



Critical Issues Summit

*Equipping Our Lawyers:
Law School Education, Continuing Legal Education,
and Legal Practice in the 21st Century*

Equipping Our Lawyers: The Final Report of the Critical Issues Summit

Published By

**American Law Institute-American Bar Association
Continuing Professional Education**

and

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Critical Issues Summit

*Equipping Our Lawyers:
Law School Education, Continuing Legal Education,
and Legal Practice in the 21st Century*

Honorary Chairs' Welcome to Summit Conferees

Abraham Lincoln supposedly once said of a court appointee who had limited legal experience, that “he would pick it up, just as we all did.” “Picking up” knowledge of the law, and the skills necessary to bring it to bear on behalf of clients or on the bench, might have been feasible in Lincoln’s day, but it certainly isn’t today. The vast expansion of the law and the complexity of the modern technological and commercial world in which it operates, not to mention the recent economic upheaval, have made lawyer training and development more important than ever. Those charged with the education of lawyers—law schools, continuing legal education providers, law firm professionals, mandatory CLE regulators, and the bench—are all struggling with how best to respond to lawyers’ needs in a rapidly changing world.

Improving how lawyers are trained has been the mission of the two organizers of this conference—American Law Institute-American Bar Association Continuing Professional Education (ALI-ABA) and the Association for Continuing Legal Education (ACLEA). Four years, ago, in 2005, these two non-profit entities joined forces to begin planning this conference. Each came to the task with a long history in this area. From its inception immediately after World War II, ALI-ABA was seen not just as a CLE provider, but also as a “think tank” that would assist the entire profession in developing new models for training lawyers. ACLEA, an international organization of CLE providers founded in 1964, has been responsible for the professionalization of the field of CLE and has helped all its members improve the quality and sophistication of their offerings.

The result of the collaboration between ALI-ABA and ACLEA is this Critical Issues Summit, which all concerned see as just the beginning of an effort to bring the best thinking and practices to bear on the entire spectrum of lawyer training and development in the 21st century.

We thank the two organizers and with them, the many members of the profession who have helped plan this conference, its speakers, its participants, and not least, the many sponsors whose financial contributions have made this conference, and its follow-on works, possible.

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Executive Chair's Welcome To Summit Conferees

Being a "lawyer" in the opening decades of the 21st Century is rather like being a "scientist." We know that lawyers and scientists have to be smart and have to complete a difficult educational journey, but with no more to go on than the single word, we can have no idea what a scientist or a lawyer really does. Are you a big-bang cosmologist or a global-warming chemist or an endocrinologist studying bacteria at the bottom of the sea? In degrees of dissimilarity, these are no more extreme than an M&A lawyer, an appellate judge and, say, a lawyer who defends DWIs for a living.

Educators and administrators planning how to support a legal profession made up of such widely varying players, going in so many directions, underwritten by diverse and sometimes jittery economic models, have a problem. Our tools are many decades old. The Platonic ruminations of the Langdell-style law school and the traditional CLE organization with its leisurely talking-head seminars and tidy handbooks have carried us a long way. Under the glare of global economic efficiency and instant communication, however, they are showing some wrinkles. The present recession has exposed economic weaknesses in CLE, with many organizations struggling to cover their expenses through cutbacks and layoffs.

Accordingly, this Critical Issues Summit is badly needed. It's been 22 years since the Arden House III Conference on "CLE and the Lawyer's Responsibilities in an Evolving Profession" was organized by ALI-ABA. Then the big issues relating to CLE were thought to be underserved lawyers, ethical and professional responsibility, lawyer competence, CLE quality, CLE structure and finance, and the senior lawyer as mentor and role model. Some of these are still lively topics, of course, but the profession is grappling with competitive, social, and even political forces that are pulling at its seams. The level of threat in various areas of practice has risen to orange and, as always, may go higher without

notice. The lawyer workday is metered in shorter and shorter increments to try to extract every dime of value to the enterprise. In this whirlwind, where is the time for learning and reflection? Now that you mention it, who really needs time for reflection when the answer is always a few keystrokes or an online tutorial away? Just-in-time learning is becoming the lawyer's equivalent of just-in-time inventory, which has made commerce so much more efficient—and so much more vulnerable to disruptions in systems outside one's control.

To make the Summit more complicated, the variety of lawyers today is not quite equaled by the variety of law schools and CLE organizations. But it's getting close. Many law schools are changing curricula in response to the Carnegie Report and other critiques. Commercial entities of many stripes are major players in the continuing legal education market. In-house programs have multiplied exponentially. Reaching conclusions that apply to the variety of stakeholders will be a challenge. The planning committee has therefore proposed issues that span the key institutions and demographic groups that comprise the profession, knowing that any effective approach to educating lawyers will need to consider the full spectrum of their experience over their professional lives. We common-law lawyers, with our need to continually re-hit the books, invented *life-long* learning after all. The Summit will look hard at the transition from law school to practice, admission to the bar, generational differences in learning, the robust in-house training movement, new models for CLE organizations and presentations, and evolving modes and standards for regulation of CLE and their potential impact on creating CLE that best meets lawyer needs. In plenary sessions planned for live webcast, we will also examine an overall view of the future of the legal profession, and how technology (both as tool and as subject) fits into the professional development of today's lawyers.

We are very grateful that ALI-ABA Continuing Professional Education and the Association for Continuing Legal Education had the foresight to organize this Summit, that a distinguished planning committee worked on the agenda for more than a year, and that many organizations and individuals believed enough in this project to contribute the money that has made it possible.

If you are interested in the future of the legal profession, I hope that you will join us in this exciting conversation. Please contribute to our discussion groups at www.equippingourlawyers.org, watch the planned webcast of the plenary sessions on October 15, 2009, and check in regularly to see the latest postings.

Pat Nester
Executive Chair of the Summit
Director, Texasbar CLE





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Agenda

**October 15-17, 2009
Fairmont Scottsdale
Scottsdale, Arizona**

Wednesday, October 14, 2009

7:30 p.m. Reception—*Hosted by the Sandra Day O'Connor College of Law at Arizona State University*

Thursday, October 15, 2009

7:30 a.m. Registration and Continental Breakfast

8:30 a.m. Welcome

8:45 a.m. **The Future of the Legal Profession**
How is legal practice changing and what do those changes mean for lawyers' professional education? Among the changes affecting legal practice today are economic factors; competition and client pressures; increasing use of technology; multi-jurisdictional and

global practice; commoditization of legal work, including contract lawyers and offshore legal talent; and cultural and generational differences among lawyers and among clients. How can we keep pace with and respond to these developments? How can the profession ensure that its members continue their professional growth in the face of these changes and resulting pressures?

Faculty: *Tsan Abrahamson, Cobalt LLP (moderator); Professor Harry Arthurs, Osgoode Hall Law School; Ward Bower, Altman Weil; Corinne Cooper, Professional Presence ®; Stuart Forsyth, The Legal Futurist*

10:15 a.m. Break

10:30 a.m.-Noon **The Impact of Technology on Lawyer Development**
What's next for technology and its application to legal practice and professional education? Technology has transformed legal practice and lawyers' professional education. Lawyers on the go, and especially the newest lawyers, want technology at their fingertips, including access to CLE. But is migrating traditional forms of CLE to the Internet enough? What's next for law practice technologies and lawyers' distance education? What technological skills will lawyers need in the future? How can technology be used to provide not just more, but also better, resources for the legal profession?

Faculty: *Craig D. Ball, Law Offices of Craig D. Ball, P.C (moderator); Barbara A. Bichelmeyer, Professor of Instructional Systems Technology, Indiana University; Todd Flaming, Schopf & Weiss LLP; Barron K. Henley, HMU Consulting; Gene Koo, BlueState Digital*

Noon-1:30 p.m. Group Lunch

1:30-5:00 p.m. Breakout Sessions (assigned):
Bar Admissions—Competencies for Entering Practice
Generational Issues—Changing Demographics, Preferences, and Needs
CLE—Models for the New Millennium
 Overview; table discussions; reports from tables; group discussion/consensus/ recommendations

7:00 p.m. Group Dinner

Friday, October 16, 2009

- 7:45 a.m. Continental Breakfast
- 8:15 a.m. Plenary Review/Discussion of Day One Recommendations
Reports from Day One breakout sessions; plenary discussion/consensus/recommendations
- 10:15 a.m. Break
- 10:30-11:45 a.m. Breakout Sessions (assigned):
Law Schools—Transitioning from Law School to Practice
In-House Professional Development—Training in Practice
MCLE—Meeting Standards, Meeting Needs
Overview; table discussions; reports from tables; group discussion/consensus/ recommendations
- Noon Group Lunch
- 1:00 p.m. Continuation of morning breakout sessions
- 3:00 p.m. Break
- 3:30 p.m. Plenary Review/Discussion of Day Two Recommendations
Reports from Day Two breakout sessions; plenary discussion/consensus/ recommendations
- 5:30 p.m. Conclusion of Day Two review; dinner on own.

Saturday, October 17, 2009

- 8:00 a.m. Continental Breakfast
- 8:30 a.m. Plenary Review/Discussion of Preliminary Summit Recommendations
- 10:00 a.m. Break
- 10:15 a.m. Continuation of Plenary Review/Discussion of Preliminary Summit Recommendations
- 11:30 a.m. Working Lunch: Discussion of Post-Conference Initiatives
- 1:00 p.m. Adjournment



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INTRODUCTION:

The Arden House Conferences and the Critical Issues Summit

“Continuing legal education” was a relatively new form of organized training for lawyers that burgeoned after World War II when thousands of lawyers returned to civilian life. As the postwar economy boomed, creating the need for more lawyers and more training, CLE expanded rapidly as well. But this expansion inevitably led to unevenness in quality and concerns about the most effective ways to teach adult learners like lawyers.

Ready to address these concerns was the “Joint Committee on Continuing Legal Education.” Formed in 1947 by the American Bar Association and the American Law Institute, ALI-ABA (as it came to be called) was tasked with the twin purposes of providing CLE and helping other entities to do the same. In 1958, after more than a decade of experience in both endeavors, ALI-ABA called a national conference of the leaders of CLE, the bar, and the bench to assess the state of CLE and determine its future course. This was the first “Arden House” conference, a title also given to two more such conferences organized by ALI-ABA in 1963 and 1987.

The 1958 Arden House conference focused on the need to improve professional competence and to achieve a greater sense of professional responsibility. The 1963 Arden House conference focused principally on issues of CLE quality and continuing development of the organization and financing of CLE providers.

By 1987 many of the recommendations of the first two Arden House conferences had been implemented, including the creation of a professional organization for CLE providers in the form of (as it is now known) the Association for Continuing Legal Education. Arden House III, convened in November 1987, saw new challenges on the horizon for CLE, including the need to serve underserved lawyers, the maintenance of CLE quality in the face of the rapid expansion of mandatory CLE, the special role ethics education played in the formation of lawyers, CLE structure and finance, and the continuing need to monitor lawyer competency.

The twenty years that elapsed between Arden House III and the beginning of the planning for the Critical Issues Summit saw enormous changes in the legal profession. Many of these changes, like the appearance of mega-firms, were specific to the profession. Others, like the frenetic growth of the Internet, affected society as a whole. When ACLEA approached ALI-ABA in 2007 to propose a new Arden House conference, it became clear to both entities that these professional and societal changes required any such conference to move beyond CLE per se to the broader area of lawyer training—to reach across the “continuum” of a lawyer’s learning life (to borrow a concept from the highly influential 1992 MacCrate Report). To do so, technology in all its forms—and in all its paradigm-changing manifestations—would have to be dealt with. In addition, constituencies that were relatively small in 1987, such as MCLE regulators and heads of law firm professional development, would also have to be part of the discussion because of their significance to the training and development of all lawyers.

Because this expanded agenda was so different from the prior Arden Houses, the parties agreed that a new name was necessary. Thus was born the “Critical Issues Summit.” Like all three Arden House Conferences, the Critical Issues Summit brought together representatives of every constituency within the profession. Unlike the prior conferences, however, this Summit explicitly examined the entire spectrum of lawyer training and development, and recommended ways in which all constituencies within the profession can improve their cooperation toward the goal of a competent bar.

To result in meaningful recommendations, the Summit was designed to be highly participatory. It began with an opening plenary featuring two expert panels, one on the future of the legal profession and the other on the use of technology in lawyer education and development. These panels were intended to inform the subsequent Summit discussions. Thereafter, conferees met concurrently in six assigned working groups organized by subject area. These six working group discussions, each with its own leader and reporter, formed the heart of the Summit. In them, conferees representing a variety of constituencies reviewed assigned discussion questions and made recommendations for best practices or actions in the areas under review. From these many recommendations, each working group selected three key recommendations, which were subsequently debated in plenary session, where they were distilled into the Summit’s Final Recommendations.

This *Final Report of the Critical Issues Summit* includes the Final Recommendations; the additional recommendations from the six working groups which, although they did not reach the status of “final” recommendations, provide context and offer further ideas for

improving lawyer training and development; and the summary from the 2009 Survey of Lawyer CLE Preferences, Practices, and Expectations, an online survey of lawyers from nine jurisdictions commissioned specifically for the Summit. The full results of the Survey, as well as background materials prepared for the Summit and archived videos of the Summit's opening plenary panels, can be found at www.equippingourlawyers.org.

ALI-ABA and ACLEA are committed to continuing the work begun at the Critical Issues Summit. As part of that effort, both organizations have put together a Joint Steering Committee at the executive level to pursue implementation of the recommendations, as well as an advisory Summit Initiatives Committee (details can be found in this report). We hope that in particular this final report can be used by anyone who sees these recommendations as a useful way forward in the training of the bar. For more information on how you can help, contact either of us.

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Critical Issues Summit

*Equipping Our Lawyers:
Law School Education, Continuing Legal Education,
and Legal Practice in the 21st Century*

Final Recommendations

Compiled and Edited by Charles C. Bingaman, Summit Reporter

Reporter's Introduction

The Critical Issues Summit (October 15-17, 2009) was sponsored by ALI-ABA Continuing Professional Education and the Association for Continuing Legal Education. It brought together CLE professionals, law school deans and faculty members, law practitioners, bar leaders, judges, mandatory CLE administrators, law firm educators, and other experts on lawyer professional education to study and respond to the challenges of equipping lawyers to practice in a rapidly changing world.

Working in groups, Summit participants generated a series of recommendations for improving the full continuum of lawyer professional development. The Reporter has edited these recommendations to reflect plenary session discussions at the Summit and post-Summit commentary by conferees and others.

In the course of developing these Final Recommendations, Summit conferees generated numerous other recommendations for improving lawyer professional development. These additional recommendations will be included in the Final Report of the Summit, to be issued shortly after these Final Recommendations.

More information about the Summit and its results is available at www.equippingourlawyers.org.

Preamble

All members of the legal community share responsibilities to initiate and maintain the continuum of educational resources necessary to assure that lawyers provide competent legal services throughout their careers, maintain a legal system that provides access to justice for all, and remain sensitive to the diverse client base they must serve. These recommendations are offered as a blueprint for strengthening that continuum of educational resources and those values. The recommendations are presented in the chronological order of the legal education continuum—from initial law school education through legal careers.

- 1. Law schools should examine their teaching methods and the content of their curricula to ensure that their graduates are capable of serving as effective beginning professionals. Such examination might include:**
 - a. Defining the learning outcomes they wish to produce;**
 - b. Designing the curricula and engaging faculty to produce those outcomes;**
 - c. Using proven teaching methods that will produce those outcomes, including the application of the latest research on adult learning styles and generational differences in learning; and**
 - d. Evaluating their success at achieving those outcomes.**

Reporter's Comment: Deans and other Summit participants noted that different law schools place differing priorities on scholarship and writing by faculty members as contrasted with teaching or preparing students for practice. Some participants suggested that a number of law schools place a low priority on their faculty members' developing research-based teaching skills for effective adult learning. This recommendation acknowledges the validity of law schools' different approaches to their missions while also placing a high value on preparing their students for legal careers.

Summit conferees who were asked to look at generational differences in learning style suggested that significant differences could largely be bridged if law schools, CLE organizations, and instructors considered relevant and new research and expanded their instructional approaches accordingly. As generational differences appear to be largely permanent and little change can be expected as people age, these differences in learning style should be taken into account when planning all educational programs.

- 2. Building upon the defined learning outcomes from Recommendation 1, law schools, the bar, and the bench should partner in the career-long development of lawyer competencies. In particular, law schools should initiate the continuum of legal education by integrating into**

their curricula the core practice competencies described in the ABA Model Rules of Professional Conduct, the MacCrate Report, the Carnegie Report, and the Canadian Centre for Professional Legal Education competency evaluation program in achieving their desired learning outcomes.

Reporter's Comment: While respecting the valuable diversity of law schools, participants in the Summit concluded that law schools that have not already done so should consider more rigorous efforts to help their students obtain the core competencies needed for practice.¹ One route to that end would be having a CLE department or at least an administrative officer whose responsibility would be to develop and coordinate partnering relationships with the bar and bench to facilitate training in core competencies.

3. Law schools should continue to refine their lists of identified core practice competencies, recognizing that essential competencies will vary by stage of education and by practice area.

Reporter's Comment: This recommendation refers to the core practice competencies referenced in Recommendation 2 above. Recommendations 11 and 12 below expand further on the need across the educational continuum to identify essential practice competencies as the basis for planning career-long learning objectives for lawyers.

4. Law schools, the bar, and the bench should develop and encourage transitional training programs (defined as ones that teach or improve practice skills) to begin in law school and to continue through at least the first two years of practice. Approaches to implement this recommendation might include:

a. Experiential learning opportunities in law school curricula, for example: practical experiences, clinical experiences, skills courses, internships, and mentorships;

¹ Recommendation 2 refers to several important documents. The MacCrate Report, formally titled *Legal Education and Professional Development – An Educational Continuum: The Report of The Task Force on Law Schools and the Profession: Narrowing the Gap*, can be found at <http://www.abanet.org/legaled/publications/onlinepubs/maccrate.html>. The Carnegie Report abstract, entitled “Educating Lawyers: Preparation for the Practice of Law” (2007), can be found at <http://www.carnegiefoundation.org/publications/educating-lawyers-preparation-profession-law>. The ABA Model Rules can be found at http://www.abanet.org/cpr/mrpc/mrpc_toc.html. The Canadian Centre for Professional Legal Education competency evaluation program can be found at <http://www.cpled.ca/competency.html>. Also relevant in this context is a report of the Clinical Legal Education Association, “Statement of Best Practices for Legal Education” (2007), at http://cleaweb.org/documents/Best_Practices_For_Legal_Education_7_x_10_pg_10_pt.pdf.

- b. Post-admission supervised apprenticeships (similar to paid articling in Commonwealth countries) or other practice experiences such as working in legal services programs consistent with law graduates' financial situations; and**
- c. Universal mentoring requirements for new admittees.**

Reporter's Comment: The main thrust of Recommendation 4 is to encourage building practice competencies into the process for determining readiness for bar admission. While it repeats some concepts found elsewhere in these recommendations, this recommendation emphasizes the importance of making lawyer education a true career-long continuum, rather than a disconnected landscape of only distantly related fiefdoms with few connected pathways or purposes.

A variety of real-world models exist for the mentoring envisioned by this recommendation, including law school internships, the articling process in some Commonwealth jurisdictions, and the State Bar of Georgia Transition Into Law Practice program.

- 5. Regulatory authorities should consider restructuring one-time bar examinations into phased examinations over time, linked in part to attainment of legal practice skills, with some parts of the examination occurring as early as in the law school years.**

Reporter's Comment: While this recommendation proposes a significant change in the bar admission process in the United States, it was strongly supported by Summit conferees. Participants noted that initial testing in skills development during law school would result in an increased skills focus in law schools, protect the public, and provide valuable feedback for law schools and law students alike. It was also noted that phased examinations are already used for licensing in other professions, such as medicine. Summit conferees recognized that implementing this recommendation would require some fundamental changes in traditional law school and bar admission approaches, but believed that the process of consideration and experimentation would be a positive challenge.

- 6. CLE providers, MCLE regulators, the practicing bar, and the bench should create communication frameworks for mandatory CLE rules to ensure that all parties share an understanding of the content of the rules, their needed evolution, and their effects.**

Reporter's Comment: The goal of this recommendation is to ensure that all interested constituencies participate in a dialogue about how to make the MCLE rules more effective in improving the profession and protecting the public it serves.

7. **MCLE regulators, in collaboration with CLE providers and the practicing bar, should develop appropriate accreditation standards for all varieties of distance learning CLE programs while also updating and improving accreditation standards for in-person CLE programs.**

Reporter's Comment: Distance learning encompasses a myriad of media, including but not limited to live and archived telephone seminars, live and archived audio and video webcasts, audio and video replays, and private and public uses of CDs. Over the past decade, distance learning has become an integral part of CLE, and its broad use and unique characteristics demand consideration for appropriate accreditation standards. How much of a lawyer's mandatory CLE requirement should be met through distance learning? Some think that all lawyers should have to participate in at least some in-person CLE because of the inherent value of face-to-face interchanges. Others argue that well-planned and well-executed distance learning media can yield equally effective learning results and, therefore, should not have accreditation limits. Summit participants agreed that accreditation standards for more traditional, in-person CLE programs also need to evolve to reflect ongoing CLE experience and research findings on effective approaches to adult learning.

8. **MCLE regulators should accredit training in the content or skills necessary to effectively practice law, even if such content or skills are not directly related to substantive law.**

Reporter's Comment: This recommendation speaks to the not-uncommon mandatory CLE provision that denies accreditation to CLE courses on practice management, computer usage, or other skills lawyers need but that do not relate directly to substantive law. The rationale in some states for such limitations has been that CLE should encourage legal skills and knowledge, not practice management skills. Participants at the Summit argued that effective client service requires lawyers to be good managers of their time and offices, skilled managers of the financial aspects of running a practice, and knowledgeable in areas that do not necessarily involve substantive law. Several conferees involved in lawyer disciplinary matters noted that the percentage of cases involving lawyers' shortcomings in personal and practice management far outweighs the percentage of cases involving lack of substantive law awareness. This fact argues in favor of mandatory CLE rules that encourage lawyers to develop skills in practice management, practice development, client communication, and the like.

9. **MCLE regulators and CLE providers should work together to develop and implement means of measuring the effectiveness of CLE offerings.**

Reporter's Comment: Lawyers have traditionally been skeptical of testing in any form. And even the best-crafted evaluation forms are of limited value in substantiating the amount of learning taking place in CLE programs or in determining whether other approaches to learning might be more effective or

efficient. Moreover, as was noted at the Summit, what really matters is whether the lawyer has the practice competencies needed for the work he or she is doing, not when or how the competencies were acquired. This argues for measuring competencies throughout careers, not by hours served in class.

- 10. Recognizing that law firms and other legal employers are significant and regular providers of CLE, MCLE regulators should provide them with the same opportunities to gain accreditation of their programs as those afforded to external CLE providers.**

Reporter's Comment: Some jurisdictions deny or limit mandatory CLE credit for in-house training programs. It was the consensus of the Summit participants that lawyer training should be encouraged in many settings as long as it meets the basic criteria of effective teaching and learning to produce better qualified and better performing lawyers.

- 11. A post-Summit project should be initiated with representatives from law schools, the practicing bar, legal employers, bar associations, bar admissions, MCLE regulators, CLE providers, and in-house professional development to determine next steps toward achieving some or all of the following goals:**
 - a. Designing a model approach to competencies;**
 - b. Designing a model approach to bridge-the-gap transitional training programs;**
 - c. Creating technology-enabled sharing of information and resources among providers and users of legal education;**
 - d. Building support and getting input from local and regional constituencies on the project's recommendations and actions to address the recommendations; and**
 - e. Developing mechanisms through which solo practitioners, small firms, and public interest organizations can access and benefit from developmental resources, training, and mentoring created by law schools, CLE providers, bar associations, and legal employers.**

Reporter's Comment: The early years of the 21st century have seen a rapid rise in the number of law firms, corporations, and government offices scaling up in-house professional development programs for their lawyers and in the number of full-time in-house education officers of such organizations. Key reasons for the increase in such programs and personnel have included hoped-for cost and time savings as compared with sending lawyers to outside training and the expected benefits of tailoring lawyer training to the specific needs of the lawyers in the sponsoring organizations. This recommendation suggests that after this period of rapid growth, it is appropriate now to step back, assess what has been learned to date, and share and spread the lessons of effective in-house professional development.

- 12. The project described in Recommendation 11 should create a rigorous, sophisticated approach to developing model competencies, including:**
- a. Assembling information about existing competency models;**
 - b. Creating a research process for identifying and testing which competencies actually correlate with successful practice;**
 - c. Designing a template for making competencies appropriate to different roles, career stages, practice areas, etc.; and**
 - d. Designing model curricula, aligned with the model competencies, to support lawyers' post-law school development.**

Reporter's Comment: This recommendation expands on Recommendation 11(a) above. It seeks to encourage those responsible for developing lawyers (e.g., law schools, in-house professional development programs, CLE providers) to participate actively in the design of practice competencies that will serve the legal profession and in the development of educational strategies and opportunities relevant to teaching those competencies. The use of competencies to guide educational approaches will increase the value of legal education for all concerned, including those delivering and receiving legal services.

- 13. Law firms and other legal employers should continue to improve the effectiveness of their in-house programs by:**
- a. Using input from clients to identify important practice skills that will help lawyers serve their clients more effectively;**
 - b. Applying adult learning theory and approach when designing programs; and**
 - c. Partnering with law schools, clients, and CLE providers to share resources and to identify and apply the best content and teaching approaches.**
- 14. Law firms and other legal employers should recognize a range of possible professional "paths" and provide or support training that assists lawyers in setting and achieving their individual professional goals.**

Reporter's Comment: The old model of all young lawyers eagerly seeking to work as associates in order to become partners in law firms is no longer the sole existing professional model, if it ever was. Rather, lawyers today choose among a wide range of career models. This recommendation simply urges that 21st century reality be taken into account so that lawyer training is based on realistic assumptions about lawyer career paths and is more likely to fill the felt needs and wants of lawyers and the organizations for which they work.

15. Law schools, law firms, and CLE providers should train their instructors in: teaching skills, effective uses of technology to enhance learning, inter-generational communication issues, the communication of professional values and identity, and the design of effective clinical experiences.
16. Acknowledging our professional responsibility, the legal community should continue to develop programs that will prepare and encourage law students and all lawyers to serve the underserved.
 - a. As part of the legal community, law schools, if they have not already done so, should incorporate into their curricula the principle that improving access to justice for all is every lawyer's responsibility, and should offer students early in their law school experience exposure to underserved communities and opportunities to provide legal assistance to those communities.
 - b. The legal community in each jurisdiction should collaborate to help newly admitted lawyers develop the skills that will enable them to provide effective legal services to underserved communities and to create opportunities for those lawyers to provide such services. Examples of such opportunities include work with community-based legal services including solo practitioners' resource networks and non-profit "incubators." Other opportunities for newly admitted lawyers to provide legal services to underserved communities include working with law school/court partnerships to provide resource materials for self-represented litigants, representing clients through traditional bar association pro bono programs, and serving as mentors to students in law school legal clinics.
 - c. An entity of the ABA should serve as a clearinghouse for these programs to provide examples of best practices and innovative ideas.



Critical Issues Summit

*Equipping Our Lawyers:
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Additional Recommendations

To create the Final Recommendations of the Critical Issues Summit, conferees were divided into six different working groups over the course of two days: law schools, generational learning styles, bar associations, CLE, in-house professional development, and mandatory CLE. In these six working groups, conferees representing a variety of constituencies reviewed assigned discussion questions and were tasked with identifying three key recommendations for action in their respective areas. The resulting recommendations, approved by all conferees in plenary session and subsequently edited by Reporter Chuck Bingaman to eliminate duplications, comprise the Final Recommendations of the Summit.

Although reporting out only three key recommendations, each working group generated a wide range of recommendations for action. The Reporter and the Summit organizers agreed that, although these “additional recommendations” were not part of the Summit’s official work product, they should be included in the final report of the Summit to provide context, offer models for operational best practices, and spur further innovation in lawyer education and development.

Law Schools Working Group: Additional Recommendations

1. Law schools should expose law students early on to representing under-represented clients and the problem-solving skills it takes to serve them well.
2. Law schools should consider creating more clinics for law students with personal injury case focuses.

3. The bench and bar should create and coordinate a national lobbying effort to give lawyers loan forgiveness opportunities in exchange for serving under-served clients comparable to those for medical and dental graduates.
4. Law schools should develop models for effective partnerships between law school faculty, practitioners, and judges to integrate professional values and layering skills with legal doctrine. (Do not Inns of Court offer one such model?)
5. Teach communication skills (e.g., listening, verbal, written, non-verbal, with clients and others) intentionally and as appropriate through all three years of law school.
6. Law schools should provide rewards, awards, and incentives that recognize and value good teaching.
7. Law schools should focus explicitly at all levels of their curriculum to connect book learning to a contextual experience of application, encouraging local bar associations to provide service hour credit and grant MCLE credit for time contributed to experiential learning at law schools, e.g.:
 - a. Drafting simple contracts;
 - b. Drafting simple complaints and handling responsive negotiations;
 - c. Drafting requests to admit and performing client interviews.
8. Explore and investigate methods, both commercial and open-source, to make skills-based methods and materials available broadly for teaching practical legal skills.
9. Establish a program in which each law student is paired with a practitioner for the duration of law school and periodically assess the value of such programs.
10. Law schools, bar groups, and others should establish open and continuing dialogues about their needs, goals, and methods so they can serve each other's needs more effectively.
11. The bar and bench, working with the law schools, should establish transitional programs with separate streams for solos/small firms and for large firm lawyers. One size does not fit all.
12. Law schools should consider broadening their curricula to expose students to other legal systems' approaches to common problems of contracts, family law, torts, etc. in a world of globalization. See, e.g., the curriculum of McGill University Faculty of Law at www.law.mcgill.ca.
13. Law schools should teach lawyers how to deal with cultural conflicts that come into play with a diverse range of clients in the modern world, e.g., conflicts of law, cultural issues, international legal norms.

14. Law schools that want to prepare students for the global economy should be working now to create curricula for actually doing so.

Generational Learning Styles Working Group: Additional Recommendations

1. Legal educators need to make one definition of “educator” as translator between generations. They need to teach Gen Y that “getting it right” is important. Employers and schools must identify what is important and what is negotiable.
2. Legal educators must make education dynamic, engaging, and interactive. They must understand generational learning styles and apply adult learning theory to their teaching methods.
3. Law school and CLE providers must become more “outcome oriented.” Each course should have learning objectives and a checklist of benefits. They should explore professional development certificate programs.
4. Law schools and CLE leaders must involve younger generations in planning learning experiences. Pair older, baby-boomer instructors with younger instructors in planning and teaching.
5. Law schools and CLE providers should train baby-boomer teachers about educational goals, what audiences want, and what generational issues may arise.
6. MCLE rules should award credit for a full range of teaching methods, including experiential learning (case studies, simulations, etc.) rather than favoring lecture as the assumed way of delivering content.
7. The organizational structure, funding, and content of ongoing public legal education should be redesigned to meet the needs of lawyers not receiving in-house training. The bar should consider graduated credentials (e.g., in five-year increments), the importance of experiential learning, and specialization v. consumer protection.
8. Should we measure outcomes of CLE and training in terms of effectiveness with different generations?
9. Law firms need to provide better “knowledge management” for the “just in time” knowledge generation.
10. Law firms need to re-conceive career tracks so there is not an escalator but rather a matrix or lattice where the lawyer can move in various directions.
11. All legal educators have responsibility to understand and build into teaching their understanding of generational differences and how to use such understanding to

enhance educational effectiveness. It is important to know and understand other generations' language.

12. ALI-ABA should create a process for identifying the knowledge, skills and competencies that need to be passed on by the baby-boomers who are retiring.
13. Law firms should evaluate candidates based on their portfolios of practical legal experience.
14. Law school teaching styles should change to be more interactive, more visual, and more team-oriented.
15. Lawyers should be taught teaching and mentoring skills.

Bar Associations Working Group: Additional Recommendations

1. An entity or group should be assembled to conduct an in-depth review of the work already done on lawyer competencies to identify competencies that virtually all lawyers should have.
2. All stakeholders—the practicing bar, courts, law schools, and CLE entities—should establish an alliance for the purpose of assigning responsibilities to ensure that such competencies are achieved.
3. Stakeholders should consider periodic assessment in a flexible way through law school and continuing into law practice. For example: an examination following first year of law school; two-year conditional license; CLE courses that include an assessment mechanism.
4. Hold a Summit on “best practices for new attorney programs.”
5. All jurisdictions should explore a combination of mandatory mentoring and CLE attendance for newly admitted attorneys.
6. Consider using different teaching methods for the upper years of law school to allow for skills practice management.
7. Formalize the process for reviewing the competencies tested in bar exams, e.g. every five years.
8. Survey new lawyers and their principals on the knowledge and skills they believe would have better equipped them to enter the practice of law, so that the bar exam reflects the relevant competencies.

Continuing Legal Education Working Group: Additional Recommendations

1. CLE must always seek to meet the wants and needs of the consumers. See the new survey of practitioners' wants conducted prior to this Summit. [The executive summary of that document is included in this Final Report; the full survey may be seen at www.equippingourlawyers.org.]
2. Face the fact that the CLE survey shows that the large majority of practitioners want to be taught with lectures, and they are not clamoring for interactive "skills" training. Realize as well that consumers do not always know what they want or tell surveyors clearly what they want and need. Also, there may be approaches to career-long professional education that they would want if it were offered.
3. Current economy is resulting in firms emphasizing older, more experienced lawyers; result is more young law graduates being unemployed and having little prospect for future employment as lawyers. The economy also pushing people to enroll in graduate school, including law schools.
4. Practitioners and judges should push for updating the MCLE rules to avoid having them constrict the types of courses that can be given credit and thereby limiting what will be taught as opposed to what needs to be taught.
5. Because law firms need qualified people with new skills, CLE providers should consider more certificate curricula.
6. CLE providers should offer differentiated training that is values-based and that measures actions rather than merely attendance.
7. CLE providers should consider offering CLE programs in law schools so that students can be exposed to and take part in practice-oriented training.
8. Adapt delivery of CLE education to meet skills sets of "gaming" (as in computer games) generation.
9. Create a rating system for CLE sponsors and courses, perhaps Internet-based, that allows users to make informed decisions.
10. MCLE regulators should accredit training in mentoring and coaching techniques.
11. CLE providers should provide testing in online courses to make sure people are paying attention and learning.
12. Legal educators should provide instructional guidelines and training for teaching skills.

General Brainstorming by Continuing Legal Education Working Group

- CLE is not in person, so geography or time do not govern.
- Segmentation allows people to access just modules, do just in time learning.
- CLE is delivered on different devices (thumb drives, DVDs).
- Some forms of CLE are not accessible in rural areas.
- New software allows functions like the ability to bookmark relevant content.
- New technology allows self-paced learning.
- Use of quizzes.
- Self-testing could be more sophisticated, allowing “branching” or linking to Internet resources if the user answers a question incorrectly.
- Simulations using Flash video are also possible.
- Videos—YouTube; Second Life (but time and cost of development is high).
- Why is CLE low-cost? The fact that it is mandatory in most states, and is offered as a member benefit by some organizations.
- We view CLE as one market, but it isn’t. There is room for higher-cost, more sophisticated CLE.
- The 50-state system is a problem; some western states are considering whether regional accreditation is possible (the “Boise Protocol”).
- Lawyers do attend live events because of richer networking opportunities.
- What about underserved lawyers? Who are the underserved lawyers? Legal services, self-funded nonprofits, public defenders, but also those in need of specialized training may be underserved by the CLE system.
- Replace hard copy materials with online or materials usable on Sony Readers, etc.
- Use wiki technology to produce CLE content.
- Listservs can be one of the most useful vehicles for sharing and learning.
- Need to include technology training as fulfilling the mandatory requirements.
- Just-in-time checklists.
- Alberta lawyers must submit their own study plan (innovative; helps set learning objectives).
- Video conferencing (Montana uses for “mini-CLEs”)
- Online study guides.
- State-funded facilities for technology.

In-House Professional Development Working Group: Additional Recommendations

1. Define and publish best practices for in-house training, including identifying learning objectives and assessing whether they have been met, coaching faculty on effective adult education techniques, requiring preparation by students, etc.

2. Encourage consortia of mid-sized law firms to jointly develop training programs.
3. Develop curricula to enhance specific competencies—"CLE in a Box."
4. Encourage law schools to see law firms as their clients and to build competency training into their curricula.
5. Look for ways to partner with clients to create win-win training and relationship opportunities; focus on experiential and skill-building training.
6. Create a wiki or blog to gather information and suggestions on an ongoing basis about needs for professional development for attorneys.
7. ALI-ABA should seek grants for sponsoring further research and communications on training ideas.
8. Firms should consider a model whereby young lawyers must be at or above the bar in each of five areas by a certain time and significantly above the bar in at least two areas to be eligible to advance in the firm.
9. Firms should augment the MacCrate Report's list of competencies by adding leadership, networking, team building and participation, and understanding client businesses.
10. Competencies should be thought of in terms of tiers, flexibility, roles, and career stages.
11. Form a multi-disciplinary forum consisting of legal employers, law schools, bar admissions, bar associations, CLE providers, and regulators plus several more (CE experts, clients, etc.) on bridge-the-gap issues and to study possible solutions.
12. Form a forum to establish model rules for curricular and mentorship elements that could be promoted for adoption in states and provinces.

Mandatory CLE Working Group: Additional Recommendations

1. Propose a mandatory CLE mission statement based on the values of promoting lawyer competence and protecting the public interest.
2. Define the expected outcomes for MCLE for all stakeholders and devise methodologies for assessing and measuring the extent to which those outcomes have been achieved.
3. Encourage regulators with their governing bodies, as an organization, to create a definition of "practice of law" to use in updating what courses and delivery methods can be accredited.

4. Encourage regulators and CLE providers to explore benefits of teacher training with possible incentives.
5. Encourage providers and regulators to incorporate methods of teaching appropriate to the learning objectives in the various types of law.
6. MCLE regulators should provide that PowerPoint slides do not constitute adequate written materials for MCLE accreditation.
7. CLE providers and MCLE regulators should identify, value, develop, and recognize great CLE instructors.
8. MCLE administrators should be encouraged to adopt a standard 60-minute hour for purpose of accreditation.
9. MCLE administrators should seek to minimize differences among MCLE rules in various jurisdictions.
10. CLE providers and administrators need to dialogue about the inherent tension between (1) expanding CLE to include non-traditional topics like skills, technology, and professional development, and (2) the dilution of CLE—even when the rules change to include the non-traditional topics.



Critical Issues Summit

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Summary of Summit Plenary Sessions:

The Future of The Legal Profession

And

The Impact of Technology on Lawyer Development

The Critical Issues Summit began on October 15, 2009, with two 90-minute plenary panel discussions designed to provide context for the conferees' deliberations. What follows are brief summaries of the main points made by each panel.

The Future of the Legal Profession

Panelists: *Tsan Abrahamson, Cobalt LLP (moderator); Professor Harry Arthurs, Osgoode Hall Law School; Ward Bower, Altman Weil; Corinne Cooper, Professional Presence®; Stuart Forsyth, The Legal Futurist*

The main goal of this panel will be to make us all feel uncomfortable with the way we're doing things now.

So what are the external changes affecting the legal profession? The increasing complication of the economy and society has increased specialization. As the profession specializes, specialists find they have to learn more not just about their legal areas, but about the businesses of their clients. At the same time, many legal tasks are being standardized and outsourced. As a result, much previously arcane legal knowledge is becoming available to clients without the intervention of lawyers. These processes are transforming both practice and the training for practice. For better or worse, our profession is in a responsive mode to changes in technology, globalization, and centralization of capital.

Given these changes, what is happening to the practice of law?

- Increasing globalization of legal practice, even for smaller firms. (There are already three global law firms with thousands of lawyers.)
- At the same time, clients have become more sophisticated, with corporate counsel gaining more power over the relationship with outside counsel, and controlling more of the work done by outside counsel.
- Impending regulatory revolution, on a global scale. By 2011, nonlawyer investors may control some firms in the United Kingdom owing to changes in law firm regulation there. American firms with offices in the UK will see competition for partners (and clients) from UK firms with huge amounts of capital. This may affect regulation of firms in the United States as well. MDP firms are growing in Commonwealth countries, and pressure to allow them in the U.S. may grow as well.

How can attorneys respond to these changes? Attorneys will have to become nimble navigators of change. Speed will trump size. The billable hour, although long criticized, is still largely the model for law firm revenue, but it IS changing—corporate counsel are requesting alternatives. And speed will come more naturally to larger organizations. At the same time, by 2020, we could see relatively small organizations, using technology, get as successful as the big guys. With technology getting cheaper, barriers to entry are dropping.

The consumer is controlling the marketplace, so that the playing field is now multidimensional. This could cause the profession to become *two* professions—larger entities at one end, and small entities at the other. But politically the regulation is governed by the large firm model.

How are law firms responding to client demands that the client not pay for new lawyer training? One model: less pay up front while new lawyer trains. Law firm economics will almost certainly demand this, but it is bad news for new lawyers with large law school debt.

Law firms will also start acting like the clients of law schools, and requesting a “product” that meets their needs at the start—and does not need to be “reengineered.” Law schools will have to meet the demands of the profession.

And the cohesion of the profession is dissolving. More and more individuals licensed to practice law are working not for law firms, but for government, in house

departments, and clinics. And clients are seeking out “niche” practice firms that supply “just in time” legal services. This makes it harder for law schools to train new lawyers—what skills will they need? What competencies will they need? One size doesn’t fit all anymore. We may end up recognizing multiple professions.

Given all these challenges, given the splintering of the profession and the changing needs of clients, what are we doing in CLE? We are updating information, not “educating.” CLE isn’t using the principles of adult education. We’re too deeply entrenched in passing information. Lawyers today are more than substantive information gatherers (which is how law schools, firms, and CLE entities treat them). The future will require a series of skills that can be used across a variety of substantive areas. We have to shift to an understanding of the skills that will be valuable in the future. Such skills include self-teaching (how to re-educate yourself to acquire skills and knowledge), how to gather information, and how to predict outcomes in extremely fluid situations.

The current legal education system is set up to be information presentation, because the “teachers” (in law school and in CLE) are mostly not selected for their skills as *teachers*, but for their substantive knowledge. And it is possible to train CLE presenters to be teachers. CLE needs to change—it needs more simulation; more interaction, because adults learn by doing. We have to explicitly teach skills, then teach them in context. And some kinds of CLE have indeed used these methods—trial skills; negotiating. But we also need evaluation of what is learned in CLE as well.

We need to reconfigure the “single model” we have of what a lawyer coming out of law school is, because that model no longer works in this rapidly changing world. CLE has a tremendous opportunity here to help lawyers who will need to change rapidly. For instance, CLE needs to change so it can help new lawyers expand their understanding of the businesses of their potential clients.

Should law schools move to a two-year model? Or make the third year an apprenticeship? If we go to two years, should we have a special license for such graduates that indicates what and how they can practice? And other licenses for those who have done more years of study? Or do we pay less attention to the years in study and more to changing the law school model, which in turn forces a complete rethinking of the lawyer model?

What about the “millennials”? How do we teach this new generation given the very different ways in which they have been raised? Who are these “customers” in the customer-driven model? We need to understand how they learn, what they want to learn, and adapt for their needs. Their model is *not* staying with one large organization for the rest of their lives. They do not want to be mired in information because in their lifetimes information has been so ephemeral. They know how to learn the new things they need to know using technology. We need to help them hone their “just-in-time learning.”

Will these millennials drive change in law schools? As long as law schools reward scholarship over teaching, the necessary skills won’t be imparted to them. Perhaps if law schools got more involved in continuing education? And young law students don’t have the power yet to change law firms, but they will gain power in the law firms they enter much faster than is anticipated.

For CLE, are we supposed to be educating everyone who comes out of law school—since many don’t practice law—or just the traditional practicing lawyers? One answer: CLE has to remain very timely, something everyone can use. Should the audience become those *involved* in the practice of law, and not just practitioners?

What are the gaps in what today’s lawyers need to learn? Clearly, the fundamentals of business in the client’s world. How do they learn that? One way: turn off the clock and spend time with the client, meeting the key people, getting the client to do the teaching. The pressure of the billable hour militates against this, and thus militates against lawyers learning what they need to know. Change focus from what we know we can do for the client to what the client needs.

Will self-regulation of the profession continue? Yes, but it will gradually change: nonlawyers will get involved in law firm management, thus nonlegal providers will be able to provide legal services. Within the profession, there is a move to break down the single regulatory structure into multiple structures—specialists having their own regulatory bodies, requiring specialized CLE. And discipline is already administered by entities other than the organized bar—for example, agencies regulating lawyers who practice before them. In the UK, an independent legal services board, which includes lay persons, will regulate lawyers. Growth of WTO and other global entities might encourage the growth of U.S. federal regulation of lawyers. But don’t forget that self-regulation is customer driven. We and society are the customers. What would change this? If society and lawyers don’t get what they need from self regulation. If globalization continues, we won’t get what we need from the current disciplinary process.

Finally, how do we cope of the economics and infrastructure we have built around the accreditation of law schools? These structures militate against skills teaching. How, as a profession, can we pay for the proper training of lawyers?

The Impact of Technology on Lawyer Development

Panelists: *Craig D. Ball, Law Offices of Craig D. Ball, P.C (moderator); Barbara A. Bichelmeyer, Professor of Instructional Systems Technology, Indiana University; Todd Flaming, Schopf & Weiss LLP; Barron K. Henley, HMU Consulting*

The Internet has changed the traditional view of the law office, as physical space and as business structure. Unfortunately, the legal profession has not been the epitome of keeping up with technology. So what will tomorrow’s lawyers look like? How is technology changing the education that will make the lawyers of the future?

Technology everywhere allows customization of experience—people are using technology to customize what they want. This is challenging to traditional education, which is built on standardization. Technology “explodes space.” Incorporating tech into the classroom isn’t the question—because tech is exploding the classroom. (For example: the University of Phoenix is the largest institution of higher education in America by a factor of 2, and most of its courses are online.)

Do younger students think and learn differently, because of technology? Yes and no. Younger students are comfortable with the technology they use, but they don't necessarily know how to use the complicated software (spreadsheets, professional software) and need to be taught how to do so. They don't value rote memorization because they can look things up. Technology has led to an appreciation and valuation of specialization, and it also values certain skills sets. Thus, in legal education, but also in other professions as well, it is the skills that are needed to support the knowledge base that are the most important things. In legal education, there is much agreement that the first year is absolutely essential to give doctrinal backgrounds; the second and third years are seen as less essential. So legal education will be education toward skill—more and more clinical experiences; 2-year programs.

Are visual presentation tools being used effectively in law schools? Mixed reviews. Where it doesn't work, it's because presentations are not effective and then don't allow back and forth engagement. And the teacher can't determine the engagement of the students.

Does technology affect how lawyers interact with courts? In many ways, no—traditional face-to-face meetings and paper filings are still the norm. But technology *can* help with the oral presentations to courts (which is the best way to get the point across). Many lawyers use consultants to develop their trial presentations of exhibits. But most of litigators' efforts are being consumed by e-discovery, and here again, consultants are being used for that as well—they manage, process, and review the evidence before the lawyer ever sees it.

So, where can lawyers who *want* to learn the technology go to learn it? Should it be in law school? A bar-review type course? Post-grad is better, but the teaching needs to be hands on, and that is *not* a common setup for CLE. And a hands-on environment is extremely expensive. That doesn't seem to be an obstacle in the business world or some other professions, but expense does present an obstacle in CLE. So is there another place for this education? Do we change the law school experience so that an entire year or two is clinical? Do we use tech to do simulations?

And technology has its downside—it absolutely overloads practicing lawyers with information. How do we educate around that? Many professionals and business people are responding with their own self-help training, but unfortunately that sort of training isn't contextual—it's hard to make it relevant to one's specific practice.

Technology changes everything—policies, behavior, costs, motivations. Technology even creates more technology. Are we approaching Richard Suskind's "end of lawyers"? What do lawyers do that can't be replaced by lower-cost labor using really great search tools and smart document assembly programs? Some forms and much adversarial work; negotiating; customer hand holding. But will the market for legal services change—become more like retail, with fixed prices for specific services?

**ALI-ABA/ACLEA
Critical Issues Summit
*Equipping Our Lawyers: Law School
Education,
Continuing Legal Education, and Legal
Practice in the 21st Century***

**Selected Portions of
2009 Survey of Lawyer CLE Preferences,
Practices, and Expectations**

The full survey can be accessed at
www.equippingourlawyers.org



Acknowledgments

On behalf of the **Critical Issues Summit**, *Equipping Our Lawyers: Law School Education, Continuing Legal Education, and Legal Practice in the 21st Century*, organized by American Law Institute-American Bar Association Continuing Professional Education (ALI-ABA) and the Association for Continuing Legal Education (ACLEA), I am pleased to present the results of the **2009 Survey on Lawyer CLE Preferences, Practices, and Expectations**.

This survey was made possible by the support of several organizations and individuals. Chief among those was The NALP Foundation, which provided survey research and analysis expertise. The Summit organizers also extend their deep appreciation to the following organizations for their participation in the survey:

Continuing Legal Education Society of British Columbia
The District of Columbia Bar
The Institute of Continuing Legal Education – Michigan
New York State Bar Association
Pennsylvania Bar Institute
Massachusetts Continuing Legal Education, Inc.
Minnesota Continuing Legal Education
North Carolina Bar Association
State Bar of Texas

The expert assistance of The NALP Foundation and the outreach of these organizations to the lawyers they serve were essential to the survey's success.

We also thank several individuals for their contributions to this survey. Lynn P. Chard (Director, The Institute of Continuing Legal Education – Michigan), Victor J. Rubino (President, Practising Law Institute), and Bryn R. Vaaler (Professional Services Partner, Dorsey & Whitney LLP) of the Summit Planning Committee volunteered their ideas and assistance to Leslie A. Belasco of the ALI-ABA staff in formulating the survey instrument. NALP Foundation CEO/President Tammy A. Patterson generously offered the services of the organization as a contribution-in-kind to the Summit. NALP Foundation Principal Researcher and Statistician Cynthia L. Spanhel, Ph.D., provided not only her inestimable survey expertise, but also countless hours of hard work compiling and analyzing the survey results.

Without the support and assistance of all of these organizations and individuals, we would not have gained this valuable information, which will inform not only the Summit discussions but, equally important, the post-Summit initiatives that will continue for years to come.



Patrick A. Nester, Chair

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Summary

Introduction

This comprehensive survey of lawyers' CLE preferences, practices, and expectations was a collaborative project of American Law Institute-American Bar Association Continuing Professional Education (ALI-ABA), the Association for Continuing Legal Education (ACLEA), and the NALP Foundation for Law Career Research and Education. Nine not-for-profit CLE organizations in the United States and Canada, some representing jurisdictions with MCLE requirements and some representing jurisdictions without MCLE requirements, invited a sample of their attorneys to participate in the survey during the summer of 2009. Over 3,000 attorneys completed the online questionnaire. The participating jurisdictions were:

- British Columbia
- District of Columbia
- Michigan
- Minnesota
- New York State
- North Carolina
- Massachusetts
- Pennsylvania
- Texas

CLE Preferences

CLE Delivery Mode Preferences

Attorneys were asked how often they take CLE by each of the following modes:

- Live in-person seminar
- Video replay of a live in-person seminar
- Live telephone seminar
- Live webcast (audio or video)
- On-demand online program (audio or video)
- Electronic publications
- Print publications

Overall, live in-person seminars were the most popular delivery mode—34 percent of all respondents said they took CLE in this manner ‘Very Often,’ and just three percent reported that they ‘Never’ attended a live seminar. Least used were live telephone seminars and electronic publications. Over half of the responding attorneys indicated they ‘Never’ obtained CLE by these methods. Print publications were used ‘Very Often’ as a source for CLE by ten percent of the responding attorneys.

CLE Learning Format Preferences

For live in-person CLE programs, attorneys were asked to rate five learning formats:

- Lecture
- Panel discussions
- Demonstrations
- Learn-by-doing with critique
- Other interactivity

By a large measure, lecture was the most preferred learning format with 41 percent of all respondents saying it was their “Most Preferred” format, and only three percent indicating it was their “Least Preferred.” Generally, the CLE learning formats that required direct participation by attendees were the lowest rated—learn-by-doing and other interactive formats (e.g., group discussion). Close to a third of the responding lawyers rated these as “Least Preferred.”

CLE Program Length Preferences

The most preferred length of a CLE program (in any delivery mode) was one day; the second most preferred was one-half day. Thirty-five and 26 percent respectively of the responding lawyers rated these lengths as their “Most Preferred” seminar lengths. Least preferred were the shortest and longest options, with three-day programs being “Least Preferred” by almost three-quarters (71%) of respondents. About a third of respondents rated one-hour and two-day programs as “Least Preferred.”

Provision of In-House CLE

Close to a third (29%) of the responding attorneys had worked in a setting over the past two years where CLE was offered in-house by their employers. In this group, the median percentage of total CLE over the past two years accounted for by in-house programs was 17 percent. Just three percent reported that in-house CLE accounted for all of their CLE over the past two years, and a similar proportion (5%) said none of their CLE was taken in-house over during this time period.

CLE Delivery Mode Preferences: Changes Expected Over Next Two Years

Attorneys were asked how they expected their CLE delivery mode choices to change, if at all, over the next two years. For all but two of the modes under consideration (see list above), between 61 and 68 percent of attorneys expected “No Change.” The exceptions were live webcasts (audio or video) and on-demand online programs (audio or video). Close to half of all respondents (46% and 47% respectively) said they expected to use these CLE delivery modes “Somewhat More” or “A Great Deal More” over the coming two years. In contrast, a significant percentage of attorneys said they would use live telephone seminars less over the next two years (15% “Less” and 8% “Somewhat Less”). About a fifth (21%) of responding attorneys indicated they expected to reduce their use of print publications for CLE, but a similar proportion (25%) expected to increase their use of electronic publications.

How CLE Is Experienced and Paid For: Changes Expected Over Next Two Years

In addition to indicating how their CLE delivery mode choices might change over the next two years, attorneys were asked if they expected changes in any of the following aspects of their CLE experience:

- Total CLE hours taken
- Amount of outside CLE
- Amount of in-house CLE
- Total amount of money spent on CLE
- Amount of outside CLE paid for by employer
- Amount of travel to CLE

Seventy percent of the responding attorneys indicated “No Change” expected to their total number of CLE hours over the next two years. Just under a quarter (24%) said they would be taking “Somewhat More” or “A Great Deal More” CLE over the next two years, and a similar proportion (28%) of respondents said they expected to spend more money on CLE over the next two years. Only seven percent expect to spend less money.

Significantly, although 24 percent of all respondents said they expect to be taking “Somewhat More” or “A Great Deal More” CLE over the next two years, only 10 percent expect the amount of CLE paid for by their employer to increase over that period, and double that percentage (21%) expect the amount of CLE paid for by their employer to decline. Open-ended responses indicated a corresponding concern among attorneys about financing CLE. Though the majority of respondents (59%) reported “No Change” in the amount of travel for future CLE, close to a third (29%) expects to travel less for CLE.

CLE Expectations

Attorneys were asked to indicate the importance of several areas in terms of what they hoped to gain from CLE and to also indicate the extent to which the CLE they have taken over the past two years met those expectations. The table below shows the areas ranked in order of overall importance and whether the responding attorneys thought their CLE had been below their expectations, met their expectations, or exceeded their expectations in those areas.

Expectations for CLE		Extent to Which CLE Has Met Expectations		
Area	Percent of Respondents Rating Area as Somewhat or Very Important In Terms of What They Hope to Gain From CLE	Below Expectations	Met Expectations	Exceeded Expectations
Developing rainmaking/business development skills	96 %	40 %	57 %	4 %
Acquiring substantive knowledge in new practice area(s)	74 %	12 %	73 %	15 %
Keeping up with developments in my current practice area(s)	57 %	7 %	74 %	19 %
Networking/establishing a good reputation in the legal community	47 %	22 %	66 %	12 %
Developing interpersonal skills (e.g., communication, persuasion skills)	44 %	25 %	69 %	5 %
Identifying and advancing my career goals	40 %	25 %	68 %	8 %
Developing technology skills	36 %	31 %	61 %	7 %

Developing skills relevant to my practice (e.g., deposition, negotiation, drafting skills)	35 %	19 %	70 %	10 %
Developing practice management skills	28 %	28 %	66 %	6 %

The data in the table show that CLE providers are doing very well in meeting the substantive law and traditional skills needs of attorneys but are falling short to varying degrees in assisting attorneys in developing the less tangible lawyering skills. Particularly striking is the gap between how important the sample attorneys rated gaining business development skills through CLE and the degree to which these expectations are not being met.

Professional Development Resources

Importance of CLE and Other Activities in Overall Professional Development

Because formal CLE is only one resource for lawyers' professional growth, survey respondents were asked to rate the importance of CLE in the context of a broad spectrum of professional development activities. The table below shows the list of activities from the survey and the importance ratings for each activity (neutral responses are excluded from this table).

Relative Importance of Various Activities in Lawyers' Overall Professional Development		
Activity	Somewhat or Very Important	Somewhat Unimportant or Not Important at All
Outside CLE programs (all types, including online)	62 %	15 %
Publications, articles, advance sheets, case summaries, etc.	56 %	16 %
Work-related on-the-job training	50 %	31 %
In-house CLE programs **	44 %	25 %
Mentor relationships	41 %	40 %
Online legal news, blogs, listservs, wikis	36 %	37 %
Service to boards of businesses and/or non-profits	27 %	51 %
Speaking at CLE programs	26 %	58 %
Government service	20 %	67 %
Service to local, regional, national, and/or specialty bars	20 %	60 %
Pro bono work	20 %	56 %
Writing articles for legal publications	19 %	64 %
Online social networking	9 %	77 %
** Includes responses only from respondents who have worked in a setting where CLE was offered in-house by their employer over the past two years.		

Use of Internet and Social Networking Sites for Work or Professional Development

Almost all (91%) of the responding attorneys reported using the Internet for work purposes on a daily basis, and only one percent said they "Never" used the Internet.

In spite of its low ranking in terms of importance to lawyers' overall professional development, a substantial percentage (41%) of the responding attorneys said they used Internet social networking

sites for work or professional development purposes (see chart below). Among this group, the most popular site was LinkedIn, with almost three-quarters (72%) of respondents using it. Facebook is used by 61 percent and Twitter by 15%. Only 6 percent reported using MySpace for work or professional development. Eight percent of the respondents listed an “Other” site (a site not on the survey list), the most popular of which was Plaxo.

Amount of CLE Taken Over Past Year Compared to MCLE Requirements

The average number of CLE hours all responding attorneys reported taking over the past year was 20, and the median was 15 hours. The most commonly reported number of hours was 15. Respondents from MCLE jurisdictions reported taking an average of 21 CLE hours (median hours 15, most commonly reported hours 15), whereas respondents from non-MCLE jurisdictions reported taking an average of 18 CLE hours (median hours 15, most commonly reported hours 20).

Eighty-four percent of the attorneys responding to the survey were licensed to practice in at least one MCLE jurisdiction. Of those attorneys, almost two-thirds (64%) reported exceeding their MCLE requirement in their last reporting period, about a third (34%) said they met the requirement, and only 2 percent reported not meeting the requirement.

Methodology

The **2009 Survey on Lawyer CLE Preferences, Practices, and Expectations** was developed in connection with the ALI-ABA/ACLEA Critical Issues Summit, *Equipping Our Lawyers: Law School Education, Continuing Legal Education, and Legal Practice in the 21st Century*, October 15-17, 2009. The data from this survey were intended to provide background information for discussions at the Summit and to suggest areas for change and further inquiry after the Summit.

Survey content was identified and reviewed by members of the Summit Planning Committee with ALI-ABA staff. The survey instrument was formulated by ALI-ABA staff with the assistance of The NALP Foundation research staff.

In August 2009, the survey was posted online and distributed to U.S. and Canadian lawyers through CLE organizations representing a cross-section of jurisdictions. These jurisdictions included one Canadian jurisdiction (British Columbia), five jurisdictions with long-standing MCLE requirements (Minnesota, New York, Pennsylvania, North Carolina, and Texas), one jurisdiction with a newly adopted MCLE requirement (British Columbia), and three jurisdictions with no MCLE requirement (District of Columbia, Massachusetts, and Michigan).

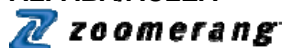
Approximately 84,000 U.S. and Canadian lawyers were contacted to complete the survey. All participating organizations were instructed to e-mail a description of the survey with the survey link to a representative sampling of 10,000 in-state lawyers, unless they had fewer than 10,000 in-state lawyers to contact. Each organization followed up at least once with its original sample group of lawyers to encourage participation. The survey closed in September 2009.

3,231 survey responses were received, representing a sufficiently large and broad-based response on which to draw significant data. Of course, any review of the survey's findings must take into account the biases of the lawyers who responded compared to those who chose not to respond.

The raw survey results were analyzed by The NALP Foundation research staff. For purposes of the Summit report and in consultation with ALI-ABA staff, the data was sorted and analyzed four ways: overall, by number of years licensed, by primary occupation, by law firm size, and by MCLE v. non-MCLE status. Additional analyses may be conducted post-Summit in areas of identified interest.

Questionnaire

ALI-ABA/ACLEA



Equipping Our Lawyers Summit
Lawyer CLE Survey



CLE Preferences

Formal CLE (i.e., organized continuing legal education) is delivered in many different ways. Please indicate how often you take CLE offered via each of the following delivery modes.

	Never	Very Often
Live in-person seminar	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Video replay of a live in-person seminar	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Live telephone seminar	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Live webcast (audio or video)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
On demand online program (audio or video)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Electronic publications	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Print publications	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

For live in-person CLE programs, please indicate your preference for learning format by rating each of the following formats.

	Least Preferred	Most Preferred
Lecture	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Panel discussions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Demonstrations (e.g., observing mock negotiations)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Learn-by-doing with critique	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other interactivity (e.g., group discussion)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please indicate your preference for the length of a CLE program (in any delivery mode) by rating each of the following lengths.

	Least Preferred	Most Preferred
1 hour	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2 hours	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
½ day	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
1 day	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2 days	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3 or more days	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Over the past two years, have you worked in a setting where CLE was offered in-house by your employer?

- ☐ Yes
☐ No [Skip to 6]

Over the past two years, about what percentage of your total CLE taken has been taken in-house at programs offered by your firm/employer?

- ☐ 0 % (none)
☐ 1 to 10 %
☐ 11 to 25 %
☐ 26 to 50 %
☐ 51 to 75 %
☐ 75 to 99 %
☐ 100 %

Looking forward, please indicate how you expect your choice of delivery mode for formal CLE to change, if at all, over the next two years.

	Less	Somewhat Less	No Change	Somewhat More	A Great Deal More
Live in-person seminars	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Video replay of live in-person seminars	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Live telephone seminars	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Live webcasts (audio or video)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
On-demand online programs (audio or video)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Print publications	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Electronic publications	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Looking forward, please indicate how you expect the way you experience and pay for formal CLE to change, if at all, over the next two years.

	Less	Somewhat Less	No Change	Somewhat More	A Great Deal More
Total CLE hours taken	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Amount of outside CLE	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Amount of in-house CLE	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Total amount of money spent on CLE	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Amount of outside CLE paid for by employer	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Amount of travel to CLE	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

CLE Expectations

Lawyers expect to gain something valuable (e.g., knowledge, skills, networking) from taking CLE. How important to you are each of the following in terms of what you hope to gain from CLE?

	Not Important At All	Very Important	N/A
Keeping up with developments in my current practice area(s)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Acquiring substantive knowledge in new practice area(s)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Developing skills relevant to my practice (e.g., deposition, negotiation, drafting skills)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Developing interpersonal skills (e.g., communication, persuasion skills)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Developing technology skills	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Developing practice management skills	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Developing rainmaking/business development skills	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Networking/establishing a good reputation in the legal community	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Identifying and advancing my career goals	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

To what extent has the CLE you have taken over the past two years met your expectations in terms of what you hoped to gain from it?

	Below Expectations	Met Expectations	Exceeded Expectations	N/A or Not Important to Me
Keeping up with developments in my current practice area(s)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Acquiring substantive knowledge in new practice area(s)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Developing skills relevant to my practice (e.g., deposition, negotiation, drafting skills)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Developing interpersonal skills (e.g., communication, persuasion skills)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Developing technology skills	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Developing practice management skills	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Developing rainmaking/business development skills	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Networking/establishing a good reputation in the legal community	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Identifying and advancing my career goals	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If the CLE you have taken over the past two years has not met your expectations, please describe how it could be improved.

Professional Development Resources

Formal CLE is only one resource for lawyers' professional growth. How important is each of the following to your overall professional development as a lawyer?

	Not Important At All	Very Important
Outside CLE programs (all types, including online)	<input type="radio"/>		<input type="radio"/>		<input type="radio"/>		<input type="radio"/>
In-house CLE programs	<input type="radio"/>		<input type="radio"/>		<input type="radio"/>		<input type="radio"/>
Work-related on-the-job training	<input type="radio"/>		<input type="radio"/>		<input type="radio"/>		<input type="radio"/>
Mentor relationships	<input type="radio"/>		<input type="radio"/>		<input type="radio"/>		<input type="radio"/>
Publications, articles, advance sheets, case summaries, etc.	<input type="radio"/>		<input type="radio"/>		<input type="radio"/>		<input type="radio"/>
Online legal news, blogs, listservs, wikis	<input type="radio"/>		<input type="radio"/>		<input type="radio"/>		<input type="radio"/>
Online social networking	<input type="radio"/>		<input type="radio"/>		<input type="radio"/>		<input type="radio"/>
Speaking at CLE programs	<input type="radio"/>		<input type="radio"/>		<input type="radio"/>		<input type="radio"/>
Writing articles for legal publications	<input type="radio"/>		<input type="radio"/>		<input type="radio"/>		<input type="radio"/>
Pro bono work	<input type="radio"/>		<input type="radio"/>		<input type="radio"/>		<input type="radio"/>
Service to local, regional, national, and/or specialty bars	<input type="radio"/>		<input type="radio"/>		<input type="radio"/>		<input type="radio"/>
Service to boards of businesses and/or non-profits	<input type="radio"/>		<input type="radio"/>		<input type="radio"/>		<input type="radio"/>
Government service	<input type="radio"/>		<input type="radio"/>		<input type="radio"/>		<input type="radio"/>

If there are any other resources not listed in the question above that are very important to your overall professional development, please describe them briefly.

Background Questions

Your answers to these questions will help us understand how opinions about CLE differ among groups of lawyers in different occupations, career stages, and geographic regions. All responses are completely anonymous.

How often do you use the Internet for work purposes?

- ☐ Daily
- ☐ A few times a week
- ☐ Once a week
- ☐ A few times a month
- ☐ Once a month
- ☐ Less than once a month
- ☐ Never [Skip to 13]

Do you participate in any of the following social networking sites for work or professional development purposes? (Check all that apply.)

- ☐ No
- ☐ Yes - Facebook
- ☐ Yes - MySpace
- ☐ Yes - Twitter
- ☐ Yes - LinkedIn
- ☐ Other (Please list.)

What is your primary occupation?

- ☐ Private law practice
- ☐ Government lawyer
- ☐ Corporate/in-house counsel
- ☐ Full-time judge
- ☐ Law faculty
- ☐ Public interest/non-profit lawyer
- ☐ Non-legal professional
- ☐ Not currently employed
- ☐ Other (Please describe.)

About how many lawyers, including yourself, work in your firm/organization worldwide?

- ☐ Solo
- ☐ 2 - 10
- ☐ 11 - 50
- ☐ 51 - 100
- ☐ 101 - 250
- ☐ 251 - 500
- ☐ 501 - 1,000
- ☐ More than 1,000

How long have you been licensed to practice law in any jurisdiction?

- ☐ 1 year or less
- ☐ 2 - 3 years
- ☐ 4 - 9 years
- ☐ 10 - 14 years
- ☐ 15 - 19 years
- ☐ 20 - 29 years
- ☐ 30 or more years

Do you work primarily in an urban, suburban, or rural location?

- ☐ Urban
- ☐ Suburban
- ☐ Rural

About how many hours of CLE did you take over the past year?

Does the jurisdiction in which you are licensed to practice have a minimum continuing legal education (MCLE) requirement?

- ☐ Yes
- ☐ No [Skip to 17]

In your last MCLE reporting period, did you:

- ☐ Not meet this requirement
- ☐ Meet this requirement
- ☐ Exceed this requirement

Thank you for participating in our survey. Please use the space below to make any additional comments on your CLE experiences.

Thank you for taking our survey. To view the current results from your state or province, click below. <<http://www.theclesummit.org/>>





Critical Issues Summit

*Equipping Our Lawyers:
Law School Education, Continuing Legal Education,
and Legal Practice in the 21st Century*

Moving Forward: ALI-ABA/ACLEA Efforts To Implement Summit Recommendations

From the time ALI-ABA and ACLEA first began planning the Summit, both organizations were committed to implementing as many of the Summit's recommendations as possible. This vision included working with other constituencies and allied interests after the Summit to make these recommendations a reality.

In April 2010, ALI-ABA and ACLEA created a Joint Steering Committee to oversee these implementation efforts. This committee is comprised of the executive directors of each organization (Julene Franki and Donna Passons), the President and President-Elect of ACLEA (currently Kent Hopper and Vince O'Brien, respectively)¹, and the ALI-ABA staff most directly involved in the Summit (Leslie Belasco and Mark Carroll). The following are examples of the kinds of actions the Joint Steering Committee will take:

- Develop goals, with specific action items, for implementing the Summit's Final Recommendations.
- Identify Summit projects that ALI-ABA and ACLEA could help sponsor.
- Reach out to those already interested in implementing parts of the Final Recommendations to determine how ALI-ABA and ACLEA might help in those efforts.

After the Summit, ALI-ABA and ACLEA also formed a Summit Initiatives Committee, drawn from individuals who were deeply involved in the planning and execution of the Summit. This committee, which represents a broad spectrum of constituencies within legal education and the

¹ As individuals leave these ACLEA offices, their seats on the Steering Committee will be assumed by their ACLEA successors.

profession, will meet to advise the Joint Steering Committee on how the Summit's Final Recommendations:

- Can be best disseminated;
- Can be put on the agendas of relevant groups; and
- Might be implemented.

Summit Initiatives Committee (as of March 31, 2010)

Carole Wagan	Director, Advanced Legal Studies, Suffolk University Law School — CHAIR
Julene Franki	Executive Director, ALI-ABA
Sari Fried-Fiori	Immediate Past Chair, PDC; Chief Professional Development Officer, Fulbright & Jaworski L.L.P.
Cheri Harris	Executive Director, CLEReg
Holly Hitchcock	Executive Director, Rhode Island MCLE Commission
Kent Hopper²	President, ACLEA; CLE Publications Director, Missouri Bar
Jim Leipold	Executive Director, NALP
Myles Lynk	Law Prof., Sandra Day O'Connor College of Law at Arizona State University
Rick Matasar	Dean, New York Law School
Erica Moeser	President, National Conference Bar Examiners
Donna Passons	Executive Director, ACLEA
Maury Poscover	President, ALI-ABA Board; Partner, Husch Blackwell Sanders LLP
Lalla Shishkevish	Former President, ACLEA; Director, D.C. Bar CLE
Chuck Turner	Executive Director, Colorado Bar Association

² Will remain as a permanent member of the Summit Initiatives Committee; future ACLEA Presidents and Presidents-Elect will serve as ex-officio members of the committee for the duration of their terms as ACLEA officers.

Scott Westfahl Chair, PDC; Director Professional Development,
Goodwin Procter LLP

Paul Wood Executive Director, Legal Education Society of
Alberta

Ex-Officio Members

JoAnne Epps Summit Honorary Co-Chair, Dean, Temple Law
School

Tom Hayward Summit Honorary Co-Chair; Of Counsel, K&L
Gates LLP

Leslie Belasco Director of Research and Development, ALI-
ABA

Chuck Bingaman Summit Reporter; Consultant

Mark Carroll Director of Publications, ALI-ABA

Pat Nester Summit Executive Chair; Director,
TexasBarCLE

Vince O'Brien President-Elect, ACLEA; Program Attorney/
Assistant Director, Minnesota CLE