

## October 2018

*The following items turn the spotlight on developing, maintaining and enhancing lawyer competence in the face of rapid change and some implications for continuing legal education and professional development professionals.*

### Report from the 2018 CLEAA Annual Conference

The CLEAA Conference (17-19 Oct 2018) is done and dusted for another year and by all accounts has delivered what it promised. Feedback has been overwhelmingly positive as the conference provided both practical and cutting-edge content together with a welcome opportunity to connect and network with others who have similar interests and role functions.

On Wednesday evening, early arrivals gathered for a relaxing welcome reception at the beautiful College of Law rooftop venue in Ann Street. As the sun set, the group enjoyed a wonderful selection of edible delights and mingled with fellow attendees from Singapore, New Zealand and of course closer to home.

Thursday morning started with a thought-provoking presentation by Dr Stephen Billett on learning through practice, followed by the hot topic of micro-credentialing covered by Dr Nick James. The group reconvened after morning tea for a refreshing “leadership conversation” with Dr Fran Finn who shared some helpful tools and tips on coaching in today’s world. We were then joined by Jennifer Flynn from Alberta Canada, albeit virtually via video link, for a lively session on the competencies of professional development professionals. Aably facilitated by Jacqui Lynagh, the group collectively workshopped the ideal skillset for this group (note - the collected feedback will be made available to attendees shortly).

After lunch, Ben Richards treated us to a stellar presentation on the very subject of presenting, followed by a conversation on feedback and how best to handle this potentially fraught topic. The day closed with a timely Regulatory Wrap Up in the expert hands of Graham Jobling who brought us up to speed on emerging issues in each jurisdiction.

Those who attended the conference dinner at Blackbird Bar & Grill that evening enjoyed a feast of wonderful food and wine, coupled with great conversation. Local knowledge played a hand in the choice, of course!

Day two opened with the dynamic duo, Dr Chantal Morton and Natalie Wieland on learning styles, then Peter Cutforth brought us up to speed on the variety of apps and tools now available in the world of e-learning. After brunch and the AGM, Florence Thum explored curiosity and mental health, then the Cross-Profession panel took centre stage. Professor Patrick Parkinson ensured that the last 60

minutes of the conference did not disappoint, drawing on a variety learning practices from a number of professions – Dr Shahina Braganza– medical, Andrew MacDonell – accounting and Xanthe Cushing – legal. All provided valuable insights into innovative teaching initiatives in their space.

All of this would not be possible without our generous venue hosts – a big shout-out to QLS for providing the conference venue and College of Law Queensland for the pre-conference reception. Finally, the biggest thank you must go to you, the conference attendees whose support and contributions ensures that CLEAA continues to survive and thrive.

*For photos, see pages 4 and 5*

### CLEAA AGM

The CLEAA AGM was held in Brisbane on 19 October 2018 and was well attended. The meeting elected the following to Executive Committee for the coming year:

**President** – Ronwyn North, Managing Director, Streeton Consulting and **Vice President/Treasurer** - Jacquelyn Simon, Managing, Director Legalwise Seminars  
**Ordinary Members** - Una Doyle, Director Education, Judicial Commission of NSW; Bali Kaur, Director Professional Development, NSW Bar Association; Christopher Lemercier, Assistant Director, Practitioner Education, College of Law; Jacqui Lynagh, Educational Designer, TC Beirne School of Law, University.

The President thanked retiring executive members - Francesca Saturno, Deputy Executive Officer, Law Society of TAS, Amal Cutler, Professional Development Officer, Law Society of TAS and Sarah Collins, Manager Programs, Judicial Commission of NSW.

She also thanked the following for their ongoing support of CLEAA, Kathryn Mackenzie, Business Angel Services (secretariat), Kim Senior, Kindle Vision (website) and Elizabeth Loftus, Leo Cussen Centre for Law (legacy secretariat) and all those who contributed to the CLEAA conference in Queensland.

2....

### **Keeping up to date with learning theory – Who missed the memo about Bloom’s Taxonomy revisited?** by Ronwyn North

In case you missed the memo, creative thinking is now regarded a higher order thinking skill than capacity for sound judgment. While the change has been embraced by the law school stage of legal education, what about continuing legal education and professional development? How many learning activities or programs are there where the learning objectives are aimed at maintaining or enhancing capacity for creativity? Do lawyers, providers, regulators and clients embrace the teaching and learning of ‘creative lawyering’ or is this seen as a pejorative euphemism akin to teaching ‘creative accounting’ or how to ‘cook the books’?

There are a number of models for describing thinking skills and how to teach them but one of the most influential in legal education has been Bloom’s Taxonomy. Named for Benjamin Bloom who chaired the committee that developed the classification, the thinking skills are typically represented in a hierarchy or pyramid with the simplest skill on the bottom and most complex skill at the top. In the original hierarchy the lowest order thinking skill was to be able to recall knowledge. The apex skill was evaluation or judgement, being able to critique or determine the value or relative merit of an argument, option or other matter under consideration. In between from bottom to top were the skills of comprehension (being able to grasp the meaning or put material into your own words), application (being able to use the understanding or see relevance to a new situation), analysis (ability to break down or distinguish parts into an organised structure), synthesis (ability to put parts together to form a coherent or unique new whole).

However, 2001 saw the publication of a revised version of the hierarchy which reversed the order of the top two skills. In the new model, the top order cognitive skill is creative thinking, being able to create or synthesise something new. Judgment has been relegated to the number two spot on the basis that being able to evaluate or critique the status quo is precursor behaviour to creating something new. Given that learning to ‘think like a lawyer’ is the central mission of much legal education it is not

surprising that the new model has had an impact of the law school curriculum.

The influence of the new Bloom can be seen the new Threshold Learning Outcomes for Graduates of Bachelor of Laws approved by the Australian Council of Law Deans in 2010. TLO3 Thinking skills specifies that graduates will be able to: (a) identify and articulate legal issues, (b) apply legal reasoning and research to generate appropriate responses to legal issues, (c) engage in critical analysis and make a reasoned choice amongst alternatives, and (d) think creatively in approaching legal issues and generating appropriate responses.(emphasis added) (\*see Nick James: Logical, Critical and Creative: Teaching ‘thinking skills’ to law students. QUT Law & Justice, Number 12, Vol 1, 2012 p 66 at p68).

So, what is happening at the CLE/CPD level with regards to reinforcing and extending creative thinking? From time to time providers do run courses explicitly directed at creative thinking. Edward de Bono’s 6 Thinking Hats is one example. Other learning activities perhaps indirectly foster creativity such as when the outcome of one lawyer’s creative thinking on a legal issue forms subject matter of a CLE /CPD session. This creative output becomes a lower order knowledge input for others who in turn learn how to approach the issue in a new way. However, teaching and learning creative thinking as an apex skill needs to be about much, much more. In the present environment of disruption and reinvention of the future of law creative thinking is possibly the most important skill of our time. There is a real opportunity for CLE/CPD providers be creative themselves in how they go about designing and delivering learning experiences that foster the development and mastery of this new core capability. Inevitably this will involve wrestling with learning objectives and outcomes, those specifications of what learners should know or be able to do by the end of the learning experience in order to assure themselves and others of their creative competence. While many of us will recall, fondly or otherwise, being schooled in the 1980s and 1990s in how to write performance based instructional objectives a la Robert Mager, perhaps we should do ourselves and our learners a favour by having a closer look at the ‘new Bloom’.

3....

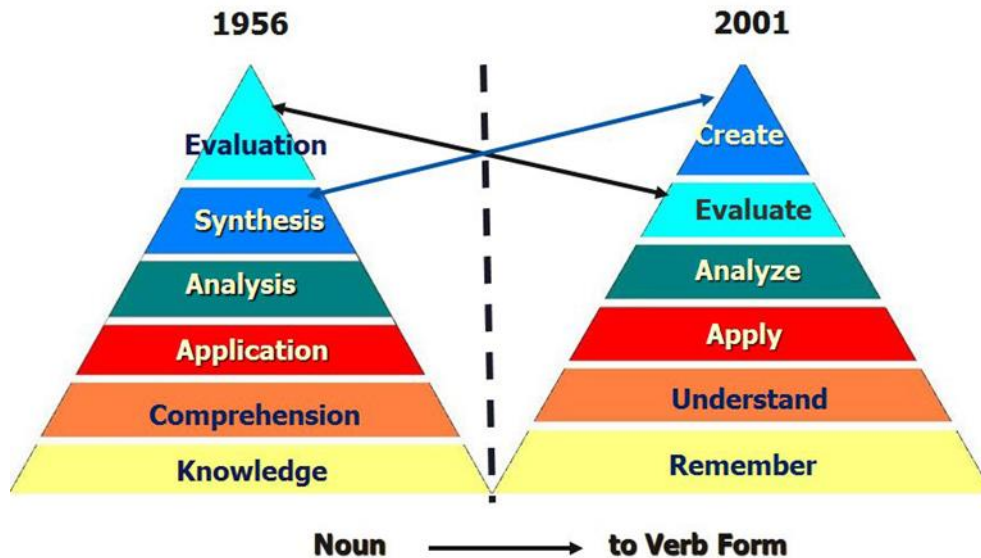


Diagram 1.1, Wilson, Leslie O. 2001) <https://thesecondprinciple.com/teaching-essentials/beyond-bloom-cognitive-taxonomy-revised/>

### Mental health deemed necessary to “act competently” in California Rules of Professional Conduct

The State of California deals with mental health for lawyers by ensuring it is specifically covered by the Bar’s Professional Conduct Rules:

*“Rule 3-110 Failing to Act Competently, Rule 3-110 Section (B) Competence*

*For purposes of this rule, “competence” in any legal service shall mean to apply the 1) diligence, 2) learning and skill, and 3) mental, emotional, and physical ability reasonably necessary for the performance of such service.”*

### Launch of Australian Gender Equality Council

On the 18th September 2018, the Australian Gender Equality Council was officially launched to the Australian public. <https://www.agec.org.au/>

Congratulations to Ann-Maree David, Executive Director of The College of Law, Queensland and a Past President of CLEAA, who is a founding board member.

<https://www.agec.org.au/project/ann-maree-david/>

### 2018 Legal Firm of Choice Report - career factors impacting lawyer satisfaction in firms

Those working in professional development will be interested to read Grace Ormsby’s piece in Lawyers Weekly (11 October 2018), informing that “a number of career factors are having an impact on Australian legal professionals’ professional and career trajectory perceptions of their own firms, providing insight into what firms are doing well, and what factors law firms may need to reconsider in an effort to prevent loss of talent”.

In the survey, legal professionals were asked to rate how they feel their firm performs on career factors across eight areas: engaging work, training and education, career progression, mentoring, quality leadership, diversity and equality, pay and reward, and secondment opportunities. Full article here:

[https://www.lawyersweekly.com.au/biglaw/24225-career-factors-impacting-lawyer-satisfaction-in-firms?utm\\_source=LawyersWeekly&utm\\_campaign=11\\_10\\_18&utm\\_medium=email&utm\\_content=1](https://www.lawyersweekly.com.au/biglaw/24225-career-factors-impacting-lawyer-satisfaction-in-firms?utm_source=LawyersWeekly&utm_campaign=11_10_18&utm_medium=email&utm_content=1)

Copies are available for purchase - contact Michael Johnson via [Michael.Johnson@momentummedia.com.au](mailto:Michael.Johnson@momentummedia.com.au) or 02 9922 3300

4....

## CLEAA Conference 2018 – Memorable Moments

*Enjoying preconference drinks at the College of Law Rooftop venue, Ann St, Brisbane, Wed 17 Oct 2018*



*Sarah Loftus, Heather Hibberd and Ann-Maree David*

## Need a memory boost? Try using Sans Forgetica!

Sans Forgetica is a font that has been scientifically designed using principles of psychology to improve retention of written information. It was created by a multidisciplinary team of designers and researchers from RMIT's School of Design and its Behavioural Business Lab.

This new typeface and highlighting tool has been designed to enhance memory retention. The broken lettering creates minor obstructions to learning processes which causes the brain to engage in deeper cognitive processing resulting in better retention.

Developed originally to help students better remember their study notes, it's interesting to think about the potential applications of this new tool in professional learning and legal practice.

Sansforgetica is the product of creative collaboration of designers and behavioural scientists from RMIT University and can be downloaded for free at <https://sansforgetica.rmit/>

## Upcoming Legal Education Conferences

International Journal of Clinical Legal Education Conference, Melbourne 28-30 November 2018 (Hosted at Monash University Law chambers, Lonsdale St, Melbourne)

[https://www.monash.edu/law/home/cle/clinical-legal-education-conference#tabs\\_1384278-01](https://www.monash.edu/law/home/cle/clinical-legal-education-conference#tabs_1384278-01)

APLEC "Sunshine or Storm Clouds on the Horizon for PLT?", 6 - 8 December 2018, Hong Kong (Hosted by City University of Hong Kong)

[http://www6.cityu.edu.hk/slwl/lib/doc/events/SLW\\_U6998-APLEC-Brochure-v6.pdf](http://www6.cityu.edu.hk/slwl/lib/doc/events/SLW_U6998-APLEC-Brochure-v6.pdf)

GLS 13 - Global Legal Skills Conference, Melbourne 10 – 12 December 2018 (Hosted by Melbourne Law School)

<https://glsc.jmls.edu/2018/program/>

5.....

## CLEAA Conference 2018 – Memorable Moments (continued)

*Jennifer Flynn joins the CLEAA Conference from Alberta, Canada to talk about competencies*



*Dr Chantal Morton and Natalie Wieland showing us how lawyers like to learn*



*Graham Jobling giving an update on regulatory and other issues across all jurisdictions.*



*Peter Cutforth reviewing various e-learning tools available for cost-effective CPD delivery*



*Cross profession panel: L to R - Dr Shahina Braganza, Professor Patrick Parkinson (facilitator), Andrew MacDonell and Xanthe Cushing*

