

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.



One definition of innovation is the creation of something new. On the other hand, disruption can be seen as the creation of something new that displaces the old.

The **2020 CLEAA Conference** will explore these concepts in the context of CPD and legal education. What's coming down the pipeline? What is being displaced and replaced? And how do we help our profession adapt to this brave new world?

Come to **CLEAA 2020** to hear more!

CLEAA Annual Conference 2020
Disruption & Innovation: Meeting the Challenge

Thursday 15 - Friday 16 October 2020

**The Law Institute of Victoria,
140 William Street, Melbourne, Victoria**

Further information will be available on the [website](#) or [LinkedIn](#) shortly.
Suggestions for speakers or topics are welcome, please email cleaatalk@cleaa.asn.au

Learning trends for 2020 and beyond. Relevance for Law Firms.

As the New Year kicks off, it's timely to look at current trends in professional development and the relevance of these to the legal profession.

Broadly, these trends can be divided into 2 categories - Technology and People. As the tools with which we can develop and distribute learning become ever more sophisticated, perhaps the need to feel engaged as an individual learner is more important than ever. Balancing these 2 factors will be the great creative challenge for those designing and delivering learning, from the school room to the C-Suite.

Let's start with technology.

In 2010, the arrival of the iPad, cheaper mobile internet services and accessible WIFI, signified a seismic shift in the ability to access real 'on the go' learning. It is now firmly embedded as a feature of the learning landscape. It's a cheap, efficient way to deliver learning, it meets the needs of the flexible workplace and has the potential to reach those that can genuinely benefit. (See this article from [the World Education News and Reviews on the rise of MOOCs](#)).

Whether we like it or not, online learning is here to stay. But like any form of education, just because it's online doesn't mean it's a good experience. The challenge for learning designers is to ensure learner engagement, creative design and continuous development and improvement based on user experience.

What is next in this space?

Adaptive learning enables learning to meet the specific needs of the learner. This can be

designed by the course creator or can be based on predetermined algorithms. At its simplest, it can filter learning that is specific to the learner (for example, a family lawyer will also need to keep up to date with tax and trust law). It also has the potential to drive in-depth learning delivered to the lawyer's in box with preferences tailored by subject matter, mode of delivery (live, video, text based) and format (for example micro learning or blended options).

For time poor lawyers with inboxes bulging with practice area updates, newsletters and the like, micro-learning offers an ideal solution for bite size learning. The ability to aggregate this learning for CPD points is also appealing. Snapshot style updates with the ability to access further learning where needed appeals to this lawyer!

Social learning platforms are also on the rise. These provide learners with a modern 'study group' enabling knowledge sharing through forums or chats. In much the same way, collaborative work platforms are on the rise with workers collaborating in a defined online space away from the noise of the inbox. We will need to be open to all adaptations of online learning as a new generation of workers enters the workplace from sophisticated worlds of tertiary learning.

Gamification, Virtual Reality and Augmented Reality may not be an obvious fit for the legal profession (although ideal for practical training in other industries such as medicine or engineering) however it's important to be aware that these modes of teaching are already permeating K-12 education. These students will ultimately become the workforce for which such modes will be the 'new normal' so we ignore these at our peril.

Ultimately the 'end users' of technology are people; social animals with the need to connect,

the need to be acknowledged as individuals and as valuable contributors to an organisation.

Engaging these learners directly in the culture of learning is key to learning success. As Learning and Development professionals, you will be conversant with continuous learning culture, employee led learning and 'leaders as coaches'. These are the sweet spot for professional services firms and the real challenge to shift learning cultures from 'tick the box' CPD to a much more immersive learning experience. For firms striving to attract and retain the very best talent, the learning culture may be the point of difference.

There's plenty of further reading to dive into and here is just a start from a [study by Deloitte](#).

It would be wonderful to hear your reflections on what you see as the key developments in learning, the parts that terrify you and those that you find inspiring. In this rapidly changing age, we are all learners.

About the Author. CLEAA member [Liz Kollias](#) was a practicing lawyer for 15 years before joining CPD Interactive. She is part of the VidVersity team and founder of The Little Space – a co-working space for women.

Lawyers v Computers: Are We Still Facing Elimination?

This concept pops up regularly with the rise of artificial intelligence. There is little doubt that the efficiencies created by new technologies such as block chain are going a long way to redesign the way lawyers work and, indeed, how lawyers are trained.

However, replacing the human element is still very much in the future, if at all. Here we have gathered a few articles of interest that canvass these views.

First, lawyer and author Arthur Marusevich examines claims that technology will eliminate human lawyers and [explains why he rebuffs this theory](#).

A name well known to lawyers, is Richard Susskind, who was the great disruptor in the 1980s. He has recently written on the thorny subject of online courts and access to justice. Susskind, who was either loved or loathed depending on your view, revolutionised the legal profession by predicting the rise of technology in his 1996 book "*The Future of Law*". Looking back, many of his predications have proved to be eerily accurate. He is now the IT Adviser to the Lord Chief Justice of England and Wales, author of nine books and holds a number of professorships at high profile universities. In a recent [article for LSJ](#), he discussed his new book on online courts.

Further reading

R Susskind (2019) *Online Courts and the Future of Justice*, Oxford University Press

E Winick (2017) *Lawyer-Bots are Shaking Up Jobs*, MIT Technology Review

R Yu & G Spina Ali (2018) *What's Inside The Black Box? AI Challenges for Lawyers & Researchers*, *Legal Information Management*, March 2019, Vol 19, Iss 1, pp2-13

Proposed Amendments to the Legal Profession Uniform Law

In local news, the Legal Services Council has [released a consultation paper](#) on proposed amendments to the Legal Profession Uniform Law. The proposed amendments have a number of objectives, including improvement of administrative efficiencies, and resolution of inconsistencies and drafting anomalies.

In regard to legal education, Chapter 2 of the paper deals with “Threshold requirements for legal practice” and addresses accreditation of law courses and providers of practical legal training. The Legal Services Council invites feedback on the proposed amendments by Friday, 28 February 2020.

Snippets of Wisdom

Stop the Meeting Madness

The mere mention of a “meeting” can make some of us break out in a cold sweat, simply because so many are poorly run and unproductive. According to the Harvard Business Review, research shows that meetings have increased in length and frequency over the past 50 years. [This HBR article](#)* provides some insights and advice as to good meeting management.

12 Top Tips for Running a Good Meeting

Based on the above, [this short article](#) (a 2 minute read) summarises some useful strategies.

Ethics Training for In House Counsel

Ethical concerns are never far from the desk of an in-house counsel, according to research from the University College London (Professor Steven Vaughan), as reported in [Lawyers Weekly](#).

The survey results report that a third of in-house lawyers say that they are called on to offer advice on a matter that makes them feel uncomfortable. It highlights the tension between the commercial responsibilities of a corporate counsel while also maintaining high ethical standards. From an education perspective, this may be an area where a bespoke CPD program could be a valuable resource.

An Argument for Unconscious Bias Training

A recent article in the Sydney Morning Herald entitled [“Female High Court judges ‘far more likely’ to be interrupted than male peers”](#) brings us back to the question of unconscious bias training and equitable briefing programs.

The study was undertaken by graduate lawyer Amelia Loughland and indicates that women are more likely to be treated unequally even in the judiciary.

Snapshot of 2019 Trends

This [Lawyers Weekly article](#) provides an interesting insight into some issues and trends from 2019 and their likely influence on the year ahead.

Mandatory Cultural Competency Training in British Columbia, Canada

Following the recommendations of the Truth and Reconciliation Commission released in 2015, The Law Society of British Columbia has introduced [a new training requirement](#). From 2021, all practising lawyers in the province must undertake Indigenous cultural competency training.

The Society has determined that lawyer competence should include knowledge of the history of Indigenous-Crown relations, the history and legacy of residential schools and specific legislation regarding Indigenous peoples in Canada. All practising lawyers in B.C. will be required to take a six-hour online course covering these areas.

UK Barristers CPD Scheme – 3 Years On

The Bar Standards Board in the UK introduced a new CPD scheme in January 2017, which replaced the old requirement to achieve 12 CPD hours a year. Under the new scheme, barristers must plan their learning objectives at the start of the year and reflect on what they have learnt at the end.

An online survey conducted by IRN Research has [revealed some interesting facts](#) notably that many find the concept of reflection a challenge to understand. It also found that attending external courses and seminars remained the most popular education activity.

Research into Asian-Australian Leadership & Culture In The Workplace

Following the 2019 CLEAA Conference theme of **A Culture of Learning** which explored the link between learning and workplace culture, the topic of culture continues to be a topic of discussion in professional development circles.

In the December issue of CLEAA Talk, conference attendee Anna Hinder shared a recap of Professor Frank Wu's presentation on cultural diversity, including a discussion about the Bamboo Ceiling. In line with this, we draw your attention to a very interesting piece of research conducted by Cultural Intelligence, specialists in cultural diversity.

The stated objective of this research is *"to explore major differences and similarities in work styles between Asian-Australian and Australian cohorts across all roles and levels"* and some of the findings will be of great interest to anyone developing programs in an increasingly diverse workforce.

An executive summary of the report can be found here:

<http://culturalintelligence.net.au/#about-1>

Members' Say

In preparation for CLEAA's 2019 annual meeting we conducted a survey of members seeking views on some of the issues exercising our minds. Here are thoughts about areas for change...

Q: What would you like to change about the approach or culture towards learning?

Responses:

- Encourage everyone to have a learning and career development plan that they regularly update.
- Change from points based on time to a focus on competency.
- Emphasis on practitioner type rather than on the type of law practiced.
- Less of a check-box approach. More collaboration.
- A focus on personalised learning rather than what L&D thinks the whole firm needs to learn.
- Include mandatory training about sexual harassment and bullying across the profession.
- Less focus on 'sage on the stage' and more interactive learning programs.
- Better systems for e-learning.
- The annoyance lawyers have in paying for CPD.
- Encourage greater recognition of on the job and informal learning
- Allow more time for participation.
- Survey staff and members
- Greater understanding of importance of soft skill training and not just focusing on technical.
- I wish lawyers would embrace continual learning as an important part of their professional identity and not just as an obligation. I would also like them to be more open to learning about a range of issues, not just the legal issues in their particular area of practice.
- Greater awareness of self leadership styles at leadership level.

Half Yearly CLEAA Membership

Half yearly CLEAA memberships are now available!

If you are considering joining for the first time, a six-month membership is available from 1 January to 30 June 2020 for only \$37.50. <https://cleaa.asn.au/join-online/>

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