a common task of educating and training lawyers.

Reflection

Reflection is at the core of clinical pedagogy. Clinical instructors view reflection as a critical way for students to develop self-awareness, deepen learnings, build confidence, improve upon

mistakes, affirm strengths, and develop an identity as a lawyer, among other things.⁶ Students reflect by taking a moment to debrief on their own performance of a task, project, meeting, or other experience, and then expressing their resulting thoughts, observations, “ah ha” moments, or learnings.

Left to their own devices, most students won’t take the time to assess themselves or would do so only episodically and inconsistently. As part of a clinic’s design, instructors establish requirements to engage students in reflection. These reflections often take a written form with specific prompts, such as “What did I do well?” or “What did I learn from this experience?” Some clinics require students to document their reflections over time in a journal they maintain throughout the term, and other clinics have students submit short, discrete papers immediately following a particular event, such as a meeting with a client. In either case, the process of reflecting and reducing reflection to writing doesn’t take much time — particularly when the experience is still fresh. Many clinics have students reflect more deeply and holistically by requiring them to prepare a longer reflection paper following their time in the clinic.

The Organizations and Transactions Clinic at Stanford Law School asks that a one-page Client Meeting reflection form be completed and emailed to the clinic instructors within 24 hours after a student is involved in a substantive client meeting. The form asks three questions:

- What did you like about your performance in the meeting?
- What did you not like about your performance in the meeting?
- What’s the key observation or lesson you took from the meeting?

Clinical instructors also encourage reflection during live, one-on-one meetings by asking students to respond to specific questions about their performance and lessons learned. “How would you have handled the meeting differently?” “What surprised you about the client’s reaction?” “Do you feel like you’re learning?”

Students often report that the reflection process is eye-opening, uncomfortable at times, affirming, and ultimately useful.

Students often report that the reflection process is eye-opening, uncomfortable at times, affirming, and ultimately useful.

Reflection may at first seem touchy-feely or like a waste of time to some students, but, more often than not, by the end of the term students realize and appreciate its value. For example, in Autumn 2015 one student in Stanford Law School’s Organizations and Transactions Clinic concluded her final, end-of-term self-evaluation as follows:

“Nothing contained in the pages above would have been immediately obvious without reflecting. As hard as it was to reflect on my own performance, I don’t think I would have realized half of these things had I not taken the time to reflect — no matter how obvious they seem now that I have them written down. And I certainly wouldn’t have taken the time to think about the implications they hold for me, how I can improve upon certain skills and habits, and what I need to become more conscious of and work to change.”⁷

While clinics aim to help students establish reflection as a life-long practice, the opportunities to reflect after joining a large firm can be limited, particularly in light of the high volume and intensity of day-to-day work. Many law firms do include a self-evaluation as part of an associate’s annual or semi-annual performance review. However, associates may simply not have time to complete the self-evaluation satisfactorily or likely will not recall details about their performance on every project or task during the six- or twelve-month evaluation period.

Law firms can promote and develop reflection practices among associates in a couple of ways:

In writing. Firms can provide associates with reflection forms to be completed following the conclusion of a case, transaction, or project. Alternatively, firms can encourage or require

associates to complete reflection forms at set time periods (e.g., weekly). The forms can include a few simple prompts, such as:

- What did I like about my performance?
- What did I not like about my performance?
- What did I learn?

If the associate completes the reflection form promptly after the project concludes, when the experience is fresh, then the exercise should not take much time. The exercise would also provide quick feedback to the associate, which can be hard to come by in a busy firm. Most importantly, it gives the associate fodder for growth and improvement. For example, an associate who realizes he did a poor job of paying attention to detail on his work product will resolve to do better next time.

Over time, the associate can collect the individual reflection forms into a journal or binder, which she can draw upon when preparing for her annual performance evaluation or otherwise review from time to time on her own. Reviewing the collection can be eye-opening because it will show the associate's growth (or lack thereof) in particular areas over a longer time period.

If the firm requires that associates submit their reflections to the PD department or other senior lawyers, written reflection can also provide a way for the firm to keep an eye on the associate and supervise him or her more effectively, as well as to develop and improve formal training sessions going forward. It can also provide an avenue for quieter associates to voice concerns.

In person. Firms can encourage senior lawyers to promote reflection when delivering in-person feedback to associates. The idea is to have the junior associate do most of the thinking and talking, in response to questions posed by the senior lawyer. Because the junior associate is more deeply engaged, he can learn and grow more. For example, a senior lawyer unilaterally telling an associate, "I didn't feel like you 'owned' that document," provides only limited information. On the other hand, asking an associate, "Did you feel a sense of ownership over that

document?" would encourage the associate to consider not only the initial yes-no answer to the question, but also why ownership matters, how it impacts the quality of the work product, how it can benefit others on the legal team and the client, and how he could improve the next time.

Ideally, these conversations would occur frequently, such as immediately following completion of a substantial case, transaction, or other project. Given the press of business, it's understandable that making time for these sessions is a challenge. That being said, this technique could still be used for an annual or semi-annual performance evaluation.

Firms would have to think about how and to what extent to train the senior lawyers in this technique. PD departments could send an email with some basic information, host fuller training sessions, or something in between. These efforts will depend on the firm's existing culture for promoting associate growth and development and the PD department's bandwidth and resources. In many firms or practice groups, getting senior lawyers to deliver feedback at all is already a challenge, so training them on how to do it better may be virtually impossible. Firms considering moving away from annual performance reviews to a model where employees receive feedback more frequently throughout the year⁸ may consider including training on reflection practices as part of the transition.

Group Training Sessions

Nearly every law school clinical course includes a classroom instructional component, as required by ABA-accreditation standards.⁹ Unlike traditional classes taught by podium professors, these class sessions cover a variety of different areas to prepare students for practice, such as skills training, substantive law, project or case management, and professional responsibility. In addition, clinics use classroom sessions as a forum for collaborative work or feedback on current clinic projects.

When crafting the classroom component of the curriculum, many clinical instructors use a "backward design" approach.

Simply put, this involves identifying the goals or desired results and then planning learning experiences to achieve those goals or results.¹⁰ Once they've determined the learning goals, then the instructors can choose from a variety of teaching techniques, such as in-class group exercises or discussions, homework assignments, role plays, or lectures.¹¹

For example, many of the class sessions in the Stanford Law School's Organizations and Transactions Clinic aim to orient students to corporate practice. In some of these sessions, one goal is to demonstrate that business transactions and legal documents reflect a lot of common sense. In one session, the instructors pose a series of questions to the students about a hypothetical simple loan, such as "What would you worry about if you were loaning money to somebody?"; "How would you make sure you were repaid?"; and so on. After the students articulate their responses based on common sense and instinct, then the instructors walk through portions of a complex, lengthy credit agreement that demonstrates those common sense concerns. This experience can help demystify that ugly credit agreement and give students confidence to comprehend other difficult materials they will encounter in practice.¹²

PD professionals can serve as a resource by coaching the senior lawyers to take the time to identify and articulate the key learning goals for the session, as opposed to simply covering a topic.

Many law firms' formal training sessions are led by senior lawyers with expertise in a particular subject matter. These sessions are highly relevant to practice but are often one-sided, with the lawyer lecturing on what she knows, perhaps using a PowerPoint presentation or telling war stories based on her experiences. Presumably, when developing these sessions most senior lawyers have not had time to engage in any meaningful "backward design" process that focuses on the learning goals for the junior associates. PD professionals can serve as a resource by coaching the senior lawyers to take the time to

identify and articulate the key learning goals for the session, as opposed to simply covering a topic. With any luck, the senior lawyers can focus their teachings and make these sessions more effective.

Once the senior lawyers have identified the learning goals, then they can craft activities, experiences, and teaching materials designed to achieve those goals. Certain techniques will often be more effective or appropriate than others. For example, to train junior litigators on deposition skills, engaging them in a mock deposition followed by feedback will be more effective than lecturing about depositions. Quite often there is no single teaching method that is ideally fitted to a particular learning goal. As a result, from term to term clinical instructors are constantly tinkering with and developing the classroom component of the clinic.

Listed below are some learning activities that senior lawyers may consider using for formal training sessions. In addition to thinking about what would best achieve the learning goals, the senior lawyers must also consider time and location constraints, the number of participants, and other similar factors.

- **Quick-write.** The senior lawyer poses a question and asks associates to write down responses during a short period, perhaps on an index card. Even if only a few minutes are allocated for this exercise, the writing process will help clarify thinking and also helps to warm up the group for more in-depth learning.
- **Slide presentation with lecture.** This technique is often most effective when the goal is to convey a lot of new information. A paper copy of the slides, which includes notes taken during the session, can serve as a useful reference for the associate to use afterward.
- **Role play.** The senior lawyer designs an activity in which associates perform assigned roles. This activity is typically used to prepare for live interactions with clients, opposing counsel, or witnesses — for example, a witness interview or contract negotiation. After the role play, participants discuss results, provide feedback, and reflect on the experience.

- **In-class exercise and homework.** The senior lawyer presents a problem for associates to solve. The problem could be a set of facts to issue spot, a “bad” document (or even a sentence) to fix, or something else. Associates can analyze the problem and consider solutions as a group or break up into smaller groups, and then express their responses orally or on a whiteboard. If time is not sufficient, the senior lawyer may choose to have associates consider the problem in advance as a homework assignment.
- **Document walk-through.** The senior lawyer circulates to each associate a complex document commonly encountered in large firm practice, such as an SEC filing or merger agreement. The document could be annotated with handwritten notes that point out specific features or other notable aspects. During the session, the senior lawyer flips through the document and explains various aspects such as how it is structured or how particular sections function and interact with one another.¹³
- **Quizzes.** Following a presentation of a substantive topic, associates take a short quiz with true/false, multiple-choice, or fill-in-the-blank questions. They can be self-graded and not collected, to make them a formative rather than summative exercise that does not count for formal evaluation purposes. Quizzes can be useful for reinforcing new vocabulary and basic concepts.¹⁴

Because these types of activities require more engagement with the associates, they provide a way for a senior lawyer to get a diagnostic on the associates and sense how they’re seeing the materials or grasping concepts. As a result, these activities provide an opportunity for a senior lawyer to riff in a way that’s different from a one-sided lecture.

Direct Supervision

“Supervision is the essence of clinical education, and all new teachers must learn appropriate intervention techniques to maximize student learning and client satisfaction.”¹⁵ Clinical

instructors have published countless law review articles about supervision, some of which contradict and challenge one another. This is not surprising, since supervising students is one of the most, if not the most, challenging task for clinical instructors. Every day during the term, multiple times a day, instructors make choices, often in real-time, about which teaching method will help students learn while at the same time serve a client’s best interests. For example, instructors could simply tell a student what to do, role model a task, use a Socratic-style questioning method, explain a concept orally or in an email, or moot a client interview. Experienced instructors make these choices based on the needs of a client and the student’s style of learning and current ability and understanding.

Supervision encompasses every interaction between the instructor and student. In addition to formal, regular meetings, it can include informal, unplanned interactions that arise from quick questions, conversations in the car on the way to a client meeting, or emails. These events present teachable moments that can be as instructive and meaningful as a formal supervision session.

Oftentimes in a large law firm, the best training for a junior associate occurs through direct interaction with senior lawyers on a client team. The associates’ experiences can vary substantially based on the nature of the matter and a senior lawyer’s availability and teaching talent. In a busy firm, these senior lawyers simply aren’t available to supervise and train the junior associates; moreover, clients may refuse to pay for this time.

Listed below are some suggestions for senior lawyers to consider to improve training and supervision efforts. These will all take time, something many senior attorneys and clients don’t have. However, some of them can be done concurrently while performing billable work, resulting in minimal additional time or cost to a client and enhanced learning for the junior associate. In any event, PD professionals can be a resource to senior lawyers on these techniques.

- **Work-product markup.** The junior associate has drafted a document and the senior lawyer reviews it. Instead of simply

taking over the draft and sending it to the client, the senior lawyer marks it up, either by hand or using “track changes,” with the expectation that the junior associate will revise the document herself. Ideally, the revisions are accompanied by explanations or even questions. The junior associate will process various learnings while revising the document; she will fix mistakes she made, ponder different approaches, check statutes and cases, exercise judgment, appreciate quality standards for large firm work, and so on.

- **Work-product walk-through.** The junior associate has drafted a document and the senior lawyer revises it directly. The senior associate sits down with the junior associate and explains the revisions using a redlined version of the document. This technique can be used in conjunction with the scenario described in the first bullet.
- **Reviewing work-product.** The junior associate reviews a draft prepared by the senior lawyer and offers comments. The review exposes the associate to an experienced attorney’s analysis and presentation, and gives him the experience of thinking critically and paying attention to detail when developing comments on another lawyer’s written work-product.
- **Debriefings.** Immediately following a meeting or call, the senior lawyer provides direct feedback or explanations to the junior associate.
- **Shadowing.** The senior lawyer allows the junior associate to “shadow” a case, transaction, or project. Junior associates participate in every meeting and are cc’d on every email. Junior associates learn by watching, and senior lawyers serve as role models. A number of law firms have implemented formal shadowing programs that allow associates to use a non-billable code, which makes these opportunities more readily available.

Conclusion

Law firm PD professionals and senior lawyers can take advantage of the knowledge, experiences, and pedagogy developed

by law school clinics. Both communities are deeply invested in educating new lawyers while concurrently serving clients.

Law firm PD professionals and senior lawyers can take advantage of the knowledge, experiences, and pedagogy developed by law school clinics.

I hope the guidance provided above provokes further thought and would be happy to continue the conversation with any interested readers. Further, I encourage law firm PD professionals to consider the law school clinical community as a possible resource through its extensive literature, conferences, or even direct interaction with clinical instructors at local law schools. I can be reached at msonu@law.stanford.edu.

Endnotes

1. Starting in the 2016-17 academic year, students will be required under the ABA’s standards to complete at least six credits of experiential learning. A.B.A. Standards and Rules of Procedure for Approval of Law Schools § 303 (2015-16).
2. The Clinical Legal Education section of the Association of American Law Schools, also known as AALS, is the largest section. Many clinical instructors are also members of the Clinical Legal Education Association, which identifies over 1,300 clinicians on its website. [Clinician Locator](#), Clinical Legal Educ. Ass’n (last visited May 7, 2016).
3. Much of the clinical literature is rooted in adult learning theory. For an extensive list of clinical books and articles, see J.P. Ogilvy & Karen Czapanskiy, [Clinical Legal Education: An Annotated Bibliography](#), Catholic University of America (last visited May 7, 2016).
4. Wallace J. Mylniec, “Where to Begin? Training New Teachers in the Art of Clinical Pedagogy,” 18 *Clinical L. Rev.* 505, 507 (2012).
5. The New York courts require that individuals admitted to the

bar on or after January 1, 2015, must complete at least 50 hours of “qualifying pro bono service” prior to filing an application for admission. N.Y. Comp. Codes R. & Regs. 22, § 520.16 (2015). The California bar is considering adopting a requirement that new lawyers engage in supervised provision of at least 50 hours of pro bono service before admission to the bar or during the first year of practice. See [Task Force on Admissions Regulation Reform](#) (TFARR), St. B. Cal. (2015).

6. See generally Susan Bryant, Elliott S. Milstein & Ann C. Shalleck, *Transforming the Education of Lawyers: The Theory and Practice of Clinical Pedagogy* 23-24 (2014); Roy Stuckey, “Teaching with Purpose: Defining and Achieving Desired Outcomes in Clinical Law Courses,” 13 *Clinical L. Rev.* 807, 822-24 (2009).
7. Final Self Evaluation submitted by student in Stanford Law School Organizations and Transactions Clinic, Autumn 2015 Quarter (Dec. 18, 2015) (on file with author).
8. This type of change has gained significant traction among companies and professional service firms, such as Gap, Microsoft, Adobe, Accenture, and Deloitte. Vauhini Vara, “[The Push Against Performance Reviews](#),” *The New Yorker* (July 24, 2015).
9. A.B.A. Standards and Rules of Procedure for Approval of Law Schools § 304 (2015-16).
10. For a more detailed and refined explanation of backward design, see Grant P. Wiggins & Jay McGighe, *Understanding by Design* 17-23 (2d ed. 2005).
11. See Bryant & Milstein, *supra* note 6, at 57-80.
12. Jay A. Mitchell & Michelle Sonu, “Food Banks and Investment Banks: Clinic Design for Corporate Practice,” 19 *Lewis & Clark L. Rev.* 267, 289-92 (2015). See also Jay A. Mitchell, *Picturing Corporate Practice* 82-83 (2016).
13. See Mitchell & Sonu, *supra* note 12, at 289-290.

14. See *id.* at 291-292.

15. Mylniec, *supra* note 4, at 517.

About the Author



Michelle Sonu is Clinical Supervising Attorney and Lecturer in Law at Stanford Law School’s Organizations and Transactions Clinic. In that role, Michelle is responsible for instructing and overseeing second- and third-year law students as they serve the clinic’s clients. The clinic works on corporate governance, contract, structural, and programmatic matters for established nonprofit entities. Michelle also leads class sessions on law practice and corporate and transactional law. Before joining Stanford Law School, Michelle practiced law at Cooley LLP in Palo Alto, California, for over ten years, focusing primarily on M&A as well as general corporate law and securities transactions. At Cooley, Michelle led formal training sessions on various topics in corporate law and directly supervised and mentored many junior and summer associates. She is a graduate of the Massachusetts Institute of Technology and Harvard Law School.

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