

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



CLEAA CONFERENCE 2020 - Disruption and Innovation

When: Thursday 15 October from 1 – 5pm and Friday 16 October from 9.30am to 1.15pm.

CLEAA's conference theme "Disruption and Innovation" has now become a daily reality for all of us with this year's pandemic. With the drive for innovation at rapid speed, we are pleased to present a range of speakers and topics on this theme at the CLEAA 2020 annual conference. We welcome all with an interest in continuing legal education to register and join us.

Over two half days, we'll hear from experts on diversity, change, technology and online learning. We will also gain insights into CPD topics for the online practice environment including the new complexities in relation to ethics, practice management and substantive law.

Registering for this CLEAA conference offers more than just attendance at this event, it opens the door to a range of benefits - access to our free webinars on legal education topics, our regular CLEATalk newsletter, and, as always, CLEAA provides you with a unique opportunity to come together with others who have similar functions in their organisations.

Visit our conference page to see the program <https://cleaa.asn.au/disruption-and-innovation-2020/>

Tapping Into The Potential of Lawyers When Working Virtually: 5 of the Best Questions To Ask



What an interesting conversation was had on September 8 in our webinar with Heather Watson and Attiyya Malik of [Bendelta](#) about ideas for supervising lawyers through more meaningful conversations and coachable moments.

Heather and Attiyya are performance coaches well known to many of Australia's largest Law firms and Government Teams.

We received a lot of requests to share the examples of five high value questions to ask...

1. What are you enjoying doing right now?
What about this gives you energy?
2. What are you finding challenging?
What about that is challenging?
3. What are you hoping to achieve?
Why is this important to you?
4. What is going to get in your way?
How can I support you?
5. What else can I bring you into?
Is there anything else you need right now?

You can download Heather and Attiyya's [presentation here](#).

Read more of their article [on our website here](#).

Highlights from 2020 ACLEA Conference (US)

By Una Doyle, current member and former President of ACLEA



[ACLEA, the Association for Continuing Legal Education](#), held its 56th Annual Meeting on July 24, 27, and 28. Like all conferences in the current environment, it quickly transitioned from the planned in-person event in Vancouver to a virtual conference.

Admittedly, the online environment did lack the charm of this beautiful Canadian city! However, the program adapted very well to virtual and embraced some wonderful innovations such as Run the World (for the online networking event) and an online exhibit hall.

There were many excellent sessions, including a number addressing the current challenges brought about by COVID19. A standout session was "Vancouver, We Have a Problem and so Does the Rest of the CLE World: Delivering CLE in a Pandemic", featuring an expert panel focusing on issues such as the "quick shift", emerging trends, budget and pricing impacts, leadership issues and more. CLEAA has been fortunate to secure the panel to deliver a reprise of this session for the upcoming CLEAA Conference – definitely one to tune in to!

Here's a short review of some of the top sessions:

1. Building Lawyer Competencies [Dr Kara Mitchelmore](#), Canadian Centre for Professional Education

This session focused on the way we look at lawyer competencies - we know that today's lawyers need to do more than understand the law. In order to thrive in a professional legal environment, they must build strong relationships, demonstrate empathy and compassion, communicate effectively, manage their time and their practice, while making ethical value-based decisions and building trust.

Highlights from 2020 ACLEA Conference (US) continued...

Based on this, the Canadian Centre for Professional Legal Education (CPLED) is changing how new Canadian lawyers gain the knowledge, skills, and competencies they need to succeed using engaging technology and innovative learning strategies.

CPLED has developed the Practice Readiness Education Program (PREP) that will help recent law school graduates gain practical legal knowledge and gain competencies in lawyer skills, practice management, professional ethics, as well as the personal attributes needed to successfully practice law in Canada.

This session discussed the new competency framework and how it was developed. Dr Mitchelmore also explained PREP and how it works.

2) Building Resilience in a Time of Change

Mumtaz Chaudhary, CCMP, Pragilis Solutions

In this session, Mumtaz explored a number of ways of developing personal resilience at work. She was an excellent presenter, for this challenging topic - her approach was calm, soothing and confident.

Mumtaz talked about the “what” and “why” behind resilience and what characteristics distinguish resilient leaders and teams from others. Some of these concepts were already familiar to me e.g. “circle of influence and control”, but it was a timely reminder given the stresses the PD sector is currently experiencing. The final uplifting message was that resilience, like any skill, with practice, can be learned.

3) Using Assessments & Evaluations to Create Better Educational Training

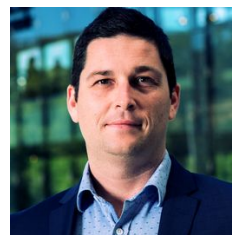
Gina Roers-Liemandt, Director MCLE & PD American Bar Association, and Sigalle Barness, COO of Lawline

This session was a very practical “deep dive” into creating assessments to determine the effectiveness of continuing education programs and products. There was a strong emphasis on the importance of well-crafted questions and design. Importantly, the presenters took the time to explain some differences in terminology - assessment v evaluation; formative v summative; etc.

Question type, order of questions, timing of the delivery, and the format make a difference in encouraging response rates and collecting meaningful data upon which to make improvements.

Supervising Lawyers

On August 4 more than 430 people signed up to hear from Dr Michael McNamara, Flinders University and author of [‘Supervision In the Legal Profession’ \(2020\)](#)



Jacqueline Simon, CEO of LegalWise Seminars and President of CLEAA shared her notes from Michael’s session with eleven practical tips respect of virtual supervision of lawyers.

1. Put a conscious emphasis on building the relationship
2. Conduct an initial “in person” meeting to establish the relationship
3. Scan the rooms with camera, to establish a familiar environment for interactions
4. Start each session with some social interaction
(continued over >)

5. Explicitly clarify any ambiguity in non-verbal and emotions during the sessions
6. Adopt a specific communication style
7. Adopt a slower, more formal speech style to address audio lags and speech clashes
8. Speak in longer blocks of dialogue
9. Jot down spontaneous comments and queries during longer speech blocks to avoid interrupting the flow
10. Engage in discipline turn-taking and listen without interrupting
11. Email written material prior to a session.

Michael's presentation slides are available on request from Kathryn secretariat@cleaa.asn.au

It's Never Too Early to Start Developing Strategic Ability

Expert Coach and Performance adviser, [Sarah Platts](#), [Director of Catalyst](#), provides these suggestions for lawyer development.



During early years of lawyer development focus is typically on learning and perfecting pin-point technical skills. As technical credibility grows it is not uncommon to hear as next step development feedback... "you need to be more strategic;" it's almost a rite of passage!

The reality is, if we think of developing strategic capability as a higher order skill, as a next step in a linear progression, we may be doing development a dis-service. Start early creating learning opportunities that support the development of strategic capability. The accumulation of information that combines for strategic point of view takes time to mature into insight.

Try these approaches that provide small and regular moments of reflection and stimulus:

1. Engage in industry insights.

Taking an interest in, and regularly tracking, industry / sector dynamics (outside of the law) is critical to the understanding of commercial / operational trends and drivers of risk and performance.

2. Follow insights and thinking in other professional services organisations.

Go to the same places as the clients for best of breed professional services thinking. Understand what they, as fellow service providers, see as news and trends. Understand their service offerings and methods / channels.

3. Client commercial context

Understanding client's businesses by tracking publicly available information on strategy, performance, competitors. What parts of their business is performing, what isn't and why? Avoid making generalisations as conclusions, be specific.

4. Practice asking questions without pre-supposing an answer and remain curious.

An indicator of strategic proficiency is the ability to formulate "show stopping" questions. Questions that no one has an answer to, but once formulated compels a body of work to fully unravel and design a way forward. In these cases, "the way we have always done it" appears dissatisfying against the size of the opportunity or the challenge and true experimentation and debate follows.

5. Debate and predict.

Practice foresight by conducting peer to peer discussions triangulating information into market / industry predictions. Create predictive statements supported by external evidence points then determine the legal themes that might arise.

Strategic reflection and continual exposure to broad stimulus will give rise to more options or courses of action on matters, diverse client servicing strategies and broader business development opportunities. Those who invest small amounts of time regularly can transfer strategic insight into their everyday approach taking the “drum roll” away from the pressure of “big bang” as the only course of strategic execution.

AIBE Employer of Choice for Gender Equality Leading Practices in Strategy, Policy and Implementation

In July 2020 Dr Terry Fitzsimmons, one of the authors of this year’s EOCGE report, presented the ‘Definitive ‘How To’ Guide on Workplace Gender Equality’.

You can View the presentation at <https://youtu.be/d1C8QbKBLc8>

An extract of key findings from this year’s report :

“The Employer of Choice for Gender Equality (EOCGE) citation has provided employers with a benchmark for leading practice and publicly recognises their commitment to achieving gender equality in their organisation. Each year, citation holders demonstrate that they have met a rigorous, evidence-based set of criteria that are necessary to drive gender equality in our Australian workplaces. This comprehensive report demonstrates the positive and measurable improvements that are being made by these leading employers.

The investigation highlighted the common practices and strategies amongst these high-performing companies. The EOCGE data revealed a common formula that, when combined, underpins leading practice.

1. They prioritise inclusive leadership on gender equality as it is the catalyst for organisational change. It is prioritised at all levels of the organisation and evidenced by CEO advocacy, organisation-wide commitment, bold action and the adoption of creative solutions to gender equality issues and challenges within the workplace.
2. They invest in learning and development for all staff in all areas related to strategic gender equality initiatives.
3. They emphasise the importance of measuring and monitoring gender pay gaps within their organisation, between and within position banding.
4. They adopt the ‘all-roles-flex’ philosophy throughout their businesses.
5. They adopt an iterative approach to employee consultation wherein the testing of ideas for effectiveness and efficiency is prioritised.
6. They develop targets and KPIs to improve their gender balance at all levels and areas of the organisation or use targets and KPIs to drive change.”

The full report details key findings alongside their implications for practice.

[Fitzsimmons, T.W., Yates, M.S. & Callan, V.J. \(2020\). Employer of Choice for Gender Equality: Leading practices in strategy, policy and implementation. Brisbane: AIBE Centre for Gender Equality in the Workplace](#)

5th Edition of the Council of Australasian Tribunals (COAT) Practice Manual for Tribunals



This edition was revised by Dr Pamela O'Connor, who co-authored the first edition of the Practice Manual. A respected academic, Dr O'Connor is an Adjunct Professor with the Sir Zelman Cowan Centre at Victoria University, Melbourne. Dr O'Connor has worked with COAT on a number of key projects, including the Tribunal Independence in Appointments-Best Practice Guide 2016.

The fifth edition incorporates new material, including, jurisdictional issues for state tribunals arising from constitutional limits on the exercise of Commonwealth judicial power, as determined in *Burns v Corbett* [2018] HCA 15; the implications for the interpretation of legislation, and for the exercise of administrative power by tribunals, of human rights legislation in New Zealand, Victoria, ACT and, from 1 January 2020, Queensland; development of standards and ethics, including COAT's Tribunal Excellence Framework and Tribunal Competency Framework and the Law Council of Australia's Ethical Standards for Mediators, and; guidelines for dealing with persons from culturally and linguistically diverse communities, communicating via interpreters, dealing with persons with a cognitive disability, and assisting self-represented litigants.

An electronic version of the Manual is available on COAT's website and hard copies are available for purchase. <https://coat.asn.au/about/practice-manual-for-tribunals/>

Positions Available! Become A Member of CLEAA's Executive

On October 15 CLEAA will hold its AGM.

Financial members of CLEAA are eligible to nominate for a position as a member of our Executive Committee. If you'd like to be involved with CLEAA and are interested joining our Executive Committee then please contact either Jacqueline Simon Jacquelyn jsimon@legalwiseseminars.com.au or Una Doyle UDoyle@judcom.nsw.gov.au – they'd be delighted to answer any questions you may have.

[Nomination forms are available from our website here](#)

CLEAA Membership

Your annual membership of \$75AUD includes registration to the 2020 Annual Conference. If you haven't already done so, please [renew or join here >>](#)

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