

PD Quarterly

August 2017



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



**Artificial Intelligence
in the Law Firm:
Implications
for Professional
Development
Priorities and
Practices**

by Chris Boyd and
Amy L. Halverson

**Five Key Strategies
for Partner
Professional
Development**

by Kay Nash

**Turbulent
Times Lead to
Meaningful
Professional
Development**

by Jill R. Long

**First-Year Courses/
Programs Focused
on Professional
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Welcome to the August 2017 *PD Quarterly!*

by James G. Leipold, NALP Executive Director



From artificial intelligence to partner development, and from PD lessons learned during rapid response pro bono to professional formation in the law school setting, this edition addresses a wide variety of issues.

Artificial intelligence is a very hot topic in the legal media these days. Chris Boyd and Amy Halverson kick off this issue with a down-to-earth explanation of what “AI” really means, how it is being used in the law firm setting, and how PD professionals can leverage its power. In our second article, Kay Nash offers five strategies for effective partner development based on strategies being used by her firm. In a change of pace, we then learn from Jill Long how an executive order on immigration led her firm to rapid response pro bono efforts that became tremendous learning opportunities for some associates.

Turning to the law school setting, Jerry Organ shares observations from the first “Gathering” of law schools with PD programs that include a focus on professional formation. And, continuing the theme of professional formation, Werten Bellamy rounds out this issue with a look at what career ownership and career resilience mean and how they can be instilled.

I hope you find this edition as interesting as I have. 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*.



We advance law careers

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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Publisher	James G. Leipold Executive Director jleipold@nalp.org
Editor	Janet E. Smith jsmith@nalp.org
Design & Marketing	Larissa Dalton Stephanoff ldstephanoff@nalp.org

PD QUARTERLY ADVISORY GROUP

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Artificial Intelligence in the Law Firm: Implications for Professional Development Priorities and Practices

by Chris Boyd and Amy L. Halverson

Effective use of AI can increase the value a firm delivers to its clients while also accelerating attorney professional development. How should PD leaders leverage the potential of AI, and how can AI enhance PD programs?

Artificial intelligence (AI) is one of the hottest topics of the year. The phrase appears daily in news headlines, think pieces, business journals, jobs reports, and pop culture, as well as in the legal press. Each new print edition or email newsletter seems to have at least one item about new AI technologies and tools. Many legal PD professionals, who are generally not AI experts, may be wondering what the implications of AI are for their programs. Is AI an opportunity, a threat, both, or neither? How can legal PD professionals stay up to date with AI developments and ensure that their firms' attorneys do so too? How can these professionals leverage AI to improve their PD programs? This article will endeavor to answer these questions, after first providing some background on AI overall and explaining its applicability to the legal profession.

What Is Artificial Intelligence?

The dictionary defines AI as “the theory and development of computer systems able to perform tasks that normally require human intelligence, such as visual perception, speech recognition, decision-making, and translation between languages.” More simply, AI is “the branch of computer science concerned with making computers behave like humans” (*Webopedia*).

Many people learned about AI from vivid science fiction characters in movies and on TV. Examples of “good” AI include robots like C-3PO and R2-D2 from *Star Wars*, androids like

Data from *Star Trek*, and even operating systems like Samantha from *She*. Examples of AI gone bad include the Terminator, Agent Smith from *The Matrix*, and (spoiler alert) Pris the replicant from *Blade Runner*.

But AI is no longer science fiction; advances in technology and software have made AI a reality. IBM's Deep Blue beat world chess champion Garry Kasparov in 1997. More recently, Google's AlphaGo has beaten several of the world's top Go players. Today, anytime you use Apple's Siri, Google Translate, or Amazon's Alexa, you're interacting with AI.

Businesses are also increasingly using AI. A *New York Times* article published in February 2016 was provocatively titled “The Robots Are Coming for Wall Street. Hundreds of Financial Analysts Are Being Replaced by Software. What Office Jobs Are Next?” The article featured Kensho, software that automatically assembles industry and financial data into useful reports. Kensho's CEO stated that within a decade, between a third and a half of the current employees in finance will lose their jobs to Kensho and other automation software. Many experts believe that AI tools will significantly affect other industries as well.

Given the many breathless predictions about robot-workers, it is perhaps unsurprising that Gartner's *2016 Hype Cycle for Emerging Technologies* placed machine learning, a type of AI, at the “peak of inflated expectations,” the highest point in the

cycle.¹ According to Gartner's methodology, this placement means that AI will move through a "trough of disillusionment" before reaching mainstream adoption within two to five years. In other words, at this point in its evolution AI is more promise than practice. But AI and the "smart" tools it powers appear to be here to stay, with Gartner predicting they will be "the most disruptive class of technologies over the next 10 years." Investors appear to agree, with venture funding to private AI companies globally reaching a five-year high last year, from 160 deals in 2012 to 658 in 2016, with dollars invested up about 60% in 2016.²

But AI and the "smart" tools it powers appear to be here to stay, with Gartner predicting they will be "the most disruptive class of technologies over the next 10 years."

AI in Law Practice

Many attorneys' initial take on AI is fear, because they are concerned that AI tools will replace them. For example, as Adam Ziegler noted,³ if you search online for "robots and lawyers," 80% of the results are predictions of lawyers' demise while only 10% are claims of attorneys' supremacy (the other 10% are ads by lawyers seeking clients maimed by robots — some things will never change!). The apocalyptic headlines on the first page of the search results include "Are Robots Going to Take Our Legal Jobs?," "Will Lawyers Be Replaced by Robots?," and "Why Hire a Lawyer When a Robot Will Do?" A 2015 Altman Weil survey⁴ of law firm managing partners asked whether

they could envision a law-focused "Watson" AI tool replacing certain categories of timekeepers in their firms in the next five to ten years; 19% said they could envision this happening to second- and third-year associates, 35% to first-year associates, and 47% to paralegals.

While these perspectives may seem to portend doom for many burgeoning legal careers, a more nuanced view came from a 2015 McKinsey study. The authors stated that "[v]ery few *occupations* will be automated in their entirety in the near or medium term. Rather, certain *activities* are more likely to be automated, requiring entire business processes to be transformed, and jobs performed by people to be redefined."⁵ A similarly less-than-apocalyptic view was put forth in a recent academic paper, which estimated that lawyer employment would drop at most by 13% under the extremely drastic and unlikely scenario that all possible automation were implemented immediately.⁶ And a 2017 *New York Times* article was titled, not entirely reassuringly, "A.I. Is Doing Legal Work. But It Won't Replace Lawyers. Yet."⁷ So fears of AI-based tools wiping out a generation of attorneys are clearly overblown.

So, what has AI done — and what can AI potentially do — for the practice of law? How can AI help lawyers practice more effectively and efficiently, and clients get more value from their legal services providers? Michael Mills, the co-founder of legal AI company Neota Logic, wrote an excellent article⁸ explaining the various types of AI used in law. We have reproduced the summary diagram from the article and strongly recommend that readers interested in more information about AI read the article. (See Figure 1.)

¹ <http://www.gartner.com/newsroom/id/3412017>.

² <https://www.cbinsights.com/blog/artificial-intelligence-startup-funding>.

³ Adam Ziegler, "Robots and Lawyers: Why Can't We Just Be Friends," *Bloomberg Law BigLaw Business*, February 2, 2016.

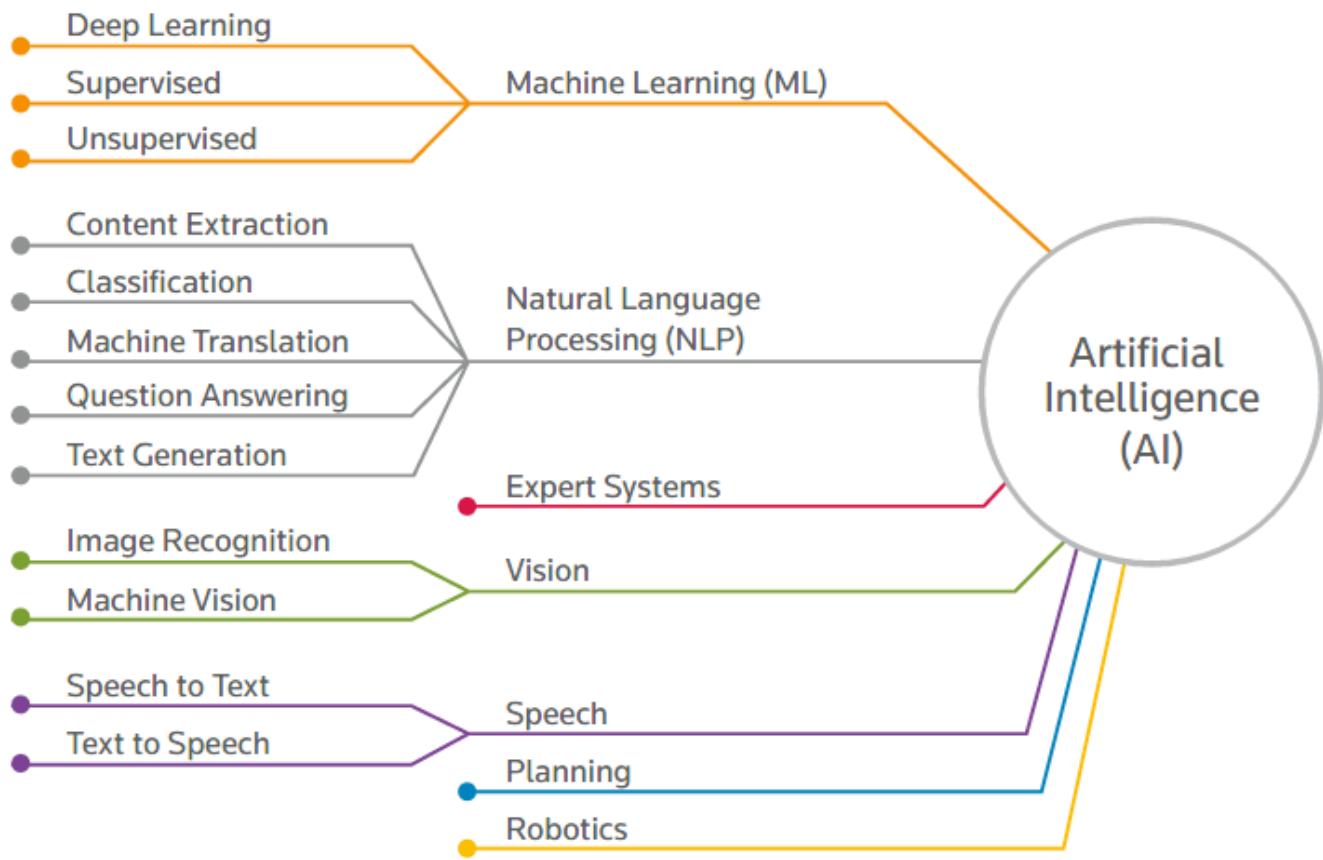
⁴ Altman Weil, 2015 *Law Firms in Transition Survey*, http://www.altmanweil.com/dir_docs/resource/1c789ef2-5cff-463a-863a-2248d23882a7_document.pdf.

⁵ Michael Chui, James Manyika, and Medi Miremadi, "Four Fundamentals of Workplace Automation," *McKinsey Quarterly*, November 2015.

⁶ Remus, Dana and Levy, Frank S., *Can Robots Be Lawyers? Computers, Lawyers, and the Practice of Law* (November 27, 2016). Available at SSRN: <https://ssrn.com/abstract=2701092> or <http://dx.doi.org/10.2139/ssrn.2701092>.

⁷ <https://www.nytimes.com/2017/03/19/technology/lawyers-artificial-intelligence.html>. (Disclosure: the authors' employer, Wilson Sonsini Goodrich & Rosati, is referenced in the article.)

⁸ Michael Mills, "Artificial Intelligence in Law: The State of Play 2016," Thomson Reuters Legal Executive Institute, February 2016.

Figure 1. What Can AI Do? Summary Diagram

Five types of AI described in the Mills article are of particular interest, as noted below. We paraphrase Michael's descriptions because they are so well-written. We also provide a few examples of products and services that employ AI for legal use cases, although the field is growing rapidly with new entrants to the market.⁹

1. **Natural language processing (NLP):** the ability of computers to understand human language as it is typically spoken or written. Online legal research tools are classic examples of this, e.g., Lexis, Westlaw, Bloomberg, and, more recently Fastcase, RavelLaw, CaseText's CARA, and ROSS. Legal document drafting tools such as LitIQ and Legal Robot also utilize NLP.

2. **Machine learning:** the ability of software to learn and perform better without being explicitly programmed. Technology-assisted document review for discovery is the classic example of this. An attorney reviews several sets of "seed" or "training" documents while the AI tool learns from the review as it is undertaken until it comes to recognize responsive and non-responsive documents. The AI tool then reviews its own set of seed documents, which are then QA'd by the attorney; the back-and-forth continues until the attorney is satisfied that the AI tool can review documents at least as accurately as the lawyer. Electronic discovery platforms that facilitate technology assisted review and predictive coding are among the products that make use of machine learning.

⁹ Sources for new product announcements and other developments relating to AI and law include <https://www.artificiallawyer.com> and <https://www.legaltechnology.com>.

3. **Predictive analytics:** the use of data, algorithms, and machine-based learning techniques to identify the likelihood of future outcomes based on historical data. A good example of this is Lex Machina, which can forecast probable outcomes of patent litigation based on a large database of past case data. Similar examples include RavelLaw, Casenote, and LexPredict.
4. **Expert systems:** computer systems that emulate the decision-making abilities of human experts. A good example is Neota, which uses several AI techniques to provide fact- and context-specific answers to legal, compliance, and policy questions. Several law firms have licensed Neota to provide client-facing tools, including Akerman's Data Law Center, Littler Mendelson's Compliance HR, Seyfarth Shaw's Disclosure Dragon, and Clifford Chance's MiFID II Toolkit. Other examples include Visirule and A2J Justice.
5. **Contract analysis:** these apply natural language and machine learning techniques to help mine legal agreements for due diligence purposes. Examples include Contract Standards, eBrevia, Kira, RAVN, Luminance, LawGeex, and Seal Software.

Reasons to Use AI

Law firm and in-house attorneys should use AI tools because they help lawyers deliver more value to clients, whether individuals or entities. Law firms, in particular, are (rightly) under pressure to deliver more value to clients, in the form of lower costs, increased predictability, and improved outcomes.¹⁰ Client demand for outside counsel hours has not been growing over the past few years.¹¹ Corporate law departments have been finding more efficient and cost-effective ways of meeting their legal needs, whether by spending more on in-house counsel or by sourcing legal services to alternative providers such as second-

ment and temporary placement firms, law "advice" companies, virtual networks of lawyers, and legal process outsourcers. The 2016 Altman-Weil CLO survey showed that law department spending on these "alternative" providers grew from 3.9% of a department's budget in 2012 to 6.2% in 2016.

AI tools, implemented effectively, can help a firm with each element of the client value equation: lower costs, increased predictability, and improved outcomes. AI-based document review tools can speed up the discovery and due diligence processes while delivering higher quality and more consistent results. AI-based legal research tools can do the same. AI-driven and litigation-focused predictive analytics tools can help litigators make better decisions on strategy, venue, negotiating stance, and other critical case management variables. Expert systems can lower the costs and increase the predictability and accuracy of answers to routine legal questions.

AI tools, implemented effectively, can help a firm with each element of the client value equation: lower costs, increased predictability, and improved outcomes.

And there is some evidence that successfully implementing technology results in superior business outcomes for law firms. For example, the September 2015 Thomson Reuters Peer Monitor survey revealed that 71% of upper-tier firms had implemented matter management technology to monitor progress and budget status, versus only 47% of lower-tier firms. Similarly, 71% of upper-tier firms had implemented document review software that used predictive coding based on a "seed sample," versus only 35% of lower-tier firms. So, while correlation is not causation, there is some indication that superior law firm financial performance and more ambitious technology implementation (including AI) are related.

¹⁰ See the Value Challenge issued by the Association of Corporate Counsel at <https://www.acc.com/valuechallenge/>.

¹¹ <http://www.corpcounsel.com/id=1202771430876/Legal-Departments-Are-Decreasing-Outside-Counsel-Spend-Study-Finds>.

How Law Firm Professional Development Programs and Professionals Can Promote and Use AI

As with the changes in technology that have preceded AI (email, mobile devices, cloud applications), the use and adoption of AI into law firm business and learning processes will happen gradually. Law firm professional development leaders should consider the influence of AI on the practice from two perspectives: How it will change the skills needed by attorneys to deliver value to clients, and how it will change the processes and methods by which attorneys acquire new skills. PD leaders can help advance the effective use of AI in their firms by taking a few proactive steps designed to expose and educate attorneys about AI applications, and by exploring ways that firm PD, HR, and other departments might use AI for firm business projects.

1. Learn the practical applications of AI in law

Tactically, how can law firm PD leaders increase awareness of AI? The first step is to educate themselves and the attorneys who champion PD at the firm, perhaps by reading the Michael Mills article referenced above. Artificial intelligence sounds intimidating — but, in reality, AI tools (at least so far) primarily tackle the mundane aspects of legal work. The most common use of AI in law firms to date is for e-discovery, since most litigators are now familiar with technology-assisted document review and predictive coding. Other legal AI tools currently on the market are being used in law firms and legal departments for tasks such as:

- *Due diligence* — Tools are taught to “read” contracts and automatically extract key concepts like term, termination, renewal, change of control, assignment, and indemnity. Analytics engines can parse through contracts much faster than teams of junior attorneys, though each law firm or law department should assess for itself whether the resulting work product is at least as accurate as that delivered by those attorneys.

- *Litigation case and outcome evaluation* — Tools analyze public litigation filings to identify outcome trends and comparative analyses of outcomes by type, judge, length of case, and other key factors that can influence case strategy. Other tools analyze case-specific documents and flag issues or trends revealed in the documents, which can help lawyers conduct early case assessment.
 - *Drafting* — Tools point out inconsistencies in terminology, vague language, definitions, and other drafting errors in standard agreements.
 - *Legal research* — Case law research is automated based on text and citations contained in legal briefs, which are used by the system to identify relevant prior court decisions. Other systems respond to questions involving specific areas of law posed in natural language, with answers and supporting legal authority.
 - *Legal expert systems* — Legal advice on specific topics is automated based on a question and answer interface. Subject matter experts, generally attorneys, program the expert systems, although attorneys may also be end users.
- ### 2. Foster attorney awareness of available AI tools
- Teaching lawyers to recognize opportunities to use AI will be as or more important than the nuts and bolts of how to use specific AI tools. Many law schools are already targeting this need by offering courses on legal technology, data, and coding. For example, a Stanford course on Legal Informatics and the Law has been replicated in many other top law schools.¹² Georgetown Law hosts an annual “Iron Tech Lawyer” competition in which law students develop applications that solve legal problems,¹³ and several other law schools host or sponsor “legal hackathons” at which law students and software coders work together on projects. Some law schools offer classes that provide practical examples of how technology is being success-

¹² <https://law.stanford.edu/codex-the-stanford-center-for-legal-informatics/>.

¹³ <http://www.law.georgetown.edu/academics/centers-institutes/legal-profession/legal-technologies/>.

fully paired with legal functions such as document review, legal research, and due diligence.

But most law students and first-year associates don't yet have context for these tools in practice. Law firm professional development leaders have an opportunity — and, increasingly, an imperative — to expose seasoned professionals to the availability and promise of AI tools. Experienced practitioners already have a deep understanding of existing legal tasks and workflows. Once they understand how AI can be used to expedite repetitive tasks, they can fully appreciate the potential for these tools to enhance their practice and increase the value of their services to clients.

3. Identify AI tools appropriate for your firm's practice

PD leaders should first learn how AI is used at their firms, perhaps by talking with the administrative leaders most likely to be involved with AI, such as the CIO, CKO, and leaders of e-discovery, innovation, and project management. Given the breadth of use cases, AI tools can "live" in a variety of business units within a law firm. The library is often a proponent of AI legal research tools, while litigation support may have e-discovery and litigation analytics tools.

PD leaders may also play a valuable role in evaluating which AI tools would be of high value to the firm and clients, and in assessing the probability of their successful adoption within the firm. AI tools for lawyers and legal professionals are already proliferating. As with other technology products, some will work better than others, and some will be better aligned with a firm's practices than others. Well-designed training programs are based on typical practice scenarios, or "use cases"; PD leaders can help colleagues assess the value of AI tools by providing these "use cases" to use in tool evaluation. In addition, PD leaders typically understand their firms' practices well and can help assess whether a tool will effectively replace or improve real-world tasks, rather than just being a solution in search of a problem.

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4. Use AI Tools in attorney training

PD leaders can help maximize the adoption of AI tools by integrating them into educational sessions and reference materials. For example, if a firm licenses a tool to help with due diligence, associates should learn when, why, and how to use the tool as part of their basic training on conducting due diligence. By focusing the training on the task and desired result, rather than on the AI tool, the learner will contextualize the role the tool plays and adopt its use as part of the larger process.

Similarly, if a firm subscribes to a legal research tool that incorporates AI, the PD leader should work with the firm's librarians or other information professionals to develop a curriculum that explains how the tool works and what input is required from the attorney to secure high-value results. One should not assume that just because the tool performs a familiar task (legal research) that it works the same way as Westlaw or Lexis.

Finally, PD leaders can help increase AI adoption by (a) using their expertise to create how-to learning modules for AI tools and (b) embedding pointers to the tools in their practice guides and other learning resources.

Apply AI Tools to PD, HR, and Other Law Firm Business Unit Projects

AI also has the potential to change the way new information and training is delivered to attorneys. Learning management systems are already incorporating features such as suggesting tutorials based on prior coursework or patterns of consumption. Online learning platforms increasingly incorporate intelligent tutoring systems, which interpret human responses and

learn as they operate, adjusting their feedback style and content focus to align with students' learning needs. These features will become common in learning systems deployed in law firms and legal departments.

But PD leaders can also leverage existing legal AI tools to provide coaching and training for lawyers. For example, if an attorney uses a drafting tool when writing an agreement, she will learn what types of definitions or clauses are flagged by the tool, and avoid using them going forward. Further, curriculum can be developed based on observing and getting feedback from lawyers using the drafting tool, to identify the common errors and misunderstandings.

Document automation tools embed instructions in the question and answer workflow that explain the reasons for certain document provisions, and can alert the attorney to complexities or pitfalls associated with the choices presented as options. Expert systems go a step further, and actually make decisions based on user input, while also advising the user of the basis for the outcome. Internal training curricula can incorporate these tools as exercises to illustrate the practical application of concepts presented in training sessions.

PD leaders are also uniquely suited to help their organization's talent acquisition and retention teams effectively use AI tools. Intelligent résumé screening is one example. Using a machine learning algorithm, the tool trains itself on prior employees to learn what résumé characteristics correlate with successful employees, and then searches for those same characteristics among job applicants. PD leaders know who those successful employees are and what qualities distinguish them, and can therefore be invaluable when "training" a tool to recognize success indicators.

PD leaders are also uniquely suited to help their organization's talent acquisition and retention teams effectively use AI tools.

On the talent retention side, predictive analytics can be applied to employees to predict which ones are likely to quit. A predictive model may use variables such as email volume, job tenure, commute distance, employee engagement, and compensation to flag possible flight risks. If the employee flagged as a flight risk is someone the organization values and would like to retain, a professional development specialist is well-suited to subtly intervene and find out if that employee needs additional training or support to increase their job satisfaction.

Looking Ahead

AI represents a win-win opportunity for law firms. Effective use of AI can improve the value and quality of services delivered to clients, and increase attorney job satisfaction and retention of legal talent. Clients will increasingly refuse to pay hourly rates for teams of law firm junior associates to review documents when a machine can do that task at least as well in a tenth or less of the time. Attorneys who leave the profession often cite burnout as the cause, and point to repetitive tasks such as due diligence reviews or discovery as taking the greatest toll on their work satisfaction. AI tools may reduce the amount of time young lawyers have to spend on these tasks, leaving them able to focus on legal strategy and analysis — the reasons they went to law school in the first place.

About the Authors



Chris Boyd is the Senior Director of Professional Services for Wilson Sonsini Goodrich & Rosati (WSGR), an 800-attorney firm headquartered in Palo Alto, California. Chris leads the teams that recruit, develop, and retain the firm's attorneys. In the areas of knowledge management and professional development,

the team designs, develops, and markets learning tools that give each WSGR professional the skills and knowledge required to deliver maximum value to clients, such as substantive legal training programs, professional skills group classes and one-on-one coaching, model and sample forms, profiles of past deals and cases, and expertise locators.

After college, Chris was a management consultant for two years and then went to law school. After clerking for a Ninth Circuit judge, Chris worked as a corporate attorney at WSGR in the mid-1990s, where he managed numerous technology company initial public offerings, venture capital financings, and acquisitions. After deciding he no longer wanted to practice law, he left WSGR and led the knowledge management programs at several Internet start-ups. He rejoined WSGR in November 2001.

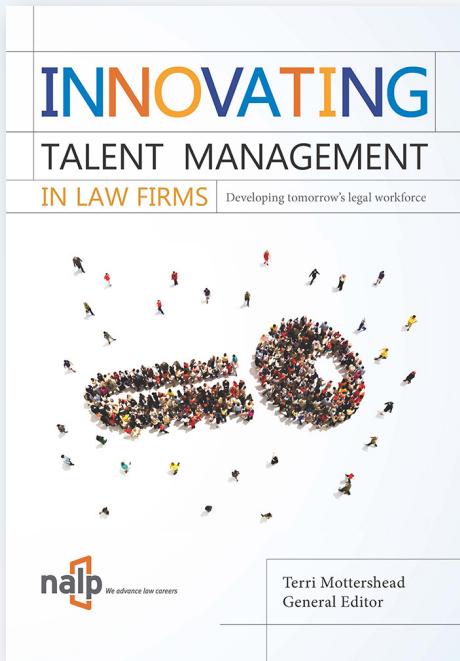


Amy Halverson is the Senior Manager of Knowledge Management at Wilson Sonsini Goodrich & Rosati, where she leads the firm's knowledge management program. An attorney and former litigator, she focuses on the creation of firm-wide knowledge-sharing practices and process improvements that increase

the value provided to clients. After several years as a litigator, she left private practice to direct the online editorial operations of a national legal news and information website. She then returned to the law firm environment, where she calls upon her legal and web project management experience to facilitate the development of tools that capitalize on existing law firm workflows, and optimize the processes, systems, technologies, and resources used for the practice and business of law.

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Professional Development & Talent Management



Innovating Talent Management in Law Firms

General Editor, Terri Mottershead, 2016

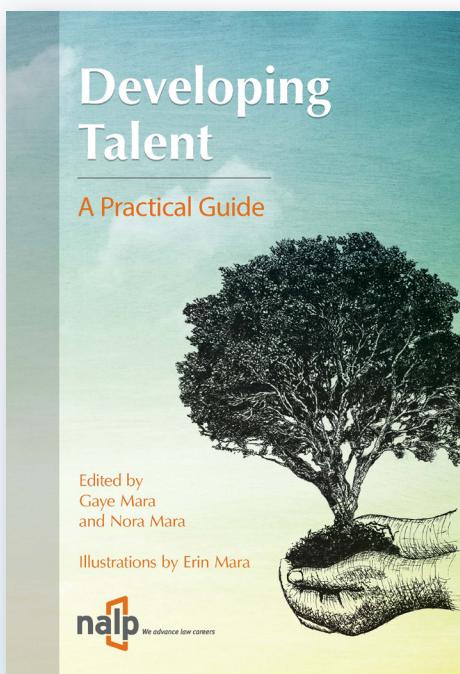
Innovating Talent Management in Law Firms brings together the experience of talent management/HR/professional development/experiential learning specialists from law firms, law schools, and legal consultancies in the US, UK, and Australia. The book's 19 authors believe the time has come to reflect on the past, present, and—most importantly—the future of law firm talent management.

As innovation, disruption, and invention continue to take hold of the legal industry, talent management professionals are uniquely placed to advise, support, and shape what the future will look like. Providing helpful tips, tools, and suggestions that support talent management professionals in their work as change agents and intrapreneurs, *Innovating Talent Management* acts as a resource for law firm leaders, legal department leaders, COOs, and CEOs as they consider their growth strategies and business priorities in the next decade. Law schools will also find the book helpful as they review and relaunch their curricula to prepare graduates for the 21st century legal marketplace.

The guide is organized into three sections: Lawyers, Law Firms, and Innovation; Innovating Talent Management and Learning — From Law Schools to Law Firms and Beyond; and Where Does Talent Management Go From Here?

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Developing Talent: A Practical Guide

Edited by Gaye Mara & Nora Mara, 2016

Developing Talent: A Practical Guide presents the expertise of 38 PD professionals in one comprehensive handbook that draws content from updated versions of previously published *PD Quarterly* articles. Beginning with the mission of professional development, the guide is organized into six major sections:

- Aligning Talent with the Goals of the Firm: Strategic Professional Development;
- Building a Solid Team;
- Strengthening Instructor-Led Training;
- Promoting Work-Based and Informal Learning;
- Sustaining Firm Momentum; and
- Supporting Individual Goals: Career and Personal Development

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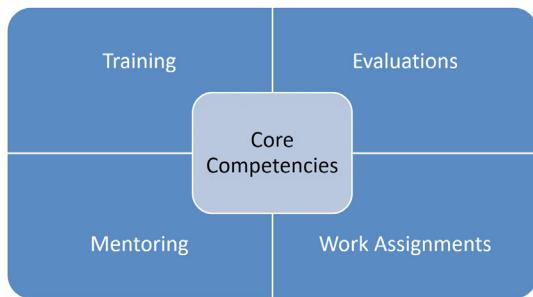
Five Key Strategies for Partner Professional Development

by Kay Nash

These five strategies recognize that successful partner professional development goes beyond individual development to focus on development of a lawyer's practice.

In Ida Abbott's landmark book, *Lawyers' Professional Development: The Legal Employer's Comprehensive Guide* (2nd Edition, NALP, 2012), she describes the essential framework for associate professional development. The key elements of an effective associate development strategy are training, evaluation, work assignments, and mentoring, with an underlying competency model anchoring all aspects of an effective professional development strategy. (See Figure 1.)

Figure 1.



As law firms began to successfully implement and refine these strategies for their associates, a significant trend began to occur within the law firm world — the need for partner professional development frameworks.

In my own firm, our associates "grew up" in a system where constant formal and informal training was provided, a robust evaluation system was in place, and two formal mentoring programs were designed and implemented as part of our management of associates.

As time went by, associates who had enjoyed access to these professional development structures were then promoted to

partner. These partners realized that they had entered a new professional level in their careers with very little formal training, no formal competency model, and very little feedback. They had returned to the old black box.

Part of this struggle occurred because the prior associate methodology for professional development simply does not apply to partners. Partners will not attend dozens of in-house training programs, they are hesitant to provide robust written feedback to their partners, and there is a stigma or reluctance to have a "mentor" after you have reached partnership. By then, the theory is that you "should" know what you are doing.

Partner professional development is very different from associate professional development. As Tim Leishman has discussed and written, associate professional development is about the development of the lawyer's *skills*. Partner professional development is about development of the lawyer's *practice*.

Our Managing Partner, Peter Shields, recognized the need for the creation of a program around partner professional development. To best do that, we went to the expert — Tim Leishman — and asked him to help us develop our Partner Professional Development Committee and provide guidance on the activities and functions of the committee.

In 2014, we created our Partner PD Committee to provide programming and initiatives to help partners develop their practices. The focus of the committee is to provide development support for partners in their first eight years of partnership.

During the past three years, we have refined and articulated the strategies that have worked best in our model. The framework for partner professional development can best be represented by the image shown in Figure 2.

Figure 2.

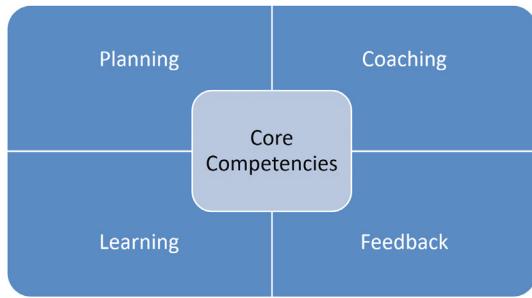


Figure 2 outlines the five key strategies for partner professional development. In my work with partners and our committee, we have tried to best apply and implement an approach that supports our partners without causing undue burdens in their daily practice. A discussion of each strategy follows.

Strategy 1: Competencies

In a true strategic approach to professional development, competencies would be developed first and then training and feedback designed in alignment with those competencies. At Wiley, we developed the other aspects of PD first before development of a competency model.

Additionally, our competencies are a bit different. With the help of a consultant, the firm sought to capture the qualities and behaviors of partners so that they could be appropriately recorded, communicated, and measured in the partner compensation process.

These attributes fall into seven areas outlined in Chart 1, which also provides a short definition of the types of skills involved in each attribute.

These factors are used in the evaluation process for partner compensation. First, partners must rate themselves on a five-point grading scale on the development of these elements of

their practice, and, second, firm management will evaluate each partner on these factors as part of their discussion of the partner's compensation for the upcoming year. Although they are primarily a self-evaluation tool, these factors also provide a framework to provide feedback to partners on areas where they may need further development.

As a firm, we try to provide learning opportunities to support advancement of these factors in what we do for partners. This helps our committee create their road map for the year in terms of training programs or other learning experiences we should provide.

Chart 1. Partner Attributes and Types of Skills Involved

Attribute	Types of Skills Involved
Legal Skills and Service Quality	Client service, responsiveness, judgment, efficient handling of matters, defined areas of expertise
External Brand Enhancement	Bar and industry group activities, external recognition as a referral source, enhancement of the firm's brand
Talent Development	Mentoring and teaching of others, creating effective teams, leveraging their own time appropriately to develop others
Management/Leadership	Effective management of practice and firm responsibilities, commitment to diversity and inclusion, sponsorship of others, leadership qualities
Financial Accountability	Management of fiscal matters including time entry, billing, pricing, managing of alternative fee arrangements (AFAs), client collections, and other financial matters.
Business Development	Participation in marketing and business development activities, networking, speaking/writing, relationship building
Personal Attributes	Emotional intelligence, collegiality, respect, team player

Strategy 2: Planning

Because partner professional development is about the development of practices, an annual business plan is an essential

strategy for development. As part of our partner professional development efforts, in conjunction with our business development department, the firm created a standard template for all partners to implement on an annual basis. While it is not required by the firm, many of our practice groups have implemented a mandatory approach to business plans for each partner. Our Chief Marketing Officer conducts an annual program on how to develop and write a plan, and members of the business development team are available to give feedback on the plan and provide brainstorming ideas. I will often work individually with partners who need a “second set of eyes” or are feeling particularly overwhelmed with developing their plans.

The business plan becomes the foundational piece of each partner’s marketing, business development, or practice development efforts throughout the year.

Elements of the business plan include:

- Current practice description
- Current clients
- SWOT analysis
- External branding (conferences, publications, press outreach)
- Associations/bar activities
- Internal branding
- Prospective clients
- Networking contacts

The plan also includes a list of actions for the partner to undertake to help further the business plan. As a best practice, the plan should be shared with the practice group leader so that the individual activities of the partner are in alignment with the strategic focus of the group and so that any cross-over actions and goals can be identified within the group. Central to the planning process is creating some accountability framework for follow-up on the plan. This follow-up in our firm rests with the business development team. Each practice group has a business development manager who can work with individual partners on the implementation of their plans.

Strategy 3: Coaching

We have developed several different approaches to coaching as part of our partner PD strategies. First, each year the CMO, our Managing Partner, and I meet to review which partners are at a key “tipping point” in their practice. Are they on the threshold of developing larger books of business? Are they working on developing a substantive niche in an emerging area? Do they have organizational or time management hiccups that need attention? Through those discussions, we create the best coaching framework for each partner. Our primary focus, again, is on partners in the first eight years of partnership.

This is an ideal place for professional development professionals to work with the business development team. In the past several years we have used the following coaching initiatives as part of our partner development program:

- One-on-one coaching (external coaches)
- One-on-one coaching (either the CMO or Chief Talent Officer as coach)
- Peer coaching groups (either facilitated by a member of firm management, or the CMO or CTO)
- Larger coaching groups as part of a business development “challenge” program (teams compete to reach BD goals)

We have found that having just one coaching strategy does not fit all partners. Therefore, we use our annual meeting to determine the best framework for each partner. One-on-one coaching has been used for both high-potential partners and those who need some targeted help.

We have found that having just one coaching strategy does not fit all partners.

Peer coaching groups work best for partners who are at a similar stage in the development of their practices. In one of our peer groups, we selected six to eight partners to participate in the group to meet every other month to discuss progress on their

plans. We found that partners enjoyed these check-in meetings (which we typically held over lunch in a conference room), and they were able to share challenges and opportunities related to implementing their plans as well as general status updates. I served as the “facilitator” for the groups and helped brainstorm ideas, generated solutions for moving through stumbling blocks, and generally provided positive encouragement and support.

When creating the right coaching strategies for partners, the CMO and I usually have three or four individual coaching “clients” each per year. These may be high-potential partners for whom individual coaching is the best fit for the practice plan, or partners who need to develop some professional development skill such as time management, presentation skills, or another competency. Having professional development or business development professionals conduct this kind of coaching adds value to the firm by using internal resources, but also allows connections to be made through the coach’s awareness of other partners’ plans and practice group strategies and through the coach’s access to firm management as needed. Coaching also provides a supportive process for seeking and obtaining feedback.

Strategy 4: Feedback

In the associate professional development model, the evaluation process and related feedback form an important part of the developmental framework. Likewise, for partners some feedback structure, whether formal or informal (or somewhere in between), is essential so that partners recognize their own strengths and areas of focus.

At our firm, informal feedback generally happens around the actions and goals articulated in the business plan. Either the practice group leader or a more senior partner will provide general ongoing feedback on the partner’s goals for the year.

More formally, each partner provides a self-evaluation at the end of the year that is fed into the partner compensation process conducted by firm management. The self-evaluation asks that the partner articulate their three to five top contributions

during the year and asks that they measure themselves against the partner success factors (described above). After the partner compensation process is concluded, each partner receives a one-on-one meeting with two members of the firm’s management committee and is given feedback on their self-evaluation, their contributions, and the firm’s views on the partner’s practice development and management efforts.

Strategy 5: Learning

At the inception of our Partner PD Committee, we spent some time trying to identify how much formal programming to offer our junior partners. Our leadership felt that we should offer quality over quantity when it comes to partner training (or, better, learning). After three years of practicing this strategy, it has proven to be effective. If business development plans, coaching, and feedback are in place, formal learning opportunities should be minimal.

Our goal was to offer one formal program per quarter. These programs focused on the success factors for partners and the strategic goals of the firm. For example, as clients began to become more focused on value pricing and budgeting, we offered programs in those areas.

We owe much of the success of our formal training programs to Tim Leishman, whom we engaged to help us conceptualize our partner professional development efforts and kick off our formal programming by leading a session on what exactly professional development for partners means and how it works in practice. Tim also provided an introduction to the methods and strategies for partners to develop their practices that was highly successful. A sampling of our formal learning initiatives can be found in Chart 2.

Our strategy is to offer two programs per year using outside presenters in larger workshop-style formats — for example, our Legal Project Management Skills Workshop (which was a full-day program led by Susan Lambreth of LawVision) or the Legal Lean Sigma program (another full-day program led by Catherine Alman MacDonagh).

The committee decides whether the program should be opened to all partners or reserved for our target group on a program by program basis. The group interaction tends to be more successful when it is just our target group of junior partners.

Chart 2. Formal Learning Initiatives

Partner and Of Counsel Factor	Learning Program
External Brand Enhancement	<ul style="list-style-type: none"> Nonprofit Board Service: Making a Difference for You and Your Organization Presentation Skills
Talent Development	<ul style="list-style-type: none"> Leadership Essentials for Developing Cultural Competence Diversity & Inclusion: Best Practices for Lawyers and Law Firms
Management/ Leadership	<ul style="list-style-type: none"> Informal Partner Professional Development Lunch: Self-Evaluations and Feedback Leadership Development: Expanding Your Contributions as a Partner I & II Legal Project Management Skills Workshop Legal Lean Sigma White Belt Certification Workshop Partner Leadership Workshop: Lessons from Gettysburg Handling Difficult Client Conversations Best Practices for Team Leadership and Management
Financial Accountability	<ul style="list-style-type: none"> Tips and Tricks for Developing Budgets Financial Dashboard Training Best Practices for Alternative Fee Arrangements
Business Development	<ul style="list-style-type: none"> Building Your Business Plan Client Service: The In-House Lawyer Perspective Networking and Business Development Generating Your Brand Through Social Media

Finally, there are activities that your firm likely engages in currently that are, in fact, partner professional development learning moments. Harnessing these kinds of initiatives and “taking credit” for them as partner professional development initiatives can be immensely helpful to your firm.

We always offered a formal Partner Orientation and an informal luncheon on “What I Wish I Knew as a New Partner.” After starting our committee, we realized that our junior partners simply wanted to learn by spending time with more senior partners. As one of our committee initiatives, we created small groups of three to four junior partners and paired each group with two members of our management committee for external lunches at a restaurant. There was no formal agenda at these lunches other than for the junior partners to be prepared to ask questions about firm management, strategy, how the senior partners developed their practices, or other related topics.

These lunches proved to be a huge success and gave us positive internal recognition for our efforts.

Four years after launching our partner professional development initiatives, they have now become part of the culture of the firm. Lifelong learning for our lawyers is expected, and respected, within the firm. It is not without hard work; however, the five strategies outlined above can be implemented with as much or as little scope as is necessary for your firm. The key above all else is to have committed leadership who believe in talent management and support the concept of partner development. Through that vision and the development of these strategies, the success of our partners comes from both their individual development and also the development of their practices, which ultimately supports the firm’s long-term growth and success.

About the Author



Kay Nash is currently the Chief Talent Officer at Wiley Rein LLP in Washington, DC. Kay has over 20 years of experience in the areas of talent management and career development. Her experience includes the development and implementation of firm-wide legal talent, human resources, and strategic initiatives.

Turbulent Times Lead to Meaningful Professional Development

by Jill R. Long

In the wake of an executive order on immigration, some of the associates on Lane Powell's pro bono team suddenly found themselves taking leadership roles in complex national legal issues.

In the wake of President Trump's executive order issued on January 27, 2017, that prohibited travel to the United States from seven Muslim-majority countries, the pro bono team at Lane Powell in Seattle, Washington, suddenly found itself in the middle of an immediate response by the Seattle legal community. The order immediately affected about 90,000 people — including hundreds of people impeded from returning to or entering the U.S. with valid green cards and visas. This included travelers at Seattle-Tacoma International Airport (Sea-Tac), and the Seattle legal community immediately came to the aid of those being detained at Sea-Tac.

Lane Powell has had a long history of doing pro bono work for the Northwest Immigrant Rights Project (NWIRP) as part of our pro bono efforts. The firm's partnership with NWIRP has provided hundreds of hours of meaningful pro bono work to our attorneys over the years. But on January 27, 2017, it turned into a different type of opportunity, especially for one of our associates.

By Saturday, February 4, Lane Powell was at Sea-Tac, speaking to people in the arrival area who had been detained by immigration authorities. By Sunday, February 5, lead Lane Powell associate Heidi Anderson became part of an ever-growing contingent of Lane Powell attorneys who were part of an even larger, city-wide team performing "legal triage" at the airport to identify and assist people who needed to file *habeas corpus* petitions or required other assistance.

After the rush of the initial response, the Lane Powell team,

captained by Heidi Anderson, took the lead in organizing the entire city-wide effort. Heidi coordinated all of the resources from other major Seattle firms, and, working closely with NWIRP, the ACLU, and the American Immigration Lawyers Association, created the strategy for the city-wide effort. Over 130 volunteers (including more than 20 from Lane Powell) immediately volunteered, and with Heidi's leadership and strategic organization, Sea-Tac had ongoing on-call assistance. With four three-hour shifts per day staffed by volunteer attorneys and on-call immigration attorneys, Heidi's leadership was critical to make sure the effort was successful.



Pictured: Lane Powell Associate Greg Pyle, Partner Mike Nesteroff, and Associate Taylor Washburn.

From a professional development perspective, many of our associates found meaningful pro bono work by staffing the volunteer shifts at Sea-Tac. But Heidi took the kind of leadership role that is often relegated only to partners in a law firm environment. Heidi set the strategy and vision with strategic partners and took the lead role on implementation. It also

brought high-profile regional exposure to the firm and to Heidi personally. Heidi was interviewed by the local news station in Seattle regarding the immigration work, as well as being the main point of contact for the entire city-wide effort. This kind of high-profile community exposure can be a big moment in the career development of an associate.

Heidi had the support of the firm behind her and, coupled with the deep personal meaning she found in the work, was absolutely flawless in how she managed the spotlight and project. Heidi comments: "Often leadership opportunities emerge by simply recognizing a problem and providing a solution. When the Trump Administration issued its January 27 executive order, I watched as attorneys throughout Seattle (and the country) rushed to airports to help affected travelers. It quickly became clear that the struggle was not in recruiting volunteer attorneys, but in volunteers finding each other and affected travelers in the chaos of a busy airport, scared friends and family waiting for loved ones, and swelling protests. So instead of going to the airport (I am not an immigration attorney), I spent that first Saturday night after the first travel ban in front of my laptop monitoring social media and a never-ending string of emails to coordinate volunteer attorneys and interpreters crashing Sea-Tac Airport to provide assistance. By the end of the weekend, and subsequently with the unwavering support of Lane Powell and our Pro Bono Coordinator, I became a central point of contact for the Sea-Tac Airport volunteer effort. I am so proud of the message that Lane Powell and the Seattle legal community sent to our immigrant communities and visitors through this effort: 'You are welcome and there are attorneys ready and willing to fight for your right to be here.' That delivering this message came with an opportunity to demonstrate leadership and build relationships throughout the Seattle legal community was simply icing on the cake."

The leadership taken by Heidi in the airport lawyers staffing also provided Lane Powell with the opportunity to take a proactive position in anticipation of the need for future rapid response efforts, which could be immigration related or in response to other emergent issues. Seattle pro bono partner

Claire Davis organized a Lane Powell Rapid Response Team, which, in addition to the work at the airport, was called upon to file two *amicus* briefs in immigration-related lawsuits.



Pictured: Lane Powell Associate Heidi Anderson is shown being interviewed by the local news.

In an internal firm statement, Claire stated, "We have been very grateful for the support we have received from firm leadership, and inspired by the overwhelming response that we have gotten from both attorneys and staff. Since the legal ground is shifting on a day-by-day basis, it is hard to know how much longer the airport response team will be needed, but we hope we will also be able to channel this enthusiasm into the firm's other worthy pro bono projects."

The opportunity to channel Lane Powell's enthusiasm into new pro bono projects came quickly when *Washington v. Trump* was filed in the U.S. District Court and heard by U.S. District Court Senior Judge James Robart. In an interesting twist of history and legacy, Judge Robart is a former Lane Powell managing partner and spent his entire esteemed legal career at Lane Powell before joining the judiciary in 2004. Although none of the attorneys who worked on the *Washington v. Trump* case personally knew Judge Robart during his time at Lane Powell, knowing his role in the firm legacy was inspiring.

In response to *Washington v. Trump*, the Lane Powell Rapid Response Team was deployed. On behalf of eleven law professors, Lane Powell filed an *amicus* brief addressing the standing of the State of Washington to pursue its lawsuit to halt the executive

order. The State cited the Lane Powell *amicus* brief during the hearing before the District Court, and the District Court's order aligned with the brief's reasoning on the standing issue.

The issue of whether a state has standing to challenge a federal law raises interesting questions that are not often litigated, and which were key to this case. It provided a very rare opportunity to associates Jessica Walder and Aaron Schaer to take leading roles in the research, analysis, and writing of the *amicus* brief that clarified a very difficult area of the law. Similar to Heidi's experience, not only was this an exciting chance to work on a complex legal issue, but it also was deeply aligned with both Jessica and Aaron's personal beliefs. The case was an incredible alignment of both professional and personal values in action.

The issue of whether a state has standing to challenge a federal law raises interesting questions that are not often litigated, and which were key to this case.

Jessica and Aaron's involvement did not end with the District Court briefing. On Monday, February 6, 2017, Lane Powell filed an *amicus curiae* brief with the Ninth Circuit on behalf of the eleven law professors addressing the same standing issue.

On Tuesday afternoon, February 7, 2017, a panel of the U.S. Court of Appeals for the Ninth Circuit heard argument on whether to stay the temporary restraining order (TRO) issued Friday, February 3, 2017, by U.S. District Court Senior Judge James Robart in *Washington v. Trump*. The TRO immediately suspended implementation nationwide of key sections of the executive order banning travel to the U.S. from seven Muslim-majority countries.

While only four other *amici* filed briefs in the District Court, over a dozen groups appeared in the Ninth Circuit case, including leading technology companies, immigration law professors, civil liberties and immigrant rights groups, and former foreign policy officials, including former secretaries of state Madeleine

Albright and John Kerry. The State of Minnesota joined Washington as a plaintiff in the case, and attorneys general from sixteen other states filed briefs opposing the stay. To put it simply, this was a very big deal on a national level.

For Jessica and Aaron, the chance to take a significant role in this case in the national spotlight was the kind of professional development opportunity that just does not come along very often.

Aaron Schaer says, "I couldn't have imagined that, as a second-year associate, I'd be working on a case that had gripped the whole country. And not just working on it — I was helping to lead our research and brief writing, brainstorming on late-night calls with senior associates and shareholders, and working directly with our clients. And in my few down moments when I would turn on the news to unwind, all the networks were talking about the case, showing the demonstrations at the airports and in the streets. It felt like a once-in-a-lifetime case that came early for me. The amount of responsibility I had on such a high-publicity case has instilled a confidence that has propelled all facets of my work. I'm humbled to have worked on it, forever appreciative that I was given this opportunity at the start of my career, and proud that Lane Powell was out in front from the very beginning."

The amount of responsibility I had on such a high-publicity case has instilled a confidence that has propelled all facets of my work.

As the Director of Professional Development and Diversity, it was stunning for me to witness how our associates stepped up. We have a long tradition of using pro bono cases to provide training opportunities to our associates. Of course, the complex legal issues involved provided great research and writing training to our associates. But on the executive order case, there was so much more complexity to our involvement. There were very late nights and intense periods within the case (not unlike

other cases, of course) under very tight timelines. Our typical approach to pro bono staffing is to provide this type of opportunity while an associate has capacity, but for these associates because of the urgency of the situation, they were taking these roles on top of their regular caseload. And they did it because of how personally committed they were to the issues at hand. Aaron's comments make clear how when pro bono work aligns with personal values, the professional development opportunity is like no other.

Jessica Walder's experience was similar. She says, "Working on the *amicus* briefs was an amazing, enriching experience. When the travel ban came down, like many Americans, I felt angry, but not sure how to productively channel that energy into something that would make a difference. That weekend, my family and I went out to a demonstration, but I knew there had to be a way to use my law degree, even though I didn't have any immigration experience, to challenge the executive order. When the opportunity to work on the *amicus* brief came up, I jumped at the chance. What I loved about our *amicus* briefs is that it was a very interesting, niche issue of constitutional law. The issue was central to the determination of the case, and was robustly argued by both sides. It was a real rush to hear the Ninth Circuit get into the weeds on the issues we briefed. There were several *amicus* briefs filed in the Ninth Circuit travel ban cases, and ours offered a unique and helpful argument to the court. Being able to use my skills as a litigator to contribute to a case that I personally and politically felt so strongly about was a fantastic experience."

Lane Powell's ability to ignite our pro bono efforts to be part of these national issues was inspiring. Heidi, Aaron, and Jessica are shining examples of how pro bono opportunities can not only provide incredible professional development growth but also the opportunity to work on something that has deep personal meaning. Finding the silver lining in these turbulent times, I was proud to see how our firm and our associates contributed in such a meaningful way to this important national dialogue.

About the Author



Jill R. Long is a Shareholder and Director of Professional Development and Diversity at Lane Powell where she provides leadership and strategic direction for the firm's professional development and diversity programs. Jill oversees the design, implementation, and monitoring of a wide variety of programs related to the professional development of the firm's attorneys, increasing the firm's diversity, and fostering an inclusive work environment. She can be reached at 503-778-2147 or longj@lanepowell.com.

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First-Year Courses/Programs Focused on Professional Development and Professional Identity Formation: Many Flowers are Blooming

by Jerome M. Organ

A “Gathering” of 40 law schools explored varying approaches being taken to first-year courses/programs focused on PD and professional formation, lessons being learned along the way, and possible next steps.

Over the last several years there has been a profound growth in the number of law schools with first-year courses focused on professional development including professional identity formation. There are now at least 30 law schools with a required first-year course that has some intentional emphasis on professional development including professional formation.¹ Law schools appear to be motivated by two things in creating these courses. To some extent, law schools are responding to the call in *Educating Lawyers*² for law schools to focus more on the “third apprenticeship” of professional identity formation. They also appear to be responding to greater transparency regarding employment outcomes,³ along with a more challenging employment context over the last several years,⁴ in an effort to help their students have greater success as they seek meaningful employment following graduation.

On May 22-23, 2017, representatives from 40 law schools came together at the University of St. Thomas School of Law in Minneapolis, Minnesota, for the first “Gathering” of law schools with

first-year courses or programs focused on professional development including professional identity formation (“Gathering”). Twenty of the law schools in attendance had established courses or programs, while the other 20 law schools were attending because of an interest in creating a course or program. The Gathering, which was sponsored by the Holloran Center for Ethical Leadership in the Professions at the University of St. Thomas School of Law, was a great opportunity for people to “share notes.” There was a sharing of information about the courses and programs, including learning outcomes, credits, and grading. Participants from the 20 law schools with established courses or programs shared the “best” aspect of their courses or programs along with “lessons learned.” In addition, there were concurrent sessions on topics such as readings, exercises/simulations, and reflection questions that support professional identity formation, along with sessions focused on questions of structure and timing — who should teach it, when it should be taught, whether it should be required, whether it should be graded or pass/fail. The day ended with discussions of assessment possibilities and next steps to support this ongoing effort.

¹ The 30 law schools and their courses are described in Part 1 of this article.

² See William M. Sullivan, et al., *Educating Lawyers: Preparation for the Practice of Law* at pp. 14, 29-33, 126-144. (Carnegie Foundation 2007) (discussing the “third apprenticeship”).

³ Since 2011, with reporting of employment outcomes for the Class of 2010, the ABA has required law schools to publish employment outcomes using a standardized format that disaggregates results into defined categories and that makes comparisons across law schools much easier. The individual law school reports and aggregate data are available at <http://employmentsummary.abaquestionnaire.org/>.

⁴ See Jerry Organ, “[Comparing Class of 2016 Employment Outcomes with Class of 2015 and Class of 2014](#),” *TaxProf Blog*, May 19, 2017; Jerry Organ, “[Mixed Signals from the Legal Employment Market – Preliminary Results for the Class of 2015](#),” *Legal Whiteboard*, May 1, 2016.

In this article, I will first describe the varied approaches that law schools are taking regarding first-year courses or programs focused on professional development including professional formation. I then will discuss the most common learning outcomes identified for these courses or programs. I will briefly describe some of the highlights from the sharing of experiences at the Gathering. I will then conclude with some thoughts regarding the extent to which we can anticipate sustained momentum or even greater emphasis on professional development in the first year at other law schools.

1. Varied Approaches to Professional Development in the First Year

There are four categories we have used to organize the varied courses offered at the 30 law schools we have identified with required courses — integrated courses, stand-alone courses of two credits or three credits, one-credit courses, and zero-credit courses. In addition, we also will discuss two “programs” — robust elective offerings focused on professional development that are not courses but nonetheless involve a significant commitment of resources to support a professional development “infrastructure” in the first year.

a. Integrated Courses

There are four law schools with “integrated” courses — first-year required courses in which professional development and professional identity formation are integrated into another first-year course. These include Lawyering in Social Context at the Northeastern University School of Law (an eight-credit first-year course with a clinical/experiential component) and the six-credit Legal Writing Program at the Seattle University School of Law. They also include two four-credit “Legal Professions” courses, one at the Indiana University Maurer School of Law (spring semester) and one at the UC-Irvine School of Law (taught over the whole year), in which professional development is woven into a first-year course that fulfills the requirement for education regarding professional responsibility.

b. Stand-Alone Courses of Two Credits or Three Credits

There are six law schools with stand-alone, first-year required courses focused on professional development and professional identity formation. These include:

- Elon University School of Law — Lawyering, Leadership and Professionalism (two credits, whole year).
- Mercer University Walter F. George School of Law — Legal Profession (three credits, spring semester, pass/fail).
- Penn State Dickinson School of Law — Problem-Solving I (two credits, fall semester).
- University of Florida Levin College of Law — Introduction to Lawyering (two credits, fall semester, graded, but possibly moving to pass/fail).
- University of North Dakota School of Law — Professional Foundations (two credits, spring semester, pass/fail).
- University of St. Thomas School of Law (Minnesota) — Foundations of Justice I and II (three credits, with one-credit pass/fail in the fall and two credits graded in the spring).

Notably, all of the integrated courses in section a. and all of the stand-alone courses of two credits or three credits are taught by full-time faculty.

c. One-Credit Courses

We have been able to identify 12 law schools with one-credit, required, first-year courses focused on professional development, the vast majority of which are pass/fail.

- McGeorge School of Law — The Legal Profession (spring semester, graded, taught by full-time faculty).
- Michigan State University College of Law — Foundations of Law (fall semester, pass/fail, taught by full-time faculty).
- Northern Illinois University College of Law — Introduction to the Legal Profession: History, Culture and Values (whole year, pass/fail, taught by full-time faculty).
- Regent University School of Law — Foundations of Practice

- (spring semester, pass/fail, taught by full-time faculty).
- Southern Illinois University School of Law — Professionalism and the Law (whole year, pass/fail, team taught by dean and director of academic support).
 - Texas A&M University School of Law — Professional Identity (whole year, pass/fail, taught by non-tenure track faculty).
 - Tulsa University College of Law — Dean's Seminar on the Legal Profession (fall semester, pass/fail, team taught by dean and associate dean and director of the professional development office).
 - University of Arkansas Little Rock William H. Bowen School of Law — Professionalism and the Work of Lawyers (whole year, pass/fail, team taught by full-time faculty and assistant dean for career services).
 - University of New Mexico School of Law — Practicum (fall semester, pass/fail, team taught by full-time faculty).
 - University of Oregon School of Law — (whole year, pass/fail, taught by assistant dean for career planning).
 - University of South Carolina School of Law — Introduction to the Legal Profession (fall semester).
 - Wake Forest University School of Law — Professional Development (whole year, graded (but not factored into GPA), team taught by full-time faculty and career counselor).

d. Zero-Credit Courses

We have been able to identify eight law schools with zero-credit, required, first-year courses/programs (or graduation requirements) that focus on professional development. These include:

- Baylor Law School — Professional Development Program (whole year, coordinated by assistant dean of career development and the assistant dean of student affairs and pro bono programs).
- DePaul University College of Law — Preparing to Practice (whole year, taught by career services personnel).
- Gonzaga University School of Law — ZagLaw: Essential Skills and Professional Values for Today's Legal World (whole year, taught by career services personnel).
- Pepperdine University School of Law — The Parris Institute (whole year, taught by dean of students and director of Parris Institute).

- St. John's University School of Law — Professional Development (whole year, team taught by assistant dean for career development, assistant dean for academic achievement, and assistant dean for students).
- University of Denver Sturm College of Law — Career and Professional Development (whole year, administered by career and professional development staff).
- University of Tennessee College of Law — Lawyering and Professionalism (fall semester, taught by full-time faculty).
- Western Michigan University Thomas M. Cooley Law School — Professional Development Series (whole year, online with administrative supervision).

Notably, with the one-credit courses there is a much greater frequency in which the courses are team taught with a mix of faculty and administrative staff, while with the zero-credit courses, the majority are taught/administered primarily by administrative staff, generally from the career and professional development office.

e. Elective Inns of Court Programs

While there are dozens of law schools that have elective opportunities, events, and workshops tailored toward professional development, two are particularly noteworthy because of the extensive infrastructure devoted to supporting the program. These two are The George Washington University Law School Inns of Court program (described in an article by Susan Fine in the August 2016 *PD Quarterly*) and the University of California Hastings College of Law Inns of Court program (modeled after the GWU program). Both programs extend through the whole year and reward those who participate diligently with a transcript acknowledgment. Both also are team taught by faculty, career services personnel, student affairs personnel, and others.

2. Learning Outcomes Affiliated with First-Year Professional Development Courses

Of the 32 courses/programs described above, we received detailed information (syllabi and course descriptions) for 28 of the courses/programs. Of those, only ten had specific learning outcomes identified for the courses/programs, although it is possible to infer the

likely learning outcomes for several of the other courses/programs.

The five most common learning outcomes are set forth below (with an indication of the number of law schools with explicit reference to the learning outcome and the number for which the learning outcome could be inferred set forth in parentheses):⁵

- “student self-awareness of ‘fit’ between student’s strengths and employer/client needs” — 17 law schools (8 explicitly, 10 by inference)
- “understanding professionalism/ethical professional identity” — 14 law schools (7 explicitly, 7 by inference)
- “persuasive/professional communication in résumés, cover letters, interviews, social media, and networking” — 12 law schools (5 explicitly, 8 by inference)
- “self-directed learning/internalized commitment to professional development” — 10 law schools (8 explicitly, 2 by inference)
- “commitment to internalize ideals/core values of the profession” — 10 law schools (7 explicitly, 3 by inference)

These learning outcomes reflect a focus on two broad themes. First, they emphasize enhancing student self-awareness and self-understanding (the first two) along with developing professional communication skills to help the student communicate more persuasively with professionals within the community — whether potential employers or mentors or attorneys with whom the student wants to have an informational interview (the third one).⁶

On multiple occasions during the Gathering, presenters discussed the importance of helping students “tell their story.” You can see this reflected in these first three learning outcomes set forth above. The first two learning outcomes mentioned above focus on self-understanding and development of one’s own professional identity and professional career goals as important

aspects of professional development across these courses/programs. The third learning outcome emphasizes the importance of professional communication in a variety of contexts. Together, these learning outcomes comprise “telling their story.” Our students need to understand themselves to know what their story happens to be, but they also need to be able to communicate effectively about their story. These learning outcomes work best in tandem. It helps to know your story, but less so if you can’t communicate it effectively. It helps to communicate effectively, but less so if you don’t have a “story” to tell. Thus, ideally, these professional development courses/programs help students on both fronts — they help students reflect upon and identify their “story,” and they help students develop the communication skills to tell their story persuasively and effectively when talking with prospective mentors or employers.

Our students need to understand themselves to know what their story happens to be, but they also need to be able to communicate effectively about their story.

Second, the last two learning outcomes emphasize enhancing the student’s commitment to taking ownership of his or her own professional development and to internalizing the core values of the profession. Bill Sullivan notes that with respect to professional education, “[t]he chief formative challenge” is to help each student change from **thinking like a student**, where he or she learns and applies routine techniques to solve well-structured problems, toward the **acceptance and internalization of responsibility for others and for the student’s own proactive development toward excellence** as a practitioner at all the competencies of the profession.⁷ These last two learning outcomes are directly responsive to this “chief formative challenge” of professional education generally and legal education specifically.

⁵ These add up to more than 30 because a number of law schools explicitly set forth multiple learning outcomes or could be inferred to have multiple learning outcomes.

⁶ There were a number of other learning outcomes that showed up with less frequency, but with at least five law schools explicitly or implicitly indicating such a learning outcome. These included developing the habit of reflection (8 schools – 3 explicitly), developing the ability to create/nurture mentor relationships (5 schools – 3 explicitly), developing the ability to work in teams or collaborate (5 schools – 3 explicitly), developing cross-cultural competency (5 schools – 1 explicitly).

⁷ Richard L. Cruess, et al., *Teaching Medical Professionalism* at xi-xiii (Oxford 2008) (foreword by William M. Sullivan).

3. Some Highlights from the Gathering

a. Readings

During the two concurrent sessions on “Readings,” there were a few resources mentioned as being in use at multiple law schools. These included:

- *Just Mercy: A Story of Justice and Redemption* by Bryan Stevenson
- *Mindset: The New Psychology of Success* by Carol S. Dweck
- *Tomorrow’s Lawyers: An Introduction to Your Future* by Richard Susskind
- *Roadmap: The Law Student’s Guide to Preparing and Implementing a Successful Plan for Meaningful Employment* by Neil Hamilton

In addition, one of the presenters highlighted books published by the ABA as being good resources, including *Essential Qualities of the Professional Lawyer* and *The Relevant Lawyer: Reimagining the Future of the Legal Profession*, both edited by Paul A. Haskins, and *A Life in the Law: Advice for Young Lawyers*, edited by William S. Duffey, Jr., and Richard A. Schneider.

b. Self-Assessment Tools

There were a number of self-assessment tools that law schools are using to help students better understand themselves and their strengths, interests, and communication styles. These included:

- | | |
|--|--|
| <ul style="list-style-type: none">• StrengthsFinder• Strong Interest Inventory• DISC | <ul style="list-style-type: none">• NEO Personality Inventory• LawFit• Belbin Team Roles |
|--|--|

c. Reflection Questions

In a number of these courses, students write reflective essays or do journaling in response to specific reflection questions as prompts. Some reflection questions focused on what it means to be a profes-

sional and on the values that are important to the students. Some reflection questions focused on self-directedness, asking students to consider the competencies they want to develop and how they plan to develop these over the summer or over the next academic year. Some reflection questions were structured as responses to exercises or events or experiences.⁸ One benefit of requiring reflective writing is that it gives students the opportunity to disengage from the normal stresses of law school and use a wider lens to look at an aspect of their legal education or an aspect of what they are learning about the legal profession. Another benefit of requiring reflective writing is that it provides opportunities for feedback on ways to improve professional communication.

d. Best Things

There were a couple of common themes that emerged when each law school with a course or program described the “best thing” about the course/program.

One of the most frequent “best things” was collaboration across the different “silos” within the law school. Having tenure-track faculty, non-tenure track faculty, career services personnel, student affairs, and academic support personnel all working with the common goal of advancing the professional development of students has been a real blessing for those working together on these courses/programs at several law schools.

Another of the “best things” that was mentioned by multiple law schools was the benefit of enhanced alumni engagement. Many of the courses/programs feature panels of lawyers describing different career possibilities within the law. Many also require students to interview a lawyer or to participate in informational interviews with lawyers. Alumni can play an important role in supporting these aspects of these first-year professional development courses/programs, which is beneficial both to students (who learn more about an area of the law and perhaps have an opportunity to expand their “network”) and to the law school (which now has a larger community of engaged alumni).

⁸ For a list of 30 reflection questions that one might want to encourage law students to engage in while in law school, see Neil W. Hamilton and Jerome M. Organ, *Thirty Reflection Questions to Help Each Student Find Meaningful Employment and Develop an Integrated Professional Identity (Professional Formation)*, 83 TENN. L. REV. 843 (2015-16).

e. Lessons Learned

There also were a few common themes that emerged when each law school with a course or program described one “lesson learned” in implementing the course/program.

One of the most significant lessons learned is the need to recognize that this type of course/program is different than traditional first-year courses. One should not try to make this look like traditional first-year courses, but should embrace the difference and acknowledge that this is different in purpose and design.

One of the other lessons learned concerns the need to be transparent and explicit about why students are being asked to engage with certain readings, exercises, or reflection questions in this type of professional development course/program. Partly because these courses/programs are different, students may not see the value immediately and may assume that these courses/programs have less legitimacy than the traditional curriculum. Thus, there is a need to help students connect the dots and understand the value proposition associated with this professional development enterprise.

In addition, a number of law schools noted that one lesson learned came from trying to do too much at one time. The advice from several people was to work on an incremental and more focused approach to professional development that can be well executed. Once a good foundation is laid, more can be done over time.

Finally, further reinforcing the importance of collaboration noted in the previous section, a number of law schools emphasized that not having faculty support and faculty involvement can be problematic. If possible, it helps to have faculty enthusiastically involved in implementing the course/program, but even if faculty are not involved in implementing the course/program, it is important to have them involved in communicating with students about the importance of the course/program.

4. What Does This Mean? What Are the Next Steps?

At one level, courses/programs in professional development including professional identity formation can be understood as helping students transition from an identity grounded in being a student to an identity grounded in being a lawyer, a professional, with an appreciation specifically of helping students embrace a commitment to self-development and a commitment to serving others. There clearly is a great deal of interest among law schools in helping students transition more effectively from being a student to being a lawyer, perhaps reflecting a growing social movement focused on professional formation in legal education that mirrors what has been happening with medical education over the last decade or two.⁹

If the 20 law schools that attended the Gathering to learn more about courses/programs focused on professional development are an indication of future interest, one can imagine that over the next two to three years there will be continued growth in the number of these types of first-year professional development courses/programs being required or offered at more law schools.

The Holloran Center for Ethical Leadership in the Professions hopes to support this ongoing effort with a web-based resource page. Initially, this will contain the syllabi and course description materials we were able to gather, compile, and disseminate at the Gathering. Over time, we hope to supplement it with separate folders containing readings, exercises/simulations, and reflection questions/exercises that have been deemed to be particularly effective in engaging students around questions of professional development and professional identity formation.

Two things that merit attention in the coming years include assessment to determine how much impact these efforts are having and reinforcement in the second and third years of law school to build progressively on the foundational knowledge and skills to which students are exposed as first-years.

⁹ See William M. Sullivan, *Professional Formation as Social Movement*, 23 THE PROF. LAW. 1 (2015); Neil W. Hamilton, *Professional-Identity/Professional-Formation/Professionalism Learning Outcomes: What Can We Learn about Assessment from Medical Education?*, 13 U. ST. THOMAS L. J. (*forthcoming 2017*).

Little has been done to date to assess the effectiveness of these courses/programs, particularly their comparative effectiveness. Are stand-alone courses more impactful than one-credit courses? Are one-credit courses more impactful than zero-credit courses? Are certain exercises or assessment tools or readings particularly meaningful to students? What are the appropriate metrics for assessing whether these courses/programs are serving their intended purposes? It would be very helpful to begin to assess which types of course structures and pedagogical interventions are most helpful in helping students advance with regard to the identified learning outcomes.

The Holloran Center is trying to support the development of more robust institutional learning outcomes associated with professional formation together with means for assessing progress regarding those learning outcomes. Earlier this year the Holloran Center launched the [Learning Outcomes Database](#)¹⁰ to provide one-stop shopping regarding information relating to all publicly available law school learning outcomes. It also is supporting five working groups that are investing time and energy over the next 12 to 18 months in an effort to generate developmental rubrics and assessment measures for each of five competencies or characteristics associated with professional identity formation that showed up frequently in law school learning outcomes. The working groups are focused on cultural competence, integrity, professionalism, self-directedness, and teamwork/collaboration.

Little also has been done to date to provide “progressive” educational interventions associated with professional development including professional identity formation. The Gathering focused on law schools with first-year courses or programs. In conversations with many of those in attendance, it became clear that even at those law schools with an established course/program in the first year of law school, not much has been done to provide follow-up courses or programs in the second or third year to bolster and reinforce some of the professional development themes/outcomes that are points of emphasis in the first-year courses/

programs. This is an area that will need attention in the coming months and years if we really want our students to build upon the knowledge, skills, and understandings they are garnering from the first-year courses/programs. On a related note, as noted above, fostering a “whole-building” approach to professional development and professional identity formation is the most likely way for these efforts to be successful and to bear fruit. Whether a given course/program is “housed” with doctrinal faculty or career services personnel or lawyering skills faculty or the dean of students office, the reality is that consistent messaging across all platforms of engagement will be necessary, and that calls for great collaboration by the entire law school infrastructure.

The Holloran Center looks forward to the possibility of hosting another Gathering of Law Schools with First-Year Courses/Programs on Professional Development in 2019 or 2020 with the hope that at that time there might be 40 or 50 law schools with first-year courses/programs focused on professional development including professional identity formation. How exciting that would be!

About the Author



Jerome M. Organ is a Professor of Law and Co-Director of the Holloran Center for Ethical Leadership in the Professions at the University of St. Thomas School of Law (Minnesota). He is very grateful for the inspiration and collaboration of his Co-Director, Neil Hamilton, and for the enthusiasm and generosity of all of those who attended the Gathering of Law Schools with First-Year Courses/Programs on Professional Development. He also is very grateful for the work of Brady King, Coordinator of the Holloran Center, in organizing the Gathering, and the two research assistants, Emily Palmer and Emilee Walters, who took notes throughout the Gathering.

¹⁰ The [Learning Outcomes Database](#) contains three databases: one for learning outcomes related to ABA Standard 302(a), one for learning outcomes related to ABA Standards 302(b) and (d) as well as other skills related to 302(b), and one related to ABA Standards 302(c) and (d) as well as other skills related to 302(c). The Holloran Center will be updating the Learning Outcomes Database on a quarterly basis.

Tapping into the Desire for Career Resilience: Motivating Career Ownership

by Werten Bellamy

"If you want to build a ship, don't drum up people to collect wood and don't assign them tasks and work, but rather teach them to long for the endless immensity of the sea."

— Antoine de Saint-Exupéry

Competitive markets, active lateral migration of top producing partners, vigilant clients, a ballooning population of non-equity partners, industry consolidation, and market-driven layoffs have conspired to create conditions that have long vanquished the once implicit promise of partnership for the well-pedigreed, hardworking, and compliant associate. Truth is, for today's associate, being good and well-liked is not, by itself, enough to ensure long-term law firm success — since one must be both indispensable to key partners (and clients) and reside in a practice area and/or geographic market that has been targeted by firm leaders for future growth and profitability.

The path to partnership has changed and now involves a mix of traditional performance factors (within associate control) **and** *market priority factors* (not within associate control). As a result, many associates are quite reasonably operating with a general anxiety about the future and can feel a sense of powerlessness with respect to their ability to shape their career trajectories at their law firms. Most associates have come to understand and accept that it is very possible that their career journey will take them into a workplace environment other than the law firm — with potential destinations including an in-house or non-legal role.

For today's talent leader, this presents some new and interesting challenges. While your primary mission is to place associates in the path of learning resources and experiences that will accelerate their adoption of the performance behaviors (interpersonal and functional) coveted by your firm, you must do so in a way that motivates associate engagement and participation — that is, in ways that cause an associate to conclude that it is worth it

to devote an hour or two to participating in a block of professional development programming.

You know what associates need developmentally. They, however, often do not. Associates make decisions based on one of two things: what they know or what they want. While their knowledge of what they need developmentally may be limited (particularly for junior associates), *their sense of what they want is clear*. They want Career Resilience — the ability to grow at the firm in ways that preserve an attractive range of premium future options.

By tapping into this "want," we can motivate them to better see what they need — Career Ownership.

This article is designed to offer the talent leader (law school or law firm) a sample set of practical tools for activating higher levels of Career Ownership in associates (or law students).

What I Know About Associates

While it remains very difficult to predict who among your associates will make life in the law firm a long-term career choice, I can confirm the following:

1. **They are ambitious.** Your associates picked your law firm because they thought it would be "worth it" to work there — and would enable future options and opportunities. These associates have ambition and want (and need) to feel that they are *headed somewhere*. When they believe they are making progress and growing in value, they remain

motivated — when they feel consigned to executing work tasks of unknown value to them, not so much.

2. **They want to feel the firm is helping to expand their options.** Your associates are trying to assess the extent to which your firm is opening doors or closing them. Associates want to remain highly marketable and are reasonably concerned about the portability of their success. This means they seek Career Resilience — within the firm and beyond.
3. **They want you to help them identify and target the Career Ownership skills that will contribute to their Career Resilience.** How associates feel about their learning and development is tied to what they believe they are learning relative to what they expected. This means when they receive skills training that they perceive to be narrowly directed to “becoming a better associate,” they are mildly to moderately motivated, because such training is *within their expectancy*. But while associates will take the time to develop firm-specific skills (skills they perceive to be most useful in law firm settings), they are particularly attracted to information — and are highly motivated to learn the skills, experiences, ways of working, and relationships — that they understand they will need to sustain success beyond the law firm.
4. **Failure to focus on Career Resilience is a “lose-lose.”** Forward-thinking talent development leaders in other service professions recognize that headhunters probably should not be the only people talking to associates about their futures. For example, most leading management consulting firms engage their associates in thoughtful career conversations — conversations that extend beyond prospects at a firm. These consulting firms recognize that their end game is to increase the market value of each associate, since associates who do not have Career Resilience become “bad ambassadors” once they leave a law firm. Conversely, highly resilient associates — whether they stay at their law firm or achieve success elsewhere — confirm their firm’s ability to be a star maker.
5. **The in-house marketplace can be unkind to associates.**

Corporate law departments and other law firms have historically served as a landing pad for associates who transition out of their current law firm setting. In addition to working with law firms, I train attorneys in over forty global law departments, financial service, and management consulting firms. Hiring criteria in these organizations are changing in ways that will render this destination fertile only for those former law firm associates who actively build Career Resilience during their law firm years.

Career Ownership: At an Important Intersection

As talent development leaders, we instinctively know that without Career Ownership, there can be no Career Resilience. This is why we implore associates to “*own their careers*,” signaling the need for associates to take greater responsibility for their development and ultimate career outcomes — and to recognize that they are the responsible parties for achieving their full potential.

But what does it really mean to be the responsible party for achieving one’s full potential? This is a question without an easy answer.

At the core of Career Ownership is a focus on *the level of responsibility an associate is prepared to accept* with respect to career outcomes, workplace relationships, learning, resilience, self-investment, expectations, and motivation.

The problem is, many time-constrained associates believe they have more tasks than time, and can only afford to focus on the things they are rewarded for doing. Everything else tends to receive compliant engagement.

As a consequence, this thing called Career Ownership is for many associates more concept than reality since Career Ownership stands at the intersection between associates’ reluctance to invest significant time (or effort) in activities for which they are not formally rewarded and their need to build the skills and develop the capabilities that will help them remain competitive — preserving a wide range of long-term career options including but not limited to law firm partnership.

Inconvenient Truth

Career Ownership is for many associates more concept than reality since Career Ownership stands at the intersection between associates' distaste for doing work for which they are not currently rewarded and their need to build the skills and develop the capabilities that will help them preserve a wide range of long-term career options — including but not limited to law firm partnership.

message is: *To achieve your long-term goals, you must start saving now* — a message encouraging us to defer a portion of our current compensation and allocate these sums to retirement accounts for our future needs.

But what happens when a person cannot clearly connect with their future needs?

Recent research shows that young professionals are not saving enough for retirement. The reason: many in this generation of associates are largely disconnected from their future needs. We witness this phenomenon each time we try to achieve strong attendance at professional development programming.

Inconvenient Truth

Any associates who do not possess a sound understanding of the demands of the future and of their sources of competitive advantage will likely remain narrowly focused on what is needed to be effective right now — and will not make significant *current* discretionary investments in building the skills, capabilities, and relationships that will be needed to meet such future demands. These associates will find the range of premium long-term career options to be limited.

Lacking a sound understanding and appreciation of their future needs (and of what they need to be career-resilient), as with retirement savings, associates often default to a singular focus on what they perceive to drive short-term evaluation and reward — efforts directed to billing hours, being responsive, and demonstrating good work product hygiene. While performance behaviors associated with productivity, workmanship, and responsiveness are certainly important building-block capabilities, too few associates internalize the fact that these factors that drive early career success will ultimately depreciate in value, soon becoming non-differentiated relative to other top performers in the marketplace. Only a few of the most forward-thinking associates are deliberate about investing deeply in actively nurturing their relationship-building skills, crisis

What Talent Leaders Can Do

Talent leaders like you are in the best position to help associates thoughtfully navigate through this intersection.

- 1. Teach Career Resilience with the same zeal that you advocate for Skills Training.** I recognize the importance of deposition training for litigators and due diligence training for deal lawyers, as they address important core skills. We need, however, to take deliberate steps to clearly identify for associates the factors that contribute to Career Resilience and make these factors an additional focal point of our learning and development offerings.
- 2. Leverage the Inconvenient Truths.** We need to take deliberate steps to communicate the potentially significant costs of not actively investing in Career Resilience. All associates want to preserve long-term options. This means the risk of lost future opportunities is a powerful motivator for associates.

Five Potential Areas to Target

Career Ownership requires significant Current Investment in Future Capabilities. Watch any television commercial promoting saving for retirement and you will see images of a retired couple happily walking on the beach, sailing peacefully on a boat, or vacationing at an exotic location. The not so subtle

management skills, learning agility, presentation skills, and big-picture knowledge — the skills which, rather than technical skills or work ethic, are their most reliable source of differentiation both in the law firm and in the marketplace.

For associates who hope to be successful beyond the law firm, a failure to be attuned to future needs is very costly — though seldom discussed. In destination settings like law departments, financial service firms, technology companies, and consulting firms, leaders have little interest in legal task doers. Rather, they evaluate “realistic optimism,” which means they look to confirm that performers seek to understand and accept the obstacles and challenges that await them and the skills, experiences, and relationships they will need to meet these challenges — in other words, that they have an understanding of the price of their ambitions and of the investments and sacrifices they must be prepared to make. Consequently, performers perceived to possess such knowledge are much more likely to succeed in non-law firm settings.

Talent development leaders can help individual performers examine their knowledge of future needs and increase levels of realistic optimism by asking associates to consider the following checklist:

- Help associates better understand where the market is moving — helping them identify and assess future demands in the market.
- Invite talent development leaders from destination industries (law departments, private equity, consulting) to share insights with your associates.
- Regularly place associates in the path of people, including alumni and clients of your firm, who have pursued fulfilling careers beyond the firm. An alumni directory or panel presentation at the annual all-associates meeting probably is not enough.
- Invite these people to discuss the skills, relationships, and experiences developed during their associate years — especially the ones that had the greatest impact on improving

their value proposition in the marketplace.

- Speak candidly to associates about the potential long-term career costs of not investing deeply in their relationship-building skills, crisis management skills, learning agility, presentation skills, and big-picture knowledge.

Career Ownership requires an Excellence Reflex. Regardless of where associates seek to continue their career (within a law firm or beyond), leaders will look closely to confirm that the attorney is uncomfortable living beneath his or her capabilities — and that the attorney is “hungry” (possesses a persistent personal commitment and dedication to excellence) and is not simply “wanting” (seeking positive affirmation, bonuses, and promotions).

Talent development leaders can help individual performers examine and build their Excellence Reflex by asking the associate to consider the following checklist:

- Mindset.** Do you see yourself as a contributor with “a difference to make”? How is this exemplified?
- Service initiative.** Do you see yourself as a passive implementer to whom partners throw work tasks, or do you “work with your head up” — looking for ways to add value, and studying how your work affects the work of others?
- Seeking mastery.** Do you seek to master your craft (deep subject matter expertise)?
- High personal standards of learning.** Have you adopted a proactive approach to learning — learning not only what you are told to learn (and thus learn) but focusing also on what you actively seek to learn (without provocation)?

Career Ownership requires Other-Mindedness. With respect to most aspects of our work and career, the first perspective that comes to mind is our own. Top performers, however, work hard to develop the ability to understand the needs, motivations, and perspectives of others.

Other-Mindedness is the “starting material” for popular core competencies such as teamwork, collaboration, and anticipatory service. We define and evaluate associates for the presence of this competency but seldom discuss and deconstruct the mindset that makes performance of the competency possible.

Associates spend the first twenty years of their lives in academic settings, primarily focused on and rewarded for solitary work, self-development of individual abilities, and fulfillment of individual goals. Not surprisingly, associates enter the workplace with a “me” focus and view their performance (and rewards) through the prism of their individual priorities and needs.

Turns out that this is all quite natural. Behavioral scientists refer to this “me” focus as egocentric default — which means that we possess an “inward mindset” and are wired to see the world from the inside out, leaving us all somewhat self-centered. Author Adam Grant, in *Give and Take: Why Helping Others Drives Our Success* (Penguin Books, April 2013), contends that a “me” focus can cause us to become what he calls “Takers” — narrowly focused on claiming as much value from workplace relationships as possible with the least amount of contribution.

Seeing things from an individual perspective and addressing personal needs is for most associates immediate, automatic, and easy. Conversely, learning about reasoning from another’s perspective and addressing their needs is typically slow, deliberate, and difficult. It takes special effort for an associate to see a workplace relationship (with partners and peer associates) from any other perspective than their own, which means additional work is required for associates to address the unique needs of others. Because individual perspectives and needs are easy (and what associates focus on for most of their lives), individual perspective often becomes an associate’s natural default. Switching from this default is hard work, coming easily for some associates but being more difficult for others — many of whom are unaware of the long-term costs of being locked in a “me” focus.

Associates must be trained not to view workplace relationships as a set of transient, opportunistic, self-interested relationships.

Nor can they afford to think of themselves as workers with their heads down, focusing on cranking out assignments, and viewing colleagues simply as “helpers” in this effort. Rather, we must pursue professional development programming that teaches associates how to operate with their antennae up — making a deliberate effort to understand what each member of their service team wants, fears, and needs, then working their way back to connecting with team members in ways that make them more productive, while also identifying unique ways to add value to the team. This will help associates build Other-Mindedness.

Inconvenient Truth

Other-Mindedness is the “starting material” for such popular core competencies as teamwork, collaboration, and anticipatory service. We define and evaluate associates for the presence of this competency but seldom discuss and deconstruct the mindset that makes performance of the competency possible.

The truth is, without Other-Mindedness, Career Resilience is unlikely. In non-law firm settings such as corporate law departments, career mobility is impossible. For associates considering future law firm opportunities, the lack of Other-Mindedness along with the lack of coachability are frequently cited as the “lateral liabilities” observed in lateral hire associates who fail to gain traction.

Talent development leaders can help associates examine their level of Other-Mindedness using the following checklist:

- Anticipation of needs.** Can you identify the things you routinely do to anticipate the needs of clients, assigning partners, and peer associates?
- Performance payoff.** Can you describe the performance payoff (benefits to you) of anticipating the needs of others?
- PIGS.** Can you identify the things you do to discern the priorities, interests, goals, and stressors (PIGS) of clients, assigning partners, and peer associates?

- Long-term market value.** Do you understand how knowledge of PIGS impacts your ability to create value — now and long-term?

Career Ownership requires an associate to become highly coachable. In law firms, corporations, private equity firms, and not-for-profit organizations, the amount of time leaders have to allocate to individual performer development is shrinking, not growing. The only performers who will be able to provoke high levels of long-term investment will be those perceived to be highly coachable. Most leaders look to confirm coachability before making a significant investment in any performer, since performers who are coachable are believed to be more collaborative, more resilient, to learn and course correct faster, and to offer the greatest potential for growth.

Inconvenient Truth

Most associates confuse their “coachability” with their desire to be coached. As a result, they believe they are more coachable than they actually are, and even fewer have a disciplined approach for assessing their “coachability.”

The problem is, most associates confuse coachability with their desire to be coached. As a result, they believe they are more coachable than they actually are. Even fewer have a disciplined approach for assessing their current level of coachability. This form of associate myopia routinely undermines training efforts, self-development efforts, and mentoring program efforts (demotivating for mentors), and ultimately starves associates of the leadership investments needed to drive career momentum.

Talent development leaders can help associates examine their level of coachability using the following checklist:

- Craving for accountability.** Do you enthusiastically agree to be managed and held accountable by partners? How so?
- Feedback seeking skills.** Do you have strong feedback

seeking skills? What would partners say?

- Permission rights.** Have you granted partners “permission rights” to give you “fearless feedback”?
- Targeting gaps.** Have you taken the time to identify the areas (functional and interpersonal) you are targeting for improvement?

Career Ownership requires an associate to be in the path of Active Experiences. Not all associate assignments offer the same learning value, with the most developmentally rich assignments delegated to those associates deemed to be indispensable to the client service team — your top performers. Average and under-performing associates are consigned to more pedestrian roles and assignments. This, of course, means that the pace and quality of associate learning can be quite variable, creating a challenge to an associate’s Career Ownership (and Career Resilience).

As we well know, the associates with the greatest Career Resilience are those who find themselves experiencing a reliable stream of work and responsibilities that stretch their current capabilities and force them to develop new skills that will accelerate development, increase value, and drive workplace and career success. These are called Active Experiences.

An associate’s diet of Active Experiences is a strong predictor of the associate’s value to the firm and overall market value. Regardless of the prestige of the law firm, associates who are not in a reliable stream of Active Experiences (regardless of likability or productivity) will not be perceived as “partner material” and, worse yet, will also experience a decline in their market value as they compete for opportunities beyond the firm. Active Experiences usually require the assigning partner to entrust an associate with a non-routine responsibility. As a consequence, Active Experiences are typically only transacted in the crucible of a strong partner-associate relationship. For associates who struggle to build deep workplace relationships, Active Experiences are very limited or non-existent — thus the need to build the relationship talent of your associates.

Inconvenient Truth

Regardless of the prestige of the law firm, associates who are not in a reliable stream of Active Experiences will not (regardless of likability or productivity) be perceived as “partner material” and, worse yet, will also experience a decline in their market value as they compete for opportunities beyond the firm.

In my past life as an in-house attorney interviewing associates for in-house roles, it was very easy to discern the extent to which an associate was routinely in the path of Active Experiences.

Unfortunately, this is an area where associates are encouraged (and rewarded) for a focus on their *odometer* (hours billed) and are less well attuned to how to manage their *speedometer* (the pace and quality of their learning). If we talent leaders are serious about building career-resilient associates, we must have the courage to talk openly with associates and firm leaders about associates’ diets of Active Experiences — and about the long-term consequences of failing to provide sufficient Active Experiences.

Talent development leaders can help associates to inventory and examine their level of Active Experiences using the following checklist:

In the past six months:

- Comfort zone.** How many assignments pushed you outside of your comfort zone?
- New skills.** How many assignments have required you to develop new skills in order to execute the assignments?
- New knowledge.** How many assignments have required you to develop new knowledge about the client in order to execute the assignment?

The Path Forward

In the late 1980s, I was among the last wave of baby boomer associates who singularly longed to make partner, since this was the desired end game for many of my peers. In the intervening twenty-five years, we have witnessed dramatic changes in the legal marketplace. Increasing levels of client vigilance, globalization, law firm mergers, focus on profitability, lateral mobility of rainmakers, and layoffs have conspired in ways that reasonably create some anxiety in today’s associates.

While we continue to anchor our professional development resources in the training needed to make associates more effective, to motivate associates to higher levels of engagement, and to prepare associates for strong long-term career trajectories, I encourage greater focus on what associates “want” — Career Resilience. A focus on Career Resilience just may be the surest pathway to what we have long sought to motivate in associates — Career Ownership.

About the Author



Werten Bellamy is the President of Stakeholders, Inc., a company founded in 2007 that provides training, coaching, and conference resources directed to the learning and active career management needs of top performers in corporations and service firms. Werten has trained in over 100 Am Law 200 law firms and global law departments. In 2010, Werten was selected by the Leadership Council for Legal Diversity (LCLD) to design and help implement its talent development efforts directed to top-performing diverse professionals. He launched Stakeholders following 16 years of practice as an associate, partner, and in-house counsel. Werten can be reached at wbellamy@mystakeholder.com.

News and Press Clips

Artificial Intelligence and Beyond — A Round-up of CLOC Coverage

This edition began with a look at how artificial intelligence is being leveraged to provide legal services and lawyer professional development. If there is any doubt about the importance of this topic, consider the recent CLOC (Corporate Legal Operations Consortium) conference. When CLOC held its first annual conference last year, there were 500 attendees; at the second annual conference in Las Vegas in May 2017, there were 1,500, including such observers of the legal profession as Richard Susskind (author of *Tomorrow's Lawyers*) and Bill Henderson.

Writing in an August 2017 *NALP Bulletin* column, “[The Legal Services Industry Is About to Get CLOCed](#),” NALP Executive Director James Leipold shares his own observations of the CLOC conference, noting, “CLOC is about resourcing, and specifically about using cheaper people and systems to take the cost out of legal services. Inevitably technologies will take on more and more of the work of lawyers, and legal operations professionals are actively engaged in figuring out how that development can be leveraged to save corporations money.”

“Legal ops,” Leipold goes on to say, “represents the convergence of the corporate legal department, compliance, risk-management, and procurement into a single operation that is unlocking competitive advantage for corporations in a very powerful way, and it is embedding the legal department in ever more parts of the corporation. One of the collateral developments of the legal ops movement is that it is dissolving the lawyer/nonlawyer distinction when it comes to solving legal problems. And rather than being a perennial cost center, through legal ops the legal department is now driving value at some of the largest corporations. This, my friends,” Leipold concludes, “is a

revolution. The iceberg is melting and the current model is not sustainable.”

Here’s a short round-up of some of the additional coverage of the May CLOC conference:

- “[Beyond Broad Strokes: How CLOC Broke Down the Legal Industry's Transition](#)” — Law.com (May 12, 2017) provides an overview of the conference.
- “[The 12 Core Competencies That Define the Future of Legal Operations](#)” — Law.com (May 8, 2017) offers a primer on legal ops.
- “[The Changing Legal Profession: An Insider's View of the Future of Legal Services](#)” — *The ABA Journal* (May 10, 2017) reports on the proceedings of the CLOC conference.
- “[Making the Future Now: Corporate Legal Operations Experts on How They Use AI](#)” — Law.com (May 9, 2017) covers the artificial intelligence developments that were reported and discussed at the CLOC conference.
- “[Microsoft and Cisco Test the Waters with AI Contract Management Pilot Programs](#)” — Law.com (May 16, 2017) recounts how two large corporations’ legal departments are experimenting with artificial intelligence to manage their vast contract management systems.
- “[Takeaways from CLOC: What Happened in Vegas Won't Be Staying in Vegas](#)” — Susan Hackett, writing for *Corporate Counsel* (May 17, 2017), provides a recap and post-mortem of the CLOC conference.

Looking Toward the Future in More Ways Than One

The November issue of *PD Quarterly* will feature an article by Jordan Furlong, whose new book on the future of the legal market — *Law Is a Buyer's Market: Building a Client-First Law Firm* — has attracted attention from the legal media.

“From now on,” Furlong asserts, “everything that law firms do, plan, price, sell, perform, and compensate has to be geared not towards themselves or their lawyers, but *towards the buyers of their services*.” Furlong continues, “Law firms are evolving from businesses composed entirely of tangible assets (specifically, lawyers) to businesses composed largely of intangible ones (knowledge, expertise, brand, processes, networks, productivity engines, service protocols, and so forth.)” Among other things, Furlong predicts that successful law firms of the future will generate a growing share of their revenue from sources other than their lawyers, and that to survive law firms of the future will be employing growing numbers of non-lawyers.

What does this mean to professional development and talent management specialists in law firms and law schools? This is one of the key points Furlong will be addressing in his November *PD Quarterly* article. Participants in the 2017 Professional Development Institute on November 30 – December 1 in Washington, DC, where Furlong will be the keynote speaker, will also have the opportunity to explore these perspectives in person.

In the meantime, you can learn more about Furlong’s book, *Law Is a Buyer’s Market*, in a [review by the New Hampshire Bar Association](#) or in a [review by NALP Executive Director James Leipold](#), who recommends that “you buy two copies, sneak-ing one onto the desk of your managing partner or dean by stealth in the dark of night.” Printed editions of *Law Is a Buyer’s Market* are available from [Law21](#); an e-book version is available from [Amazon](#).

Share your expertise with your colleagues!

Learn how to submit an article proposal for *PD Quarterly* at
www.nalp.org/pd_quarterly

NALP also invites your feedback on *PD Quarterly*. Share your comments with Janet Smith (jsmith@nalp.org) or James Leipold (jleipold@nalp.org)

Upcoming Events

ILTACON 2017: ILTA's Annual Educational Conference

International Legal Technology Association

August 13-17, 2017

Las Vegas, NV

www.iltanet.org

2017 CLO Symposium

Chief Learning Officer®

October 2-3, 2017

Huntington Beach, CA

www.clomedia.com/events

Summit on Emerging Careers for Law Grads

NALP

October 6, 2017

Washington, DC

www.nalp.org/events

2017 PDC Mid-Winter Meeting

Professional Development Consortium

November 29, 2017

Washington, DC

www.pdclegal.org

2017 Professional Development Institute

NALP and ALI CLE in collaboration with the Professional Development Consortium

November 30 – December 1, 2017

Washington, DC

www.nalp.org/events

Free NALP Webinar Series on Innovating Talent Management in Law Firms

The webinars in this series are based on chapters in *Innovating Talent Management in Law Firms*, edited by Terri Mottershead. To learn more and register for any of these three webinars go to www.nalp.org/innovating_talent_management_webinar_series.

- September 19, 2017, 2:00 pm ET — **Innovations in Recruiting** led by Caren Ulrich Stacy.
- October 3, 2017, 2:00 pm ET — **Innovation in Legal Education Through Collaboration Between Law Schools and Law Firms** led by Sandee Magliozi and Michele Bendekovic.
- November 28, 2017, 2:00 pm ET — **Can Competencies Drive Change in the Legal Profession?** led by Terri Mottershead and Sandee Magliozi.

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Webinar Series

This four-part webinar series features several authors from the recent NALP publication *Innovating Talent Management in Law Firms*. The series will examine how the talent management/HR/professional development functions in law firms are responding to and, in some cases, leading change in the profession.

Register at nalp.org/events

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