

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.



Moving L&D Online: Lessons Learned

'Building Communities and Facilitating Online Learning'

A free event via Zoom: 2.00-3.30pm, Thursday 28 May



Ass Prof Julie Clarke
MLS



Ass Prof Gary Cazalet
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Jan Christie
Gilbert + Tobin



Mark Brady
King & Wood Mallesons



Natalie Weiland
Vidversity

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A free event: 2.00-3.30pm, Thursday May 28

This online event is for anyone in a law firm or a law school who is responsible for thinking about teaching and learning.

We will be tackling the topic 'Building Communities and Facilitating Online Learning'. The focus of our discussion will be on sharing lessons learned by MLS and other organisations during the shift to online delivery.

We've seen some triumphs and just a few crashes and we thought this would be a good time to check in with each other as a way to share promising practices and avoid pitfalls.

The session will be structured as a panel discussion with ample time for a moderated question and answer session.

Moving L&D Online Event: Panellists:

- [Associate Professor Julie Clarke](#), Associate Dean (Digital Technologies), Director of Studies, Global Competition and Consumer Law speciality, Melbourne Law School
- [Associate Professor Gary Cazalet](#), Co-Director of Studies, Graduate Diploma of Dispute Resolution, Melbourne Law Masters, Co-Coordinator of the Digital Citizens Research Network @ MLS, Director, Civil Justice Research Group
- **Jan Christie**, Capability + Development Manager, [Gilbert + Tobin](#)
- **Mark Brady**, Learning Design Manager, [King & Wood Mallesons](#)
- **Natalie Weiland**, COO & Co-Founder [Vidversity](#)

We will not be recording the session as we want to ensure a free and frank discussion.

To register go to

<https://successatmls.com/events/online-ld/>

For any questions about this or other events held by MLS, please contact Associate Professor Chantal Morton, Director of Teaching, at MLS directly at chantal.morton@unimelb.edu.au

Brisbane CLEAA Zoom Meeting

A free event: 12.30-1.30pm Thurs May 21
CLEAA Brisbane will be meeting online to take stock and start planning for the post pandemic future.

Stafford Shepherd of QLS will provide introductory information on the impact of the lockdown on the profession, giving us insights into the major challenges ahead.

We hope all members will contribute to the discussion by bringing the benefit of their own experiences and insights into what lies ahead for learning professionals.

Moderator: Helene Breene, Thynne McCartney

To register email Cynthia Palmer on coach@cynthia-palmer.com

We look forward to catching up with you all and sharing war stories.

CLEAA's 2020 Annual General Meeting

In the February issue of CLEAA Talk we excitedly announced our 2020 Annual Meeting for Melbourne in October. Since then we've changed tack and the CLEAA committee are busy developing online options for later in the year. More details soon.

LinkedIn Learning releases 2020 Workplace Learning Report

This fourth annual survey of 6,607 professionals in 18 countries looks at priorities, challenges, and inspirations. L & D professionals in Australia cite their top priority as "enabling self-directed learning with online

learning solutions". A snapshot of the survey results can be found [here](#).

Summer Associate Programs in US: How 25 'Big Law' Firms are responding in COVID-19 times

In April 2020 American Legal Media published responses from 25 large law firms forced to shorten, cancel or shift associate programs. You can read about the different approaches firms have taken [here](#).

From the Twitter-verse

"Why do you think that presenting at your virtual event somehow requires less preparation than an in-person event? It does not and, I'm sorry if you can't charge for your virtual event I don't know what to tell you but, if your event seeks to capitalize on free labor? um no." @inspiredcat

End of CPD Cycle Blues

For those CPD providers who have just completed the annual February March CPD marathon, congratulations on making it through. It's not unusual to feel somewhat demoralised at this time when we see so many practitioners simply seeking to "tick the box" rather than genuinely engage in personal professional development. To counter this, check out [this uplifting news](#) from the 2019 compliance audit of New Zealand's legal practitioners.

Getting the crowd moving

We still sit for long periods at conferences and CPD workshops and a nice alternative to a 'stretch break' is welcoming each speaker with a 'standing ovation'. As the speaker is introduced, the audience is invited to stand and clap. The benefits are that speaker feels good, the audience gets a moment to move

and refocus, and the energy in the room increases with minimal disruption to the schedule. In other words, it's win win win so why not try it at your next multi speaker event!

Moving Mediations Online

By Nicole Davidson, [Growing Beyond](#)

Mediation is almost a mandatory part of any litigated commercial dispute these days. It also can be used to settle disputes before proceedings are issued. Traditionally, mediations have always been carried out in person. To a large degree, this has been driven by the ability to quickly develop the necessary rapport and trust in a face-to-face environment.

In the current situation, face-to-face mediation is no longer possible. Disputes still need to be settled and online mediation is a great way to move forward. Lawyers can continue to provide service to their clients by ensuring disputes are resolved quickly despite any slow down in the court system.

How Do You Mediate Online?

Fundamentally, the mediation process is the same whether face-to-face or online. There are some important differences however. We set out below the different phases of the mediation and how they occur in the different environment in the table below.

Online mediation platforms

While not as popular as face to face mediation, online mediation has been happening for some time and there has been a lot written about it to assist mediators who are now transitioning their processes. There are a number of different platforms available for mediators to offer their clients.

The most basic option is telephone mediation This is the poor cousin of newer online

Moving Mediations Online (continued)

methods due to the challenges of building rapport over the phone.

There is a plethora of choice for web conferencing software which can be used to run a mediation. When considering whether a platform will be appropriate, consider whether the platform has capability for running breakout rooms. Security and privacy are also important considerations.

Finally, there are several dedicated online mediation platforms are purpose built to run mediations.

Through the use of these platforms, you can guarantee the required level of security when in breakout rooms and you know that your private conversations with your clients are kept private. These platforms also tend to run end-to-end case management of the mediation so documents can be exchanged and the settlement agreement can be signed, all via the platform. Two Australian options in this space are Immediation and Modron Spaces.

Mediation Phase	Face to Face	Online
Pre-Mediation In this phase of the mediation, the mediator has private discussions with each of the parties. This phase is a chance for the mediator to get to know the parties and to assist them to prepare for the joint meeting.	Traditionally, this stage is generally limited to a phone discussion between the mediator and each of the lawyers. Often the parties are left out of this process due to difficulties getting the parties in the same place.	The mediator can schedule video conferences with each party and their lawyer. Parties can all attend from their individual locations, saving time and cost.
Mediation Often seen as the main event, this is where the parties come together to examine issues and work towards a resolution.	Generally, this is held at either the office of one of the solicitors or in a rented mediation space. Parties often incur travel costs. The mediation takes place in a plenary meeting room for joint sessions and in separate breakout rooms for private sessions.	All parties can dial in to the mediation platform from wherever they are, saving time and travel costs. The mediation takes place in a virtual plenary meeting room for joint sessions and in separate virtual breakout rooms for private sessions.
Settlement Having reached resolution, it is important that the agreement be documented in a contract which binds both parties	The settlement agreement may be drafted by the lawyers at the settlement and signed in person by the parties. In smaller disputes, this agreement is often handwritten.	The mediation agreement can be done on screen by the lawyers in real time. The completed document can be sent digitally to the parties for electronic signature.

Members' Say

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

Q: What 3 changes (if any) would you make to the CPD Rules if you could (assuming the continuation of a mandatory requirement)?

- More flexibility as to learning method.
- Inclusion of mental health as a compulsory CPD unit to acquire each CPD year
- Recognition of the importance of good client communications.
- Just one, I would get rid of all the points except the one CPD unit for ethics.
- Further examples of what learning counts under each category
- More recognition of informal learning experiences.
- Include amongst mandatory points: cultural competence training; training to counter sexual harassment and bullying; and leadership training.
- Less focus on hours and points. More requirement for learning plans, learning outcomes and self assessment.
- That the rules link back to individual learning and career plans.
- Technology knowledge and skills included in the CPD requirement.
- Professionals need to focus on learning and competency, not on points based on time input, so include assessment or learning outcomes from all eligible activities.
- Include an over arching obligation on providers, including member associations, to focus on improving standards and quality instead of the current focus of CPD sales for revenue.

- Encourage learning plans as per NZ instead of hours
- Allow more self directed learning.
- Increase number of hours. Allow for more self-regulation
- Add category for Tech/cyber-risk and Health & Wellbeing.
- More emphasis on the risk management aspects of practice management.
- Tailored points system dependent on PQE.
- Add a health & well being competency as mandatory.

Connect with CLEAA

You don't need to wait for CLEAA Talk – we post news to our website

<https://cleaa.asn.au/>

Our Group on [Linkedin](#) or [Facebook](#)

Twitter @CLEAA Talk

Join, engage or follow!

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If you have an article, idea, or news you'd like to share on CLEAA Talk please send to sueella@prodonovich.com.