What’s the Verdict?
CLE Programming on Trial

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Lisa Carper is the Director of Continuing Education for Trial Guides, a legal publishing company that serves the plaintiffs’ bar, the criminal defense bar, and the medical profession. She is responsible for all things CLE/CE at the company, including the administration and production of in-person events, webinars, and on-demand programming. Lisa is a graduate of the University of Dayton and hopes to one day write great American novels. Until then, she will continue to revel in the continuing education field. Lisa is the proud mother of three children, two cats, and one dog.

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Dan Becker is Director of Programming for the ABACLE. He oversees the team of producers and production staff that creates professional development and continuing legal education (CLE) programs and products to provide ABA Members, non-members, and the legal community at large with the quality education needed to establish and maintain high standards of practice, and to fulfill state bar requirements for CLE. Before starting with the Center for Professional Development, Dan worked for the ABA’s Rule of Law Initiative, Latin America and Caribbean Division administering the overseas programs of ABA/LALIC. Dan started his career in education as a history professor after obtaining his PhD at the University of Maryland before switching his career focus to legal associations.
Benefits of On-Demand Learning

1. **Convenience**: Lessons are available when you are: no need to schedule travel or miss time in the office.

2. **Repetition**: Participants can watch the program, or parts of it, as many times as they want. The program itself becomes reference material.

3. **Individualized Learning**: Properly designed eLearning programs offer an individualized approach to learning. The participant effectively creates the environment in which they learn best. And with creatively crafted interactivity, the programs increase how much information students retain.

4. **Cost**: For the student, the cost of an on-demand class is often far less than the cost of an in-person program. While set up costs for Learning Management Systems (LMS) can be substantial, the costs of course development are often much lower than in-person events. Some providers will offer the LMS at no cost for a share of the revenue.

5. **Standard Curriculum**: On-demand programming enables even small organizations to develop a standard curriculum for new members or employees, ensuring consistent training levels across the organization.
Benefits of Unique Locales for Programming

1. **Retention of Information:** Creating a unique environment enables the experience to stand out in the participant’s mind, making the overall event and its content more memorable.

2. **Out of the Box:** Learning outside the traditional classroom enables participants to think outside of the classroom-box. As trite as that sounds, changing the learning environment also changes the participants’ perspectives, enabling a creative freedom not always afforded in traditional programming.

3. **Unique Presenters:** Think of learning Buddhist meditation principles from a Buddhist Monk in a zendo; defensive strategies from an Akido master in a dojo; wine making strategies from a vintner in a vineyard; or communication principles from a theater professional. Each person presents information that the participant can apply to legal strategy in a memorable method.

4. **Learning Styles:** Not everyone learns best from a lecture or panel discussion in a hotel ballroom. Traditional programming plays to the strengths of audio and visual learners but leaves tactile/kinesthetic and social learners challenged. Unique destinations open up the classroom to all learning styles.

5. **Fun:** Unique locales mean more fun. Sitting in a hotel ballroom on uncomfortable chairs for days is no one’s idea of good time. Participants who choose to register for these unique events are open to the new experience and are often eager to participate instead of simply punching a ticket.
Reasons In-Person Is Superior to On-Demand

1. **Visual Cues** People need human interaction
   a. Instructors can use visual cues gauge audience and how discussion is going over
   b. Learners can demonstrate interest/boredom/stop to ask questions and instructors can respond accordingly
   c. Different speakers on multi-speaker program can see one another and react in the moment to each other’s comments
   d. On on-demand, speakers interact awkwardly; they may be experts in the law but they’re amateurs as radio performers

2. **Networking opportunities**
   a. Participants can talk to other participants and speakers and exchange information at breaks, meals, receptions

3. **Attention Deficit Disorder Style of On-Demand Learning**
   a. You’re alone/you’ve got other work to do/it’s easy to put on-demand program on a tab that’s at the bottom of your screen
   b. Distracted learners may get little or nothing from the programs

4. **Replication of On-Demand Advantages for In-Person**
   a. The materials are available 24/7 and can be updated—big deal, provide people with a link to your written materials for in-person and update them
   b. You can access it any time—if you record the in-person you can provide the file afterwards
   c. On-demand instructors go back and answer questions posted by email or on a web board—set up the same thing for your in-person program

5. **READ A BOOK!**
   a. If you really think on-demand is better why not just tell people to read books
   b. In-person instruction with lecturers and students has been the norm since the Middle Ages and started because books were scarce so professors had the books and read them to students—it then developed into a way to learn
   c. If you’re a true believer in people listening in an isolated/asocial manner to recorded content why not just tell them RTB (read the book) and give them a list—who needs a social setting to learn from one another?
Reasons Traditional Programs Are Superior to Unique Programs

1. **Know Your Audience**
   a. Lawyers are traditional and went to law school and learned in ways that emphasized lectures; this is comfortable to them and makes it easier for them to learn

2. **Grow up!**
   a. Unique programs often mean “let’s have fun” and draw the skeptical eye of accreditors
   b. Watching 12 Angry Men and discussing it afterwards is a gas—when you’re a sophomore in high school—you’re a lawyer now and you need to take programs to get specific legal updates; act your age

3. **You think money grows on trees!**
   a. Unique programs are more work and more expense
   b. Most of us are working with volunteers who have limited time so traditional “show my mark and I’ll deliver my talking points” is usually the best you’re going to get
   c. Unless you have a hugely profitable program, the amount you’re going to need to pay talented instructors to get someone truly compelling will make it extremely difficult to recoup your investment

4. **While we’re playing patty cake, the rest of the world is using old-fashioned ways to hand us our lunch**
   a. Recent studies have shown that “chalk and talk” is why traditional educational style learning countries in Asia and Europe score highest on world comparison tests
   b. Memorization and “passive learning” (sitting there while the person in the front spews out information) lead to subject matter mastery as opposed to “let’s all horse around in small groups and not listen—‘active’ learning”
   c. Lawyers value information—what are three developments in the law that I need to know so that I can better serve my clients

5. **There’s really no way to judge, so let’s not get crazy.**
   a. Since we don’t actually test anyone to prove competency we might as well stay traditional to feel comfortable learning is happening.
   b. Unique programs can be hard to measure
   c. CLE operates in a narrow space because of rules, so you need to know that people got 45 minutes of learning and 15 minutes of Q&A for an hour of CLE
   d. Things like small group discussion followed by shared time for discussion or flipped classrooms where people read the content ahead of time and then work on using the knowledge to answer thought questions are impossible to make work for accreditors—how we would know if people put in the work ahead of time; the accreditors are people who view hypotheticals with suspicion, and we’re going to convince them our attendees are active learners?