

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.



What do you think?

The Continuing Legal Education Association of Australasia (CLEAA), is a not-for-profit organisation dedicated to the needs of professionals from Australia, New Zealand, Asia and the South Pacific who are involved in providing continuing legal education and professional development to the legal profession.

And we'd love to hear from you! We're asking all of our contacts for feedback on their experience with CLEAA, areas of interest, and ideas for us to take on board.

[Take the CLEAA SURVEY](#)

Our survey is open to members and also to non-members. Responses are anonymous and the survey should take less than 5 minutes to complete.

A summary of key findings will be shared in the next issue of CLEAA Talk.

Highlights from the 57th Mid-Year ACLEA Conference



Una Doyle, current member and former President of ACLEA

Despite high hopes of finally getting together in person after the bumpy ride of 2020, [ACLEA, the Association for Continuing Legal Education](https://cleaa.asn.au/), had to once again transition from the planned in-person event in Austin, Texas, to a virtual conference. The big advantage this time around was that the technical and programming lessons learned from the virtual event in July could be applied to this one, with some great results. As a member of the conference planning committee I was part of that journey and found it a very valuable learning experience.

Held on January 26 and 27 and preceded by the legendary ACLEA “Boot Camp”, the conference program offered a very good blend of practical and inspirational sessions. In addition, the online networking event using Remo surpassed all expectations. I was initially sceptical but was most impressed that as attendees we could interact in real-time just by joining a table and move around the virtual “room” with ease.

I’ve compiled a summary of my personal highlights which I hope may be of interest. <https://cleaa.asn.au/highlights-from-the-57th-mid-year-aclea-conference/>. Here’s one ...

Leading to Happiness: Practicing Positive Developmental Leadership in the Time of COVID

Dr Mark Taylor of Taylor Programs kick-started the conference with his inspiring address. Mark began acknowledging that major disruptions have occurred in every part of peoples' lives from interpersonal contact and travel to the nature of work and family routines. Most people are experiencing lower levels of security, higher levels of stress and they report feeling less happy. Many report difficulty focusing on and being productive at work.

Mark’s focus was to illustrate how workplaces, whether proximal or distanced, not only remain productive, but create and maintain a positive atmosphere and possibly help people learn skills and perspectives to better cope with the other aspects of their lives. His key takeaway was that leader behaviours matter hugely in how people feel at work and about their work and leaders who purposefully generate an environment of positivity, growth and meaning are rewarded with higher quality and quantity productivity, improved employee retention and satisfaction, reduced employee burn-out and higher manager ratings, along with other benefits.

Dr Taylor’s articles and learning resources can be found at <https://taylorprograms.com/dr-taylors-articles/>

Read more about ACLEA at www.aclea.org

Continuing Competence to Practice?

By [Ronwyn North](#)

Professional legal education is about how lawyers attain and maintain competence to practice. The attain stage is subject to formal certification, the maintain stage is not.

Every decade or so the question is asked whether current schemes of mandatory CPD are adequate to protect the public

An [article by Nick Hilborne](#), Associate editor at Legal Futures notes that in the UK the Legal Services Board (LSB) is pushing ahead with plans to assure continuing lawyer competence.

A number of occupations such as airline pilots and health professionals are required to undergo formal recertification but recertification has long been resisted by the legal profession (likely because law exams have scarred lawyers for life).

“Many people assume that legal professionals are subject to ongoing formal reviews of their competence, but there are, in fact, very few routine checks once a lawyer has qualified.

This is unusual and out of step with other professions which routinely adopt tools to ensure ongoing competence to promote public trust and confidence, and protect consumers from harm.

We need to reshape legal services to better meet the needs of society, which includes ensuring lawyers remain competent throughout their careers.”

– Helen Phillips, Chair, LSB

It’s been a while since the issue was last considered in Australia or New Zealand. Is it time for a fresh look here too?

[Further reading](#) on LSB.

Frugal Education

At around the same time UK discussions on continuing assessments of lawyer competencies were being discussed Canada’s Jordan Furlong (author of Law21) wondered... **What would frugal legal education and bar admission look like?**

“What if we had only a very limited amount of time and money with which to train and licence new lawyers – how would we do it?”

It’s a thought provoking article which you can [read here](#).

Further Reading

Jordan Furlong’s Blogs – [The Law21](#)

Radju, N & Pabhu, J (2015) [Frugal Innovation: How To Do More With Less](#) and [You Tube \(60 mins\)](#)

Time for Learning to Seize The Moment



By **Paul Lemon & Ray D’Cruz**, [Performance Leader](#)

Two issues will soon collide for many law firms – a post-pandemic operating model and a set of strategic challenges that have been upon our sector for a few years. It’s now clear that our post-pandemic work arrangements will be a hybrid model: a flexible mix of office work and working from home.

Time for Learning to Seize The Moment *continued...*

How then could a learning professional address these challenges within the construct of a hybrid work model?

1. Re-work Competencies

The new competency framework will need to be fitted to both the challenges and the model. The content of the framework needs to light a pathway to the future and address contemporary challenges in areas such as leading dispersed teams, diversity and inclusion, pricing, technology and innovation.

As such there'll be a move away from competency frameworks dominated by technical law and assessed by annual reviews.

2. Re-focus Performance Management

Productivity will come from a concerted effort on performance and improvement.

Why is it that the US Air Force can train and trust a college graduate to pilot a \$50m aircraft but law firms won't trust a junior lawyer with a client relationship? It's because our learning approaches are archaic.

Two examples spring to mind that relate to our work. First, too many firms rely on annual reviews instead of continuous feedback. The opportunity for continuous and incremental improvement is lost.

Second, less than 15% of firms conduct routine matter debriefs. So, the learning gold dust is ignored on 85% of matters! Talk about a productivity and continuous improvement killer.

3. Accountability is Key

Revenue, growth and productivity strategies in people-centred firms ultimately rise or fall based on accountability for action. It's one thing to create a strategic and contemporary competency framework, it's another to execute it.

Learning activities and models that support accountability deserve priority. We suggest prioritising development activities that help Managing Partners and Practice Group Heads grow their leadership skills. They are the ones who will drive accountability in the partnership and beyond.

Coaching is also a great way to produce accountability, particularly in areas like revenue generation and growth.

Learning has never been more important for firms than it is today. As we move to a new hybrid work model, and difficult strategic challenges, learning should be centre stage.

References

[The Fifth Discipline](#), Peter Senge, 2006

The Soul of Enterprise Podcast: Episode #166: [The Debrief and Lessons Learned](#). Chris "Elroy" Stricklin, Colonel (Ret), USAF. November 2017

[The Performance Management Revolution](#), HBR, October 2016, Cappelli, P & Tavis, A

[Evolving performance management in the professions](#), Managing Partners' Forum, Performance Leader, KermaPartners and MHPR Advisors. 2017

Empathy is Vital... but beware the trap!

By Dr Kim Vella

Empathy is a key emotional intelligence skill, and one that's received a lot of attention in the professional services arena in recent years.

The strive to attract and retain people with high emotional intelligence has increased dramatically with the recognition that those who have greater self-awareness achieve better outcomes, including stronger relationships with colleagues and clients.

Particularly in times of difficulty, as we have experienced recently, empathy goes a long way towards supporting people who are enduring extreme fear or stress. However, encouraging empathy in the workplace requires much more than asking a person to place themselves in another's shoes.

According to Daniel Goleman, a pioneer in emotional intelligence, there are 3 types of empathy – and each can have effects on your wellbeing and the wellbeing of those around you.

They are:

1. **Cognitive Empathy** – an intellectual understanding of how another person may feel
2. **Emotional Empathy** – where you take on the feeling or emotion of the person in the situation
3. **Empathic Concern** – where you respond with compassion while focussing on what the person needs from you



Finding the Right Balance

In a professional environment, it's important to find the right balance of empathy. Always responding with cognitive empathy can make you appear robotic and disingenuous. But always responding with emotional empathy can drain your energy and lead to health issues or burn out.

The key is to use self-regulation and revert to empathic concern where it's required. This means responding calmly and kindly to the person who is facing a difficult situation. You might ask them: **"What do you need?"**

This question often works really well, because it:

- allows the person to develop clarity around why they have approached you
- sets clear boundaries and expectations about your role
- prevents you giving away your energy all the time
- means only 1 person needs assistance rather than 2 (if you become distressed)

It also helps the person feel supported, not directed. For example, you are not telling them how they should react – you are openly asking what they need at this moment in time.

Empathy is Vital *continued...*

This applies whether you are responding empathetically as a colleague, manager, educator, or professional dealing with clients. It can also help in social situations if you continually feel that your wellbeing is compromised because many people lean on you for emotional support.

Remember too that if a person needs professional help, Lifeline is available to every Australian 24/7 on 13 11 14.

Kim Vella is a Professional Certified Coach with over 20 years of experience in coaching, mentoring and leading teams. She provides results-focussed one-on-one and group coaching sessions to individuals and organisations in the public and private sectors. kimvella.com.au

Leadership Development for Lawyers: A Summary of Assessment Tools

By Mark Beese, [Leadership for Lawyers, LLC](#)

Increasingly, firms are finding that leadership assessments are "remote-friendly" and can be effectively administered and debriefed in groups in a virtual environment. Here are a few options:

Myers-Briggs Type Indicator (MBTI) - a personality assessment that provides insights and on how people gain energy, gather and interpret information, make decisions and organize their world. MBTI is the most-used personality assessment in the world.

DiSC - a personality assessment that provides insights on four behaviour types - dominance, influence, steadiness and conscientiousness. While MBTI may focus more on internal motivations, DiSC is more focused on external behavior.

MBTI and DiSC can be useful in helping leaders learn more about themselves and how those around them think and behave. I often use these assessments in teaching communication skills, managing difficult conversations, and basic management skills. Both assessments have versions designed for leadership development and effective team training.

Smart Collaboration Assessment (SCA) - A few years ago, Harvard researcher Heidi Gardner published a book called, "Smart Collaboration: How Professionals and Their Firms Succeed by Breaking Down Silos". This year she launched an assessment tool for individuals and teams to help them identify ways to improve collaboration that results in increased revenue, profitability, client loyalty, and retention. I expect this will be widely used over the next few years.

Change Style Indicator (CSI)

Lawyers are more conservative and risk averse than any other profession. The CSI assessment illustrates how people lead change differently. This is a popular assessment for firms and groups facing significant change (and who isn't?), ranging from succession planning and transition, innovation, culture change, mergers and client service. In the debrief, participants gain an understanding for how they might improve the effectiveness of their change-leadership by adjusting their style to the situation and other people.

Influence Style Indicator (IFI) - Influence and persuasion are critical skills for law firm leaders. The IFI shows individuals their preferences for how to influence others through five archetypes: rationalizing, Asserting, Negotiating, Inspiring and Bridging. In the debrief, participants see how they can influence more effectively by using different tools and tactics based on the situation. This is an excellent assessment for associate, of-counsel and new partner academies.

Leadership Development for Lawyers: A Summary of Assessment Tools *continued...*

Thomas-Kilmann Conflict Instrument (TKI) - How leaders deal with conflict can have a tremendous impact on their effectiveness and capacity to lead change. The TKI gives participants insight into their preferred conflict style: competing, collaborating, compromising, avoiding or accommodating. In the debrief, we look at how to match the conflict situation with the proper conflict management style. Leaders feel like they have more control and options when dealing with conflict, making them more confident and effective.

Leadership 360 Assessments We offer several options for developmental feedback assessments for leaders. Leaders take an online self-assessment and they ask those who work around them (peers, direct reports, "supervisors", partners, etc.) to evaluate them on the same behavioral criteria. Reports then illustrate a "360" view of their leadership effectiveness, which results in a written report that forms the basis for one-on-one coaching.

Other assessments. Mark Beese has access to a number of other assessments, including FIRO-B, Hogan, Tracom Social Styles, Leadership Circle Profile and others. Most assessment publishers have released updated methodologies for online group and one-on-one debriefings, using zoom or other video communication tools. If you are interested in using one or more of these assessments in your professional development efforts, drop Mark a note - mark@leadershipforlawyers.com.



The Rise & Rise of The Hybrid Meeting

By Lynette Nixon, Director, PwC

I don't know about you but I am finding the number of hybrid meetings increasing. These are meetings where some participants are online and then there are a number of people together in a room. I do have to say upfront, they are not my favourite experience.

Before I share my observations and ideas to improve the experience from a recent hybrid meeting, I want to reflect on what we've discovered about online meetings over the past few months.

Once we became familiar with the multiple platforms being used we realised we can work remotely very effectively. Historically regional participants often 'dialled in' to meetings rooms full of their colleagues; their experience was often very poor and awkward. With everyone online it's different - the experience is equal and even for all. Secondly, because it's a 'click in/click out' process, you can often get access to people more easily ie no travel time. Of course the impact of that on our wellbeing and cognitive energy is a whole different story as we sit/stand without moving between meetings.

The shared experience of the virtual meeting has also become part of our community and social media folklore – wi-fi lag, “can you hear me?”, the ever present mute button, our facial expressions being amplified, cats walking across the screen and more recently cat avatars speaking. Even with all of this we continue to have rich and productive conversations.

[Lynette offers very practical advice for effective hybrid meetings in the full article on CLEAA's website.](#)

Welcome to two new members of CLEAA's Executive Committee...

CLEAA is delighted to welcome two new appointments to the Executive Committee being **Andrea Foot** and **Bronwyn Pott**.



[Andrea is Principal of Leaf Logic](#) and an executive coach to senior leaders, and a member of the Board of Coleman Greig Lawyers.



[Bronwyn's extensive career](#) in the legal industry has spanned more than three decades and included CEO roles in law firms, learning organisations and legal associations. Currently Bronwyn is a Program Board Member of the College of Law's Master of Legal Business program.

Other members of CLEAA's Executive are:

- Jacquelyn Simon**, Legalwise Seminars (President)
- Una Doyle**, Judicial Commission of NSW (Vice President)
- Kellie Hamilton**, Law Institute of Victoria
- Michal McNamara**, Flinders University
- Sue-Ella Prodonovich**, Prodonovich Advisory

CLEAA Membership FY22

CLEAA's twelve-month membership is now \$AUD 90, a modest increase of \$15.

[You can join here!](#)

Membership is open to anyone with an interest in professional development and continuing education in the legal sector.

Connect with CLEAA

You don't need to wait for CLEAATalk – we post news to our website <https://cleaa.asn.au/>

Join, engage or follow our socials on [Linkedin](#) or [Facebook](#) and Twitter [@CLEAATalk](#)

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