

October 2019

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 2019 CLEAA Annual Conference

The 2019 CLEAA Conference and AGM* took place from 16-19th October in Sydney and has received very positive feedback so far. Here is short roller-coaster ride through the action-packed event!

For those who arrived early, a relaxed welcome reception took place on Wednesday evening at the Law Society of NSW, conveniently located next door to the conference venue at the NSW Bar Association.

Early on Thursday morning, deep in the depths of Phillip Street where the Bar Association's art collection is wonderful, CLEAA gathered for two precious days of learning for ourselves. We spend most of the year looking after the learning needs of others and this is our chance to learn for ourselves. Learning professionals from every part of the legal profession came together to share, question, listen and learn.

Following welcomes and introduction by Aunty Joanne Selfe and Ronwyn North, Law Council President-elect Pauline Wright opened the conference which then moved quickly to a lively presentation by Joydeep Hor on the broad issue of culture. This was then followed by a very thought-provoking presentation by Kylie Nomchong on the role of education in addressing and changing workplace behaviour. A panel session led by expert facilitator Sue-Ella Prodonovich looked at what is happening in reality, with panellists Odile Shepherd, Rachel Setti and Candice Perriman giving us their collective wisdom of a fixer on the coal face of private practice/workplace learning.

After lunch, Dr Chantal Morton served up ideas on creating CPD experience. Some of her key takeaways were passive learning is not enough, we need to make learning interactive to engage the learner, make sure you provide material the learners can revisit and always put scaffolding around the learning so learners build on their skills. For a 5 minute snapshot of Chantal's presentation (courtesy of VidVersity), please click here: <https://benchmark.vidversity.com/share/5da7fd7bd00f4>

To wrap up and end Day 1, we were inspired by Ann-Maree David's enthusiasm for tech (and quietly amazed at how much she packs into a day!).

Those who attended the conference dinner at Postales that evening enjoyed an opportunity to catch up and relax after a vigorous day of learning.

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Friday began with another conference highlight with Professor Frank Wu, who beamed in from USA and both challenged and entertained us with both his content and presentation on the topic of diversity. Frank is a distinguished law professor, popular law teacher and author of "Yellow: Race in America Beyond Black and White" which is credited with helping change the conversation around race in the United States. A master story teller, Frank said that the stories that we tell give meaning to our lives and illustrated this wonderfully with stories of his own experiences as an Asian American and his personal journey around understanding race and the place of discussions about diversity in the context of social justice and building and maintaining a strong democracy. We will feature more on Frank Wu's session in the December issue of CLEAA Talk.

Dr Michael McNamara then reminded us that supervision is not a 'dirty word' and in fact is a key part of learning and applying skills safely. Many professions use supervision as a way to create a safety net and in some cases such as academia, supervisors are remunerated for their supervision services. He argued the legal profession could do with more supervision to alleviate that "sink or swim" feeling, that so many people suffer from at the start of their legal career. Kate Cato and Shirley Southgate shared their experiences in the world of supervision from a law firm and education institution perspective.

Natalie Wieland and Anna Hinder wrapped up the conference with their dangerous ideas in CPD. Natalie demonstrated how VidVersity can be used to reinforce learning and create new learning experiences with interactive video. Anna flew us through why simulators can be an incredible way to learn, and shared other snippets of helpful information.

Of course, without our generous venue hosts none of this would have been possible – thank you to the NSW Bar Association for providing the conference venue and the Law Society of NSW for the pre-conference reception.

A huge thank you must also go to you, the conference attendees whose support and contributions ensures that CLEAA continues to survive and thrive.

PS- conference attendees, if you have not submitted an [evaluation](#), there is still time! (photos page 7)!

**For the AGM update, see page 3.*

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Business skills still taking a back seat – UK perspective

Solicitors are still ignoring importance of business skills according to a LexisNexis 2019 report.

The report, entitled “*The good solicitor’s skill set*” concluded that the human and legal skills its research found topped the list of desirable attributes, should have placed second to business skills most lacking in the profession.

John Whittle, LexisNexis’s market development director, said that solicitors were displaying a “tendency to cling to the status quo”.

While those surveyed agreed that both business and human skills were equally important, they considered legal and human skills a higher priority.

https://www.legalfutures.co.uk/latest-news/solicitors-ignoring-importance-of-business-skills?utm_source=iContact+Weekly+Newsletter&utm_medium=email&utm_campaign=legal-futures&utm_content=

New skills - the answer to meeting the challenge to stay ahead

Momentum Intelligence has released the results of its survey of firms most attractive to Australian legal professionals, with Minter Ellison and Herbert Smith Freehills named 1 and 2 respectively.

In contrast to the previous article, a key focus area for HSF is developing transferable skills in response to rapid market change. This is seen as a key to its successful position. New types of skill sets will continue to evolve and be in demand. As such, change is not only embraced, but welcomed.

https://www.lawyersweekly.com.au/biglaw/26452-change-is-at-the-heart-of-everything-we-do-how-hsf-attracts-talent?utm_source=LawyersWeekly&utm_campaign=09_09_19&utm_medium=email&utm_content=1

Snippets of wisdom

Getting the best out of hashtags

A hashtag can be recognised by the use of the # symbol, i.e. #socialmedia. But how best do you use them for business?

<https://pathwaysaustralia.com.au/how-to-use-hashtags-for-my-business/>

What to Say When Your Employee Makes a Mistake

It’s hard for some conversations to go well. Hard, but not impossible.

https://hbr.org/2019/09/what-to-say-when-your-employee-makes-a-mistake?utm_source=bambu&utm_medium=social&utm_campaign=advocacy

Upcoming Legal Education Conferences

Legal Education Research Conference, 27 – 28 November 2019, UNSW

<https://events.unsw.edu.au/event/legal-education-research-conference>

Changes ahead for WA

From 1 July 2020, three-quarters of Australia’s solicitors will be regulated under the Legal Profession Uniform Law. Amendments have now been passed ahead of Western Australia joining the scheme adopted by NSW and Victoria in 2015.

From 2020 the Legal Services Council, which oversees the implementation and operation of the Uniform Law, will be expanded to seven and include at least one member from Western Australia.

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News from the UK: SRA introduces the freelance solicitors' model

From November 2019, the Solicitors Regulation Authority (SRA) is introducing new regulations that will enable solicitors to work and offer services to the public in different ways, outside of the traditional legal entity models.

The new model of operating as a freelance solicitor is distinct from traditional forms of legal practice. For example, a freelance solicitor is exempt from the SRA minimum terms and conditions of professional indemnity insurance and is strictly prohibited from adopting an entity structure such as a partnership, limited liability partnership or a limited company. An individual choosing to practise as a freelance solicitor will therefore be operating under their own name and will be personally liable in the same way as a sole trader is in any other profession, sector or business. In addition, from 25 November 2019, the new SRA Standards and Regulations will allow solicitors to deliver non-reserved legal services to the public from within a business not regulated by a legal services regulator.

For more details, visit the Law Society's Practice Notes page (access free but you will need to create an account) <https://www.lawsociety.org.uk/support-services/advice/practice-notes/>

CLEAA AGM 2019

The CLEAA AGM was held in at the NSW Bar Association, 174 Phillip Street, Sydney on 18 October 2019 and was well attended. The meeting elected the following to Executive Committee for the coming year:

President – Jacquelyn Simon, Managing Director, Legalwise Seminars.

Vice President/Treasurer - Una Doyle, Director Education, Judicial Commission of NSW.

Ordinary Members – Cara Sleeman, Head of Professional Development, Law Society of NSW; Sue-Ella Prodonovich, Principal, Prodonovich Advisory; Heather Traeger, Law Society of the Northern Territory; Natalie Wieland, Founder and Head of Product, VidVersity; Dr Chantal Morton, Associate Professor, Melbourne Law School.

Ronwyn North, President, thanked retiring executive members - Bali Kaur, Director Professional Development, NSW Bar Association; Christopher Lemercier, University of Technology, Sydney; Jacqui Lynagh, Educational Designer, TC Beirne School of Law, University.

She also thanked the following for their ongoing support of CLEAA: Kathryn Mackenzie, Business Angel Services (secretariat), Kim Senior, Kindle Vision (website) and all

those who contributed to bringing the CLEAA conference to Sydney. In addition, Helene Breene and Cynthia Palmer and the Queensland Law Society received special mention for supporting networking events in Brisbane.

As outgoing President, Ronwyn was in turn recognised for her service to CLEAA and leadership of the Executive Committee. Under Ronwyn's guidance over the past two years the CLEAA Annual Conference has been revitalised, CLEAA's famous networking channels re-established and support services put in place to improve the experience of members.

Members - for further information about the AGM and associated reports, please contact the Secretariat, details below.

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THE DANGERS OF PERFECTIONISM

Being perfect sounds good, but the pressure can affect your physical and mental health. CLEAA conference presenter and organisational psychologist Rachel Setti shares some solutions.

What is it that drives so many of the highly successful yet anxious executives I've had the pleasure of coaching? In my experience, that double-edged sword called perfectionism has a lot to answer for.

To illustrate the potentially insidious impact of perfectionism, I will share the plight of a talented and dynamic leader I worked with recently. Let's call him Gavin. Gavin had an enviable menu of successes, was seen as a great asset to his business, and was appreciated by his peers and managers.

There was one issue, though: he was prone to anger. This anger would sometimes overtly seep into his behaviour, though more often than not Gavin would keep it inside (or "internalise" the feeling) and this was having a direct and negative impact on his work. By the time I saw Gavin, he had realised that his responses were inhibiting his capacity to progress and reach the career heights he knew he was capable of.

Self-talk matters

Gavin and I worked together for some time to unearth his issues. Here was a smart, successful, switched-on individual who literally felt emotionally eaten up inside. On the face of it, it didn't make sense. However, after a process of self-searching, Gavin discovered the damaging effects of his constant and consistent internal narrative that repeated in his mind, over and over again, like a broken record. This internal chatter (known as "self-talk") constantly berated Gavin for even the smallest misfortune of human error, such that any perceived negative feedback (i.e. a trigger event) would often feel excruciating.

He tried to hide his response as best he could, though the more he tried, the more he would ruminate, and the angrier he would become. And guess what? The

anger clouded his thinking and judgment, and eventually undermined his capacity to meet his real potential. In short, Gavin's fear of failure was limiting his success.

In my experience, Gavin's thinking style is not uncommon among driven professionals. Undoubtedly setting oneself challenging goals is often a key ingredient for success. However, tip that balance such that your measure of success is based on objectively unattainable standards and the path of (self) destruction lies ahead. Heard of the saying "nobody's perfect?" Well, it's true.

Research by American management psychologists Dr Nancy Leonard and Professor Michael Harvey found that some aspects or types of perfectionism can propel an individual towards positive outcomes. For example, when a person derives a sense of internal satisfaction for completing a job well and doesn't berate themselves for the occasional slip-up.

However, when an individual uses their success (or lack of) as a measure of self-worth, then they fall into the category referred to as negative perfectionism.

Perfectionistic tendencies usually begin in childhood through messages given to an individual via their role models. Such thoughts become habitual and unrelenting, meaning they revolve around the mind, and while they might be avoided for a while, unfortunately they don't easily disappear. The problem is that they are often not particularly rational or true, despite the fact their owners treat them with utmost esteem and authority. The real concern is that over an extended period of time, such perfectionism can lead to negative emotional states, including depression, anxiety, stress and a host of psychosomatic symptoms that affect performance – exactly as Gavin was experiencing.

But what of external influences on perfectionistic tendencies? As we know, humans are not islands, and it is widely believed that organisational culture can influence an individual's emotional state and behaviour significantly.

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Some environments may well exacerbate existing maladjusted feelings and behaviour, particularly those that constantly scrutinise employee output. One example that springs to mind is the conventional billing system, which is de rigeur in many law firms today. Lawyers have often remarked to me that the established system cultivates a culture of internal competitiveness and errorless outputs. The conveyor belt of goal-oriented achievements (commonly measured in six-minute increments) can be unrelenting, particularly as it is constantly monitored and judged.

Based on this feedback, it would seem that lawyers are groomed to live up to a set of pre-established expectations with metrics to match their every (billing and perhaps non-billing) move. They also have limited control over this relatively black-and-white measurement system.

Overlay this with an individual who displays perfectionist tendencies and you can end up with a situation whereby their maladaptive thoughts are constantly reinforced. The long-term manifestations of this, you can imagine, are a set of unhealthy behaviours such as “procrastination, increased conflict, chemical use and abuse, eating disorders, coronary heart disease, chronic pain and even suicide” (Leonard and Harvey).

The good news

There is good news, though. Change is on the horizon as some of the more traditional legal firm structures are being challenged in terms of their benefit to both practitioner and client.

One successful example is that of Keypoint Law, which, based on the pioneering work of its UK sister firm, is reframing the way lawyers structure their work. Lawyers are able to make choices as to the volume and type of work they get involved in, as well how much they charge for their services, thus gaining far more control over their professional destiny.

It will be interesting to watch how this evolves and to observe how the legal profession, which seems over-represented by perfectionists, may evolve alongside the shift in traditional practices.

PERFECTIONISM: HOW TO BEAT IT

Want to ensure this gremlin called perfectionism doesn't interrupt your true potential?

- Listen to your self-talk for one week. What messages do you give yourself when you make mistakes? You'll be amazed how revealing a bit of self-observation is
- Write your thoughts down as you go (don't leave it until later, as memory has a tricky way of distorting reality).
- At the end of the week, look at your list. What is your dominant pattern of thinking? What words are you using? Look out for thoughts starting with “I must” or “I have to” and reframe them into a set of more flexible options, such as “I will try to”, “I prefer to” and “I choose to”.
- If it's too difficult to get rid of all the “musts”, set yourself a couple of high priorities for the week, which truly need to be achieved seamlessly – though remember that, by definition, not everything can be high priority.
- Above all, ask yourself whether you would treat a good friend the way you treat yourself. If the answer is no, then stop self-sabotaging and start self-forgiving.

Rachel Setti is an organisational psychologist and coach who specialises in effective leadership and interpersonal skills. www.rachelsetti.com

This article was previously published in the February 2015 issue of the LSJ.

Conference Moments



Ann-Maree David presenting at CLEAA 2019, 17 October.



Candice Perriman, Odile Shepherd Sue-Ella Prodonovich and Rachel Setti at CLEAA 2019, 17 October.



Catherine Kenny, Sue-Ella Prodonovich, Odile Shepherd, Candice Perriman and Rachel Setti in action at CLEAA 2019, 17 October.