

Programming Best Practices

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Presented at:

ACLEA 56th Mid-Year Meeting
January 24, 2020
Jacksonville, FL

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Programming Best Practices

**The Association of Continuing Legal Education
(ACLEA)**

January 2013

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INTRODUCTION

ACLEA members have always recognized the importance of providing the highest quality of continuing legal education for their constituents.

ACLEA adopted the first guide for achieving this, "Standards of Operation for Continuing Legal Education Organizations," in 1975. In 1992, ACLEA revised those standards, producing "Standards in Continuing Legal Education." Since the legal profession and delivery of continuing legal education has changed in the years following 1992, this document discusses recommended standards and "Best Practices" for organizations that provide continuing legal education.

Chapter 1 Structure

I. Establishing and Following a Mission Statement

A mission statement is a concise statement describing a company's purpose. It should include the plan, dream, or wish of the company. It should identify the purpose and values of the business. It could include a statement of products or services. Finally, the mission statement should reflect the company's responsibility toward its customers.

The main purpose of a mission statement is to remind employees and make customers aware of the company's reason for being in business. Mission statements help with ongoing decision making processes. They remind employees of business goals and can help build customer confidence in services offered.

A. Complementing a Parent Organization's Mission Statement

If a CLE provider has a parent organization it should develop a mission statement consistent with that of the larger entity. The purpose, principles and strategies employed by your parent organization will not be the same as for your CLE organization. This is especially true of multi-sector organizations that serve several missions simultaneously, ranging from regulatory to business services. The mission statement of a CLE organization should complement that of the parent organization, yet it should also stand alone.

B. Solo or Independent Continuing Legal Education Providers

All businesses should establish a mission statement. For CLE, consider a mission statement that supports the legal profession's need to maintain competency in a variety of substantive areas of law and practice as well as ethics and professionalism. It should be realistic, concise, reflect the values and beliefs of the organization, and demonstrate a commitment to serving the public good. It should identify who the organization serves and the scope of services. Mission statements should be re-examined and updated on a regular basis to ensure they still address the CLE provider's overall vision.

C. Vision Statements

A vision statement should define or describe what a CLE provider's organization hopes to achieve as a result of specific actions. It is the provider's strategic plan. Vision statements look into the future. As a CLE provider's business evolves, it might incorporate additional elements that build on present goals or expand its audience. It should provide enough flexibility to allow the CLE provider to evolve with changing times. A vision statement should incorporate elements of the strategic plan, accounting for anticipated changes. For example, a CLE provider's vision statement may include a statement such as, "We anticipate that we will continue to

use technology as a means of delivering education to our members, and that the variety of formats for educational programming will continue to diversify."

D. Impact on Decision Making

The mission and vision statement should serve as foundations for introducing new programs, eliminating certain programs, and starting new initiatives. When a CLE provider looks at programming opportunities, funding sources, potential strategic partnerships and any of the other many challenges facing CLE organizations, a well written and current mission and vision statement will provide leadership and staff with guidance when facing organizational challenges and decisions.

II. Program Finances

A. Financial Goals and Models

For-profit and nonprofit models are not mutually exclusive. Nonprofits that generate income beyond break-even expenses might funnel the proceeds back into the organization to improve or expand programming, publications, or both. On the other hand, a for-profit organization may run on a margin so narrow that it is not obviously distinct from a nonprofit. Often the nonprofit organization will offer some programming at a lower cost or without cost to address constituent needs.

B. Budgets Based upon Financial Goals

Determining a budget takes into consideration all of the costs of producing a seminar, both direct and operational costs, salaries, and any operating margins and percentage markups.

Direct program costs are those that can be distinctly identified or attributed to a particular program. Meeting room rental, catering expenses, audio-visual costs, speaker and staff travel expenses, printing, postage, and marketing are examples of direct costs. Speaker honorariums or fees are direct costs, as are complimentary speaker or planner registrations. On the other hand, expenses such as rent, insurance, utilities, office supplies and equipment, IT and web maintenance, and credit card merchant fees are operational costs. Salaries, taxes, and benefits need to be factored into the budget equation. If the CLE provider is a for-profit entity, include a desired operating margin or percentage markup.

C. Projecting Revenue

Also known as "crystal ball gazing," projecting program revenue isn't so much a science as it is an art. Circumstances, some beyond a CLE provider's control, such as fluctuations in the economy or a natural disaster, can affect attendance adversely, while other events can actually increase attendance and revenue (e.g., new legislation, major court decision, new MCLE requirements, etc.).

There are several factors to consider when projecting program revenue:

1. Registration rates—how much will it cost to attend the program? Are there different rates for various types of attendees, such as new lawyers, paralegals, judges, non-profit attorneys, or law school alumni? Unless the program is subsidized either internally or by other revenue such as exhibitor or sponsor fees, the registration rates should generate sufficient revenue to pay for direct costs, a percentage of operational costs, salaries (including taxes and benefits), and any applicable margins or markups for profit.
2. Discounts—will discounts be offered, and if so, for what reason and how much? Many CLE providers offer early registration discounts. These discounts can help determine an approximate head count for seating and catering details, as well as the quantity of course materials to order or send electronically to attendees. Discounts can also be available for members of co-sponsoring organizations or if multiple registrants from the same firm or organization attend the same program.
3. Bursaries and Scholarships—these can be full or partial and represent money paid for the registration fee but not by the attendee. A bursary or scholarship could be in the form of another organization paying the registration fee on behalf of the attendee, or structured as a discount by the CLE provider (i.e., foregone revenue).
4. To refund or not to refund—that is the question. Most CLE providers have a refund policy, along with a refund or cancellation fee if the registration is cancelled within a specified period of time. Since refunds represent a reduction in revenue, the potential outcome of any refund policy on a program's budget should be included.

III. Resources

Every program has a number of tasks that need to occur to make it successful. The resources assigned to those tasks will vary depending upon the type, size, and structure of the CLE provider. If resources are not available internally (e.g., within an organization's CLE section, division, or department) they might be accessible through a parent organization's shared resources, such as IT or marketing staff, or by turning to third-party providers for services like graphic design, website hosting, and online registration. Regardless of a CLE provider's structure, below are the general tasks that need to be completed:

A. Program Manager/Coordinator

- Identifying topics
- Selecting each program's planning chair or acting as the planning chair
- Directing the planning process
- Attending the event to monitor speaker and curriculum quality; assist with on-site tasks as needed

B. Event Coordinator

- Booking program facilities
- Ordering program catering and A/V
- Arranging speaker travel
- Attending the event to monitor quality control; assist with on-site tasks as needed

C. Event Staff/Program Assistant

- Conducting pre-event preparations, such as printing name tags and registration lists
- Preparing and distributing event correspondence (both pre- and post-program)
- Attending the event to assist with registration and other on-site tasks as needed
- Prepare and collate evaluations

D. Customer Service Specialist/Registrar

- Register participants
- Phone queries
- Liaise with legal community

E. Marketing/Communications

- Brochure design and publication
- Website communication
- Social media
- Event email marketing
- Direct marketing initiatives
- Sponsorship and donations

F. Production specialist

- Formatting seminar materials (print and/or electronic)
- Ordering and printing of seminar binders and/or distribution of electronic materials

- Following up on outstanding materials and grants of interest

Chapter 2 Identifying Learning Needs

I. Introduction: Defining Learning Needs v. Wants

“Needs” are not the same as “wants.” Lawyers “buy” based on want (though “wants” are at least sometimes determined by perceived “needs”). Should CLE providers sell them what they need? Should CLE providers make them want what they need? What persons or groups (other lawyers – peers, CLE planning committees, section or practice area planners, supervisors, judges, others) identify lawyers’ learning needs? CLE providers should consider a range of perspectives, including but not limited to lawyers. Also consider levels of learning needs and levels of training provided. This could be a subset of identifying learning needs. Often curriculum planning committees look at offering introductory, intermediate, and advanced course offerings. Sometimes courses offered are fairly advanced but don’t presuppose a lot of experience on the part of the learner, such as “Tax Appeals for the Non-Tax Specialist.” Courses aimed at lawyers just entering practice may be considerably different from non-specialist or other introductory level courses.

II. Reasons for Attending CLE

A. Complying with MCLE Requirements (see discussion below).

At the end of a reporting period often lawyers scramble for credits rather than seeking CLE most beneficial to their practices. This is disappointing to providers, but understandable. Providers can address this to some extent by ensuring that programs of a generally useful nature for all lawyers, such as professional responsibility, or practice topics that apply to many practice areas, such as litigation skills, research, or evidence, are offered toward the end of the reporting period.

B. Lawyers Want to Stay Current.

Whether they are in general practice, or have very specialized niche practices, lawyers who care about their competency want to keep up with new developments in law and practice and continually improve their skills. It is one reason why lawyers continue to attend CLE, even in jurisdictions where it is not required. Where CLE is required, often the best lawyers accrue more hours than they need for a minimum requirement, because they want to learn. They are also the ones often called upon to teach at CLE programs.

C. Gaining More Skills and Knowledge in a Specific Area of Practice.

Many lawyers who have specialized areas of practice attend annual or regularly offered programs in their specialties. They also form the market for advanced courses.

D. Getting "Up To Speed" In a New Area of Practice.

Over time, a lawyer's practice may change. He or she may want to develop or expand into new areas. Sometimes the areas are related, such as a workers' compensation and social security - disability practice. At other times, lawyers may want to consider completely new practice areas, whether out of necessity or choice. One of the ways to gain information and a sense of what it's like to practice in a new area is to attend a CLE seminar in that area. Such a CLE seminar also provides an opportunity for the lawyer to meet and talk to other lawyers who practice in this area of law.

E. To Improve in Areas That Support the Practice of Law:

Time management, law practice management, accounting for lawyers, client development are examples of law practice topics.

Professional development involves more than the substantive legal knowledge first encountered in law school and then afterwards in continuing education classes. Practicing law also means learning how to be efficient, make the best use of one's time for the benefit of clients, grow the practice, and improve the bottom line.

F. Transitional CLE for newly admitted lawyers.

This type of CLE helps usher lawyers from law school to real-world practice with topics that range from professionalism and civility, to nuts and bolts of local procedure, to introductions to various areas of practice. Some jurisdictions require that new lawyers take a certain number of hours of transitional education. Others allow it to remain voluntary, but encourage new lawyers to invest in appropriate CLE.

G. MCLE Requirements

Do MCLE requirements define learning needs? Should we be concerned only with CLE credit-approved learning? While lawyers are often "credit-driven", the number of credits per course can influence the decision to take it. Some lawyers will look for specific information and instruction regardless of whether the course carries MCLE credit or not, if their perceived need is strong enough.

While CLE providers need to keep MCLE requirements in mind, these requirements usually are general and do not provide criteria for determining excellence or relevance in a given program. In addition, MCLE requirements set only the minimum number of CLE hours that lawyers must take and are not intended as a measure of how much CLE lawyers need to stay up-to-date and competent in their practice areas.

MCLE requirements identify the basic standards that CLE programs must meet in order to receive accreditation. Most MCLE rules are fairly general, requiring that a program have a subject matter primarily related to the practice of law or to a discipline in which further education of attorneys would be beneficial to the practice of law. This kind of rule covers many substantive areas of law, as well as areas

addressing practice and procedure issues. Ethics MCLE requirements, as well as some states' requirements for CLE in other specific areas (bias in the profession, substance abuse issues), set further standards for CLE.

Many subjects that would benefit lawyers are not specific enough to legal practice to get CLE credit, and important programs in law firms or other in-house settings are often capped for purposes of CLE credit.

Thus, while MCLE requirements identify the CLE that lawyers must take, they are not a guide to the learning that lawyers "need." They should be viewed as a starting point, not an end point, in determining lawyers' learning needs.

III. CLE Boards/Planning Committees

One of the values of planning committees is that the members can pool expertise in their respective fields and have an understanding of what they and their peers need to learn. Likewise, a diverse CLE board, with representatives from across the profession, can provide guidance to staff regarding the needs of the practicing bar.

CLE boards and committees are an important resource for planning programs. Their membership usually represents those most experienced in their respective areas of law and practice and who have past experience as planners and presenters. Their depth of knowledge and willingness to devote time and effort to planning and speaking are invaluable for CLE providers. One important factor to consider is that sometimes these groups become insular, with the same leaders providing the same input. CLE providers want to recognize and continue to make use of the expertise of these experienced volunteers, while also seeking input from new volunteers who have developed the expertise and have an interest in providing education to their peers. Existing volunteers can sometimes be a good source for finding additional volunteers, and they may be able to suggest people for planning groups. If not, then the CLE provider or staff may need to suggest possible additions to planning groups.

In addition to CLE boards or similar planning committees, other entities and programs such as mentoring programs, leadership programs, professional associations, and specialized bar associations all may have a formal or informal interest in developing educational programs for their members/audiences.

If a bar association or other group has a mentoring project or organization, its members may have a good sense of what lawyers need to learn, especially younger lawyers or those newer to the profession. In a similar vein, judges often observe the lawyers who come before them and note their skill levels, including an understanding of courtroom procedures, document drafting, civil procedure, the rules of evidence, and appellate practice. Members of the judiciary are often very generous with their advice as well as their time and expertise as planners and presenters.

Professional associations have a strong interest in providing education to their members to keep them abreast of developments in their field. That is why most bar associations sponsor CLE, but also explains why other organizations, such as bar

sections, or specialized bar associations also seek to provide their members with continuing education. In addition, education provided by a specialized group may be perceived as a member benefit of belonging to that group.

IV. Surveys and Evaluations

Surveys and evaluations are often a source of information about what learners want, which may or may not coincide with what they need. CLE providers should, where feasible, conduct surveys and certainly include questions in their evaluations about program content that participants would like to see in the future. Another approach might be to conduct a survey of those who work with lawyers, such as judges or court employees, to see what they think lawyers ought to be learning.

Count or Non-count? Some program evaluations ask participants to rate the presentations on a numeric scale as well as provide comments. Others ask questions requiring a short written response. Whatever the assessment tool used, it should be designed to generate relevant information that will help in the planning of other events. Including some demographic questions might be helpful, too, such as:

- How long have you been in practice?
- Describe your practice
- What is the greatest challenge you face in your practice today?

Performance goals/internal assessments of lawyer performance can pinpoint the learning needs of individual lawyers. That information may not, however, be available to those planning CLE. It may be an advantage for CLE providers in-house at law firms. They may be able to assess what their lawyers need to know.

V. Other Sources of Information on Lawyers' Learning Needs

Client surveys can provide information about how lawyers can be better trained to meet client needs. Because the client's perspective may differ from the lawyer's, such sources of information may not be determinative. However, the information could provide valuable insight into clients' perceived needs, some of which the firm may be able to address through better training.

Partners and supervisors of the learning population are a great source. In-house education is often driven by practice partners or supervisors who have specific goals for training lawyers in a given area so that they can most effectively practice in it. Professional development committees may have a wider scope than just continuing education and may be devoted to professional development in a broader sense such as training, evaluation, performance, or other development.

Disciplinary boards, practice advisors, and risk management insurance providers can identify risky practice behaviors across the lawyer population and provide insights into the kinds of training that lawyers need for responsible and competent practice. In

addition, they can be a source of education. Disciplinary boards/counsel often are willing to provide professional responsibility education. Practice advisors and insurance providers may provide education on best law practice management skills and risk management, respectively.

Government and legislative agencies and the courts can provide guidance. Those who make and interpret laws such as legislatures, government bodies, and the courts are major sources of information about up-to-date information. Legislative or court rule changes that affect the implementation and interpretation of laws also are important sources of information and therefore education for lawyers.

VI. Best Practices for Identifying Learning Needs

The CLE organization should not consider only one group's point of view. Assessing learner needs requires considering multiple viewpoints, both when looking at substantive content for courses and at skills development for practicing lawyers. While lawyers' own opinions about what they want and need are valuable, these are not the only opinions that should be considered. A CLE provider and the providers' planning or advisory boards should be prepared to consider many perspectives when determining learners' needs, relative to the demands of the profession today.

Chapter 3 The Learning Experience

CLE organizations assist with developing courses that cover a range of substantive law and practice. They also need to consider best teaching practices to sustain audience interest and engagement and convey information effectively.

I. Communication and Coordination with Program Chair or Planning Committee

The first step in planning and developing a seminar is often visiting with a person or group who has taken responsibility for planning the program. This person or group should be able to help the CLE provider with identifying:

Learning objectives and outcomes - What will the lawyer take away from this program that can be applied in practice? Whether defining learning objectives and outcomes is ever required of CLE providers, it remains a recommended best practice. Having specific learning objectives will help provide benchmarks so the CLE provider, as well as the faculty, can determine if those objectives were met.

Learning styles - There is some current discussion about whether adults really have vastly different learning styles. However, the fact that there are some differences in how people learn has been observed by most instructors/providers of education. In the interest of maintaining audience attention and interest, it is helpful to vary the ways in which information is presented. For example, a number of CLE programs have varied the format, presenting information in a talk-show conversational setting or having one person interview another, with the interviewer serving as a proxy for the audience and asking questions to the person being interviewed.

II. Communication and Coordination with Faculty

A. Target Audience

Faculty need to know who their likely audience is so that their materials and presentation can be appropriate for the knowledge level of the audience. Providers may be able to give speakers an advance list of participants or some demographic information to help speakers adjust the level of information provided, including reason for attending.

B. Learning Objectives and Outcomes

Each faculty member should have a sense of what he or she intends to communicate to the audience and what the audience should take away with them. It may be helpful to tell speakers they may not be able to cover all of their material and should be prepared to share the highlights. Speakers may also want to provide a "road map" to the audience, identifying the main points they plan to cover, cover them, and summarize what they just said. This may seem too basic, but sometimes basic organizational principles are a good place to start.

C. **Learning Styles**

Regardless of their preferred learning style, people often retain information if they see it applied. For example, if the instructor has the participants apply a principle to a hypothetical situation or uses another device to make a point, retention might be enhanced.

III. **Program Content and Structure**

Faculty should be encouraged to try different methods of communicating, i.e., going beyond the "talking head" lecture format. Panel discussions, round tables, having the audience work in small groups, dramatizations, role-playing or skits, all have a place in educational settings.

It is important to define who the target audience is in terms of prior knowledge level and reason for attending the course. Defining the target audience will set the appropriate expectations for the participant and will allow the faculty to teach to the expected level.

Tailor the content and design the structure of the program to meet the learning objectives and outcomes. For example if the program is intended to be a skills development program then small group exercises or individual practice in breakout sessions would be appropriate. If the session is advanced in nature and the practitioners are looking to examine complex issues then consider setting the room in half round tables which would allow easier participant interaction and collaboration when discussion issues or working on case studies.

Audience participation - Adults learn best when they are engaged. Where feasible, opportunities for audience participation should be invited. Modern technologies allow for audience polling and this has proven to be a good way to raise learner participation to another level. The instructor shows a hypothetical or poses a question, and the audience uses their polling cards to enter a response. Likewise, asking the audience to apply principles by having them solve problems or work in small groups, where feasible, can be an effective teaching method.

IV. **Delivery Formats**

A. **Types of Teaching Methods**

A variety of effective teaching methods can be employed. Considering the learning objectives and the desired outcomes will help to choose which format will work best. Below are some examples of teaching methods and when they could be implemented.

1. **Lecture** - In spite of many criticisms, lecture is still one of the primary ways an instructor provides information to his or her audience, and a good lecturer can provide a great deal of information in a cogent and organized way. If the presentation is more academic in nature, the instructor has control over what is being taught because they are the sole source of information. Lectures are easier to create and are familiar to most participants. When there are large groups it is challenging to engage the participants using this method.

2. Panel discussion - Panel discussions are especially useful when a range of approaches or opinions exists and they allow the presentation of various points of view. Panels should be comprised of people with extensive knowledge on the subject matter. Often there is a moderator present to control the process.
3. Panel discussions are not the opportunity for each panel member to make small presentations one after another but should be an open dialogue among experts expressing varying opinions on a topic. Panel discussions allow the participants to see multiple viewpoints so they can weigh the merits of each perspective.
4. Mock presentations or role playing (hearings, trials, negotiations, mediations, etc.) - These can be especially useful in demonstrating skills or methods, such as negotiation, cross-examination, mediation, *voir dire*, etc. Role playing is used extensively in mediation and negotiation training, for example. When using mock presentations and role playing be careful not to incorporate far-fetched or 'over the top' examples as those are more likely to remain in the minds of participants rather than what you intended they learn.
5. Hypotheticals and case studies - Often a part of a lecture, sometimes a hypothetical situation can be used as the basis for several presentations addressing different aspects of the situation. This is an effective teaching tool for introducing fundamental principles to an audience and helping them to apply the criteria which they have recently learned.
6. Town hall meeting - These are public meetings, often with an informal agenda, which allow individuals to express their concerns. These provide the audience with ample opportunities to participate. A town hall meeting can be effective to introduce proposed legislation or rule changes or address controversial topics. There is always a moderator required to manage both an agenda and the discussion.
7. "Unconference" - An unstructured format where the distinction between instructor and audience is eliminated, and interested participants can share their views. This method has worked where many of the participants share a similar level of expertise (as in a technology unconference) but may have various opinions and viewpoints. Before the term "unconference" was coined, sometimes this sort of meeting was called a "round table discussion." The larger the group involved, the more likely it is to be called an unconference.

B. Selection of Teaching Methods

In choosing the appropriate teaching method you should consider what you want the participant to learn. Some topics easily lend themselves to alternative forms of presentation better than others, such as mock trials, or mock mediation sessions. Not all faculty are comfortable using all methods. Consider working with a faculty

member to design their presentation to incorporate some of the methods above. Also recognize that some presenters do not have skills or personalities that lend themselves to specific teaching methods and you are best to recognize that at the outset. The goal is to meet the needs of audience (e.g. learning styles) and to keep the audience engaged and awake.

C. Presentation and Interactivity of Program Formats

1. Live (i.e. attend in person) - This is the most traditional and still one of the most frequently used formats. Its advantages include the opportunity for speakers and audience to interact. Those attending have ample opportunity to ask questions of the speaker and also communicate with each other. In addition to the educational component, live seminars also have a social element, with people taking the opportunity to converse with friends and colleagues during breaks or at meals. The disadvantages of live seminars are that they require time away from the office and may be difficult to access for those located far from the CLE site. These obstacles can be significant for lawyers in rural areas.
2. Webcast - A webcast broadcasts over the internet and can either be a webcast version of a live seminar with an audience in the room, or it may be a program developed and broadcast from a studio, with or without a studio audience. Webcasting greatly expands the potential audience of the CLE provider by bringing the program to the audience's office or home. The greatest disadvantage to webcasting is having audience members multi-tasking when they should be paying attention. An effective webcast, where the camera focuses clearly on the speakers and information is well presented, can be a cost-effective means of delivering CLE content. Those attending may be less engaged than people in the same room as the speaker, but it can be an effective way to learn quickly without having to leave the office. This is a primary reason webcasts continue to grow in popularity as a format. Live seminars or conferences may last anywhere from one hour to one day. While all-day seminar webcasts are feasible, shorter programs are ideal for webcasting. A webcast can be very effective for providing important information on some new development in the law, where the audience wants to be brought up to speed quickly.
3. Webinar - A webinar is much like a webcast and usually has an online or telephone audio component and an online visual component, which may be a PowerPoint type of presentation. Webinar advantages and disadvantages are similar to those of webcasts.
4. Online and other electronic delivery (MP3, CD, etc.) - In those jurisdictions that allow it, well-focused pre-recorded material can be an effective resource for lawyers to stay current in their practice areas. However, the more that something is pre-recorded, like a podcast, the less opportunity there is for interaction.

5. Teleseminar - A telephone seminar has a speaker providing live information over the phone, much like a conference call. Those listening in on the call have an opportunity for real-time questions and answers at the end of the lecture. It is very similar to a live seminar, except that it is voice-only over a telephone. These seminars offer practical ways to get information in a condensed, usually one-hour, format. They are popular with lawyers who are not comfortable with webcasts or webinars, since they are much like a conference call.
6. Videoconferences - Expect to see more seminars conducted by video-conference. Parties are live in scattered locations and can see those in other locations on the video monitor. Speakers may be located at any of the locations. Many states and provinces have networks or video-conferencing facilities. This format offers an advantage for those lawyers who may be distant from the locations where CLE is most often offered. Similarly, video communication resources such as Skype might lend themselves to the development of educational programming.

D. Selecting the Program Format

Different formats might work better for different objectives. If the objective is to obtain audience engagement, live programs with alternatives to the lecture format might be most effective. Programming assisted by audience feedback devices can be effective where the speakers want to survey the audience, especially in response to hypotheticals. Programs that are very content-heavy, where the information provided is the most important thing, may lend themselves to a variety of formats. In other situations, where demonstrations of skills or audience involvement is important, some distance formats may not work well, or at all.

It takes staff and resources (human, financial, technological, etc.) to develop programming. Smaller organizations may find they can supplement their live programs by using programs developed by third-party CLE providers. Larger organizations may have the resources to develop a varied slate of live and distance education and provide options in multiple formats. In order to meet the varied needs of lawyers for obtaining CLE, most organizations offer a combination of live, webcast, telephone, and other CLE options as the CLE/CPD rules in their jurisdictions allow.

V. Course materials

A. Purpose

Provide useful, topic-specific resource material for attendees - Course materials should be well designed and easy to read. Speakers' written materials may provide more information than the speaker will actually address in his or her lecture. For example, citations, resources, checklists, and forms are all desirable additional material. If a large amount of resource material is available it could be put on a CD

or a flash drive for attendees. Comprehensive, easily referenced materials add value to the seminar, especially if the resource materials are a new edition of a handbook or practice manual.

Meet requirements of accrediting organization - Many accrediting organizations require that written materials accompany a CLE event, but even if they are not required, having written take-aways is valued by those attending. A major question nowadays is addressed in the next section - written or electronic materials?

B. Format/Delivery

Traditional (hard copy) - Many people prefer printed handouts or manuals. While the preference is shifting for materials on a flash drive or CD, lawyers might be unhappy if the choice is limited to electronic materials. One possible solution is to offer either print OR electronic formats. Another possibility is to mandate that materials provided with registration be in electronic format but offer a printed manual for an additional fee to cover the cost of materials and labor.

Electronic (downloads, USB drives, etc.) - Having a website where registrants can download materials has the advantage of allowing those who prefer printed materials to print their own. It passes the cost of printing on to the consumer. While there are still a few lawyers who are unfamiliar with going to a website and downloading a PDF, that is changing.

Budget considerations for provider and needs of attendee - Many attendees like to have materials in front of them for note taking and to follow along. But it is also true that CLE providers increasingly want to reduce costs by providing materials in electronic format. A few providers offer a hybrid solution, with some material provided on paper and additional resources or voluminous information provided electronically.

Having high-quality written materials, whether printed or electronic, is important. But cost considerations will continue to influence the type of materials provided to those attending seminars.

VI. Using Technology for Presentation and Delivery

A. Faculty Considerations

1. Training - Not all faculty are equally well-versed in creating or working with PowerPoint-type presentation software. Those who wish to use it require assistance should be able to obtain help from the CLE provider. The provider should be mindful of the faculty member's particular strengths. It is not necessary for every speaker to do the same type of presentation, and some speakers may be more effective without it. The CLE provider should either be familiar with technologies, have someone on staff available to assist, or be able to locate someone at the facility that can assist.
2. Willingness - Faculty members have different presentation styles and abilities. The overriding principle should be the quality of the presentation rather than whether it uses a given technology or not.
3. Emerging technologies - Audience response systems show a lot of promise but may be beyond the budgets of some CLE providers. If purchasing a system is cost prohibitive, rent one for the immediate future and consider purchasing in the future.
4. Accessibility - When using visual aids or technology, the images should be highly visible and the sound clearly audible. Some participants with hearing loss may need hearing assistance devices.
5. Organizational considerations:
 - Budget - Not all technology is expensive, and it is almost impossible to avoid using it. This has been true for decades. Years ago, presentations were often audiotaped. Later came videotape, and now DVDs. Technology changes but the need to use it sometimes does not. Often the cost of using a given technology goes down over time.
 - Staff resources - The CLE director does not have to be the person responsible for operating the technology but should know how to access resources. Tech-savvy individuals can help with website maintenance, audio-visual assistance at live programs, and technical assistance with webcasts or webinars.

VII. Recognizing Different Learning Styles

A. Core Concepts in Adult Learning as Applied to CLE

Adults are motivated to invest time and energy in learning when they understand how it will be useful to them and how it will help them achieve a goal. Lawyers are most concerned with having current information and with learning new ways to improve their practice skills.

Good adult education allows learners to reflect and build upon their life experiences. Lawyers bring their experience of the law and legal practice with them to the sessions. CLE programs must take into account audience knowledge if they are to be effective.

Adults prefer self-directed learning. The best speakers do not just transmit information; they also engage adult learners in a process of mutual exploration and discovery. This is harder than it sounds, but good planners and speakers will go beyond presenting a "talking head."

Adult learners, like all learners, learn best in different ways. Adult learning activities should recognize and provide for those differences, to the extent possible, given time, material, and other constraints.

B. Applying Adult Learning Concepts to CLE

Learning happens when the learner is given opportunities to process information. When a lot of new information is presented, it is a good idea to highlight the most important parts, or break it down into a few easy to assimilate parts. If the relationship between groups of ideas can be shown, the learner will be able to build a conceptual structure and furnish it with the new information. No speaker can cover all points, though some try. Speakers should learn to highlight, condense, and organize their information so that the learner can absorb it. Written materials can always include additional information for later reference.

Adult learners will be most motivated to learn when they believe what they are learning is useful and relevant. With CLE, unless the learner is desperately trying to collect any credit to meet a deadline, lawyers will choose seminars based on their information and skills needs.

Adult professionals need information and skills to maintain competency. The goal of learning is to change attitudes, behaviors, competencies, or skills. The key question for any learning activity is "What will the learner be able to do differently as a result of having participated in this activity?"

Keep programs interesting. If you do the same thing, the same way, all the time, you may get the reputation of "death by CLE." No one wants that designation. A variety of presenter styles and teaching methods will help audiences stay interested and keep them coming back.

C. Best Practices for CLE Providers

When planning a CLE activity, do not start with the usual questions: What is the topic? What will be presented and by whom? What materials should be provided? Instead, first ask: Who are the intended participants and why are they participating?

- What do they know and what do they need to know?

- What should they be able to do differently as a result of this activity?
- How can we design this activity to achieve those learning outcomes for as many participants as possible?

VIII. Learning Objectives

Adult education settings should have learning objectives. These objectives should evolve from the needs assessment, should be the central focus during an instructor's preparation, and should be explained clearly and explicitly to the learners. It never hurts to tell them what they will learn, how the information presented will be covered, and what they will take away with them. Many instructors will put this explicitly in a statement like, "I covered a lot of material about x today, but if you remember one thing (or two things or any small number) from today's presentation, I want you to remember this."

A. **A Learning Objective is NOT:**

- a "goal statement" ("to improve professional knowledge and skills")
- a course title ("Alternative Sentencing Strategies", "Effective Direct and Cross-Examination", etc.)
- what the instructor plans to do ("to explain recent changes in the criminal code")

B. **A Learning Objective IS:**

The RESPONSE expected from the learner.

Types of Learning Objectives (learner responses):

- What the learner will perceive, comprehend and remember
- What the learner will feel, value, become committed to or enthusiastic about and will build confidence
- What the learner will be able to do, perform, demonstrate, use, explain

C. **Writing Learning Objectives**

Begin the objective with: "As a result of this session (program, course, etc.) the learner will be able to do X ". Then, select an action verb ("describe, list, select, apply, demonstrate, write", etc.). Finally, complete the objective with the content of the relevant course segment. EXAMPLE: "As a result of this segment, the learners will be able to rule correctly on selected defense motions to suppress."

IX. Criteria for Developing Learning Objectives

A. Preliminary Considerations

First, determine if the learning objectives are realistic. For many, this process takes place at an unconscious level. It's not necessary to explicitly ask the following questions, but these considerations are or should be present when starting to plan a program.

1. **Are the learning objectives relevant to learners' needs?** It is helpful to ask what the learners will take away as a result of attending this course. What will they be able to do or do better? What skills or knowledge (or both) will they gain?
2. **Are the learning objectives consistent with overall learning goals?** Is there a general program philosophy? What is it that the CLE provider wants to help lawyers do? CLE providers need to have a clear mission in mind, including an overall idea of the sort of education they want to provide.
3. **Are the learning objectives consistent with the knowledge and skills of the instructor or organization?** CLE providers need to exercise quality control. They need to know whether faculty has the expertise and presentation skills to convey the information being offered. There may not be complete control over this but CLE providers can exercise some influence to encourage good presenters and guide weaker ones.
4. **Are the learning objectives stated in behavioral terms?** What should the learner be able to do as a result of the education? How will this program contribute to the learner's law practice?
5. **Are the learning objectives stated in clear language?** Avoid ambiguous words, awkward phrasing or complicated syntax. A corollary of this is that, whenever possible, learning objectives should be explicit: "As a result of attending this program, you will learn" Also consider stating "who should attend." This helps potential registrants to self-identify if they are among the group of people most likely to benefit from this education.
6. **Are the learning objectives narrow and specific?** Do not use compound sentences, double or triple objectives; use concrete words. "As a result of this program, you will learn X." "As a result of this program, you will be able to better do Y."
7. **Are the learning objectives achievable within the time constraints?** Only so much material can be covered in a given amount of time. Have the planners provided enough material? Have they provided too much? Assess this while planning the program and consult with the planners if you think there will either be a problem filling the time allotted or getting to every topic they want to address. Experience helps a lot with assessing these issues.

8. **Are the learning objectives achievable in terms of learning resources?** Is the space, equipment, facility, location appropriate for the type of program being offering? Do the speakers want to use more technology than the facility can provide? If so, what are the alternatives? The goal is to provide a high quality learning experience, which does not necessarily require high technology. It does, however, require care and planning and close coordination between the CLE provider and the program planner or speakers.
9. **Are the learning objectives suitable for evaluating learning results?** Can the faculty provider know or determine whether the objectives have been achieved? This has been a thorny issue in CLE circles since most CLE programs, unless they are part of a certification process, do not test the audience. Evaluations can help determine if the program achieved any of its objectives. It might ask a question like "What one or two important ideas or pieces of information did you take away with you today?" or "Did this program meet your goals in attending today?"

X. **Additional Information**

Taking time to consider learning objectives will cause planning to go more smoothly and be more focused. From a project management viewpoint seminar planners should have the end in sight and ask "What will be accomplished by providing this educational event?" Clear learning objectives help to develop relevant descriptions of the program and what it will provide, and help to design evaluation materials that provide relevant information for achieving objectives.

To repeat, learning objectives simply identify the new knowledge, skills, or attitudes seminar participants should gain by attending a CLE provider's program. Learning objectives are described in terms of learner outcomes and should employ action verbs. For example:

- Participants *will discover* ways loan workouts can become a favorable alternative to litigation or bankruptcy.
- Participants *will learn* about the effect of FIRREA on banks and their directors.
- Participants *will become aware* of the untold story of the potential liability to the attorney who advises banks and/or serves as director.

Taking a few minutes to outline learning objectives will lay the foundation for the program. The objectives will provide guidance in:

- Selecting topics
- Putting topics in order
- Selecting the appropriate faculty
- Choosing learning methods

- Developing written materials
- Creating a meaningful descriptive title for the seminar

XI. Best Practices for the Learning Experience

It is important to have a clear roadmap for any program presented. Those attending want clear-cut agendas and explicitly stated learning objectives, where possible. They want organized speakers who make their points clearly and concisely, and materials for future reference. Whatever else CLE providers do, they should work to ensure that the programs are well-organized and the speakers well-prepared.

Chapter 4 The Learning Environment

The physical learning environment where a program takes place can play a significant role in promoting participant learning. A facility and meeting room that is conducive to learning can positively impact a participant's frame of mind, leading to more effective learning. There are a number of things a CLE provider can do to make the environment as conducive to learning as possible. The following are some important considerations when selecting a facility and a meeting room.

I. Facility and Meeting Room

A. Access to Facility and Meeting Room

Ease of access to the facility can promote a positive frame of mind for the participant before the program starts. Choose a venue that is easily accessible by car (along with adequate parking facilities), public transportation, and on foot. Make sure the facility meets any legal requirements for accessibility (e.g., some CLE providers may be required by law to use facilities that comply with the Americans with Disabilities Act). The facility should be located in a safe and secure location. Proximity to eating establishments, especially for all-day programs, is helpful. Based on the event's budget and plans the facility should also be affordable, available during the hours needed for program set up and breakdown and, when possible, have low-cost or free internet access.

The meeting room itself should be easy to find inside the facility, meet any legal requirements for accessibility and, ideally, be located close to both restrooms and any eating facilities within the building.

B. Meeting Room Size, Structure and Arrangement

Select a meeting room that is appropriate for the number of registrants and program budget. Overcrowding should be avoided, but you also want to avoid a cavernous oversized room and paying for space that is not used. A good rule of thumb is to select a room with 20% more seating than expected. For example, if 100 people are expected to register for a program, ensure there is space for at least 120. This allows for walk-in registrants and allows attendees a little "breathing space." Don't forget to include space for risers, A/V equipment, and any catering. A wider room is preferable to narrow, but the ideal room structure is square. If possible, avoid a meeting room with multiple structures (e.g. posts) that can impede view.

Ceiling height is also a factor to consider when presenters will use A/V requiring a screen. Generally speaking, the larger the audience, the larger the screen for optimal viewing. Where several hundred people are in attendance multiple screens might be required.

A variety of meeting room layouts exist. Large meeting room layouts include classroom, half-rounds, and theatre. Examples of small meeting room configurations include conference tables, u-shaped arrangements, and team-style layouts. It is important to select a layout that is conducive to the program format.

C. **Meeting Room Ambiance**

1. **Sound:** The meeting room should have good acoustics and minimal external noise (e.g. noise from common gathering areas, adjacent meeting rooms, and HVAC systems).
2. **Temperature:** Choose a room with good ventilation and where HVAC controls are accessible and adjustable. The ideal temperature is between 68 and 72 degrees Fahrenheit or 20 to 22 degrees Celsius.
3. **Lighting:** Require various lighting systems located throughout the room. Each of these lighting systems should be independent of one another and the lighting levels of each of them should be adjustable.
4. **Color:** The ideal colors are beige and warm pastel shades (yellow, orange, green, and blue). White, deep tones, and glaring colors should be avoided.
5. **Floors:** Carpet is the preferred floor covering because it helps prevent falls, provides comfort, and absorbs noise. Carpet colors should complement rather than clash with the wall colors.
6. **Windows:** There are pros and cons to using a meeting room with windows. On the one hand, windows allow for natural light and an outdoor view. On the other hand, the outdoor view may be a distraction from the CLE activity inside the meeting room. If a meeting room with windows is selected, there should be window coverings or shades sufficient to block light that would otherwise washout images on a projection screen.
7. **Furnishings:** Ideally moveable and flexible furniture are preferable. Chairs should be comfortable, ergonomic friendly, and when possible, adjustable. Most attendees expect a writing surface, either for taking notes or for laptops or tablets. The tables should have a smooth surface, with sturdy legs free of wobbles and loose joints.
8. **Electrical Outlets and WIFI Access:** More and more participants are using laptops, tablets, and other mobile devices. Select a room that has sufficient electrical outlets and WIFI access to accommodate users of mobile devices. If wall outlets are limited, consider providing power strips.
9. **Cleanliness and Tidiness:** It almost goes without saying that the more clean and tidy the meeting room, the more conducive it is to learning.

D. Technological Requirements

1. **Audio:** This equipment ensures the audience can hear the speaker and the media. The requirements for audio vary based on the size of the room, format of the program and the content being delivered. Some considerations are:
 - a. **Microphones:** Wireless lavalier, handheld and table microphones are available options. Wireless lavalier microphones are beneficial to allow the speaker to move freely around the room. They are also helpful if the presenter is using a presentation so when they turn to face the screen their voice is still picked up. Handheld microphones are helpful to pass around for the participants to ask questions. Table top microphones allow for a seated panel discussion.
 - b. **Audio from Computer:** If faculty are playing a video or audio from their computer you will need an audio feed from the computer to the sound system.
 - c. **Portable speaker and audio systems:** portable speakers and audio systems can be used at locations where there is an inadequate built-in audio system.
 - d. **Audio access for hearing impaired:** Consider a portable system that can be offered to a participant with hearing impairment to amplify the audio. This system can also be used for simultaneous language translations when required.
2. **Visual display:** Having the right equipment to display a presentation can make the difference between a good and bad experience. When considering what equipment to use, ensure there is adequate distance between the audience and the equipment, and that there is an unobstructed sight line to all seats in the room. The type of projector and screen are dependent on the size, style and set up of a room. Some types are:
 - a. **Projectors:** types - fixed mount or portable - appropriate lumens
 - b. **Projector screens**
 - Front projection
 - Rear projection
 - Portable/fixed mount, drop-down
 - Single or multiple screens depending upon size and layout of room

- c. Plasma/LCD TV Screens
 - d. Document Cameras/Digital Visual Presenters/Elmo
 - e. Smartboards/whiteboards
 - f. Visual Access for Visually Impaired
3. **Computers:** Computers are the most common type of equipment used to run a visual presentation. Some educational facilities are equipped with desktop computers. Laptop computers are the most portable type of equipment to use for this purpose. You can rent computer equipment, provide it yourself or allow speakers to use their own. To ensure that everything goes off without a hitch keep the following items in mind:
- a. Often the equipment is not situated close to a power outlet and any cords such as power supply, extension cords, and cables should be taped down for safety.
 - b. Ensure appropriate cables are available to hook up to the projector. The cable that comes with the projector is not very long so if you plan to have your computer a distance away from the projector you will require additional cables. PCs and Apple computers require different types of cables.
 - c. The most common form of presentation software is Microsoft PowerPoint; however there are others such as Apple Keynote. There are a variety of media players available to show video clips and not all formats of video can be played on all media players.
 - d. Remote mouse capabilities are helpful so that the faculty is not required to stand directly next to the computer to advance their presentation.
4. **Internet Access:** Internet access requirements can be required by both presenters and registrants. Internet access can be provided either wired or wireless, secured or unsecured. Some regulators will not provide CLE credit when internet access is available to participants.
5. **Simulcasting:**
- a. Requirements for downlinking
 - b. Requirements for transmitting (video, service, etc.)
6. **Web-based Programs:** If your program is offered online you need to ensure you have a reliable internet connection and adequate bandwidth for registrants.

7. **Other:** Audio responder systems are a popular tool used to increase participant engagement. Systems vary from handheld modules that are loaned to the participants for the day to free text based systems.

II. Best Practices for the Learning Environment

When selecting a facility for a program, arrange to see it prior to the event. Even if you are familiar with a facility, or have used it previously, you may want to visit it again. Bring a checklist of needs and requirements and discuss them with facility staff. If you are familiar with the facility, some of this pre-event checking can be done over the phone or via email, but in-person visits can be helpful for avoiding problems later.

Chapter 5 Evaluating the Learning Experience

Evaluation is a process that critically examines a program. It involves collecting and analyzing information about a program's activities, characteristics and outcomes. Its purpose is to make a judgement about a program, improve its effectiveness, and inform program decisions. Following every program there should be an evaluation of the program, faculty, and staff.

Evaluations fall into two broad categories: formative and summative. Formative evaluations are conducted during program development and implementation and are useful for getting direction on how to best achieve goals or improve a program. Summative evaluations should be done once the program is completed and will tell a CLE provider if the program achieved its goals. Some CLE providers like quantitative evaluations where participants rate aspects of the program on a scale, usually 0-5. Others prefer qualitative feedback and ask open-ended questions about what the participant did or didn't like. Many evaluations contain some of both types of questions. The important thing is that the evaluation should provide some feedback that CLE providers can use. If the evaluations being used don't seem to provide practical feedback, they need to be redesigned. A general rule is to first determine the desired information about the program and design the questions to obtain the required feedback.

I. Collection

Evaluations should be conducted in a timely fashion following completion of the event. Some CLE providers ask that evaluations be completed the day of the event while others send the evaluations out a few days following the event. There are benefits to both approaches. Attendees may be more likely to remember the presentation when filling out the evaluation the same day. Others may be able to provide more valuable feedback given the opportunity to review the material provided and assess its impact on their job. Evaluation return rates vary with these two methods.

To ensure maximum feedback consider offering encouragement to complete the evaluation by offering a door prize, coupon, or other incentive. Some providers require an evaluation be turned in before a certificate of attendance is provided. You should aim to build an evaluation culture by rewarding participation in the process. If a CLE provider consistently asks for feedback and does not act on it, attendees may be less inclined to complete an evaluation.

II. Analysis

The information collected allows a CLE provider to better communicate the program's impact to others, which is critical for public relations. Evaluation results are likely to suggest the program's strengths as well as limitations. The analysis should include compiling, tracking and statistical analysis as well as a summary. There is little sense in collecting information that won't be analyzed or used. The summary, as well as copies of the evaluations, should be provided to the program planner and staff for review. Program planners should take this opportunity to obtain an understanding of what the consumer

believes they learned at the program. Compare these results to the program's learning objectives to evaluate the effectiveness of the program design and program planning process. Communicate the results, where appropriate, to faculty to allow them the opportunity to improve what they do and how they do it.

III. Methods of Evaluations

Evaluations can be conducted online or in hard copy (traditional). There are a number of electronic software systems. Each of these systems has different benefits. Emerging research comparing online evaluations with traditional evaluations shows that the two methods are not significantly different. An ongoing concern by participants is anonymity, regardless of the evaluation method.

Traditional evaluations are typically a paper evaluation form provided to participants the day of the program. Participants are encouraged to fill out the form in writing and return it prior to leaving the program. The benefits are that participants can provide a timely peer review while it is still fresh in their minds. A challenge of this traditional evaluation is that collection and analysis of the data is very time consuming.

There are a number of electronic survey tools available that can be used to conduct program evaluations. One of the biggest benefits associated with them is the ease of design and analysis process. Since online surveys involve out-of-class time, participants may be distracted by typical work and simply choose not to take the time to complete the evaluation. On the other hand, this method offers more flexibility and allows for longer and more constructive responses to open-ended survey questions.

Another method is to use audience response systems. These systems allow the participant to respond anonymously to questions using remote control-like, hand-held devices. In a seminar setting a presenter can use this tool to provide formative feedback during instruction and modify their presentation as required. Seeing the responses is a powerful way to obtain feedback on learning and presenting, to build mutual awareness within a group, and to initiate discussion. The provider also can use this tool to obtain summative feedback at the end of each session.

IV. Program Evaluations

Program evaluations should include ratings for the general program and faculty presentation, performance and content. The shorter the evaluation the more likely people are to respond to it. Try to keep questions to a minimum by asking only what truly needs to be known. The types of questions used in a survey will play a role in producing relevant and unbiased survey responses. Questions can be open ended ("how did this seminar help improve your practice?"), closed ended (e.g., quantitative Linkert Scale, yes or no, etc.) or allow for a combination of both. Open ended questions are useful when asking for attitude or feelings. Regardless of the type of questions selected, keep them concise. Outline the intent of the survey in the introduction and create a logical flow throughout.

- A. General program performance can include questions relating to overall satisfaction such as:

- Would the participant recommend the seminar to a colleague?
 - Quality of the program
 - Coverage of topic
 - Usefulness to practice
 - Most beneficial aspects of program
 - Suggestions for improvement
- B. The program content should measure its success against the stated learning objectives. Did the topics meet the attendee's expectations? If not, was the coverage broader or narrower than what was expected? The following areas should be measured:
- Coverage of the content
 - Usefulness of the content
 - Practicality of the content
- C. Faculty need to be evaluated in a peer-to-peer review by the participants that should include questions relating to:
- Significance of content (timely, important, new, etc.)
 - Materials provided (quality, accurate and practical)
 - Delivery of content (pacing, use of speaking aids etc., teaching methods and styles)
 - Knowledge (preparedness)
- D. General questions can include:
- Attendee identification (practice area, demographic)
 - Suggestions for future seminars (speaker and/or topics)

V. **Staff Evaluation of Faculty**

When possible, the CLE provider or CLE provider's staff should also attend and evaluate the program. Providers should observe at least some of the program for the purposes of quality control. The presenters may want some feedback from them. Staff members in the room can be valuable to stave off problems before they begin, help moderators keep speakers on schedule, or troubleshoot technology issues. Even if the staff are not adept at handling the

technology, they still should be available for the speakers and know how to contact with the technology person at the facility.

The CLE Staff should be evaluating instructors' presentation skills (was there an appropriate mix of classroom, demonstration and activity-based learning), the course's pace, the comfort level with technology, and the audience's reaction to the presenter.

VI. Evaluation of CLE Staff

The CLE provider should ensure that staff are trained to provide excellent customer service and make the program a positive experience for attendees. Any complaints should be brought to the attention of a staff person or a higher level colleague who can resolve the problem. Staff should have a clear understanding of the provider's policies. It is preferable to have staff bring the problem to the senior person present, especially if it may involve providing a refund or other action that is to be granted or denied.

The opportunity should also exist for faculty to provide feedback of the CLE staff in all areas including planning, organization, cooperation, communication and on-site support. The faculty should be invited to provide suggestions for improvement and should be specifically asked if their guidelines were sufficiently clear, if the program objectives were clear, and if facilities and staff available were committed to the program.

Faculty should also be invited to provide feedback on the program organization, including their thoughts on the delivery of the program, teaching methods used, and their impression of the audience's reaction to the program.

VII. Best Practices for Evaluating the Learning Environment

Evaluations do not need to be complicated to elicit program feedback. The key questions for evaluating the overall quality of a training program should include the program objectives, learning environment, learning experience, and instructor skill.

Create clear, brief questions and provide concise instructions on how the information will be collected, analyzed and communicated. Collecting evaluations is an important step in the conclusion of a program. The results received should be considered for improving future programs.

Chapter 6 ***Volunteers and Faculty Management***

Program chairs and faculty can be comprised of paid CLE presenters or volunteer members of the legal community. When working with volunteers the 'rules' change slightly. Understanding the reasons behind why people volunteer will help you manage their expectations and attain your goal. Regardless of whether you use paid presenters or volunteers the end product should be the same.

I. Volunteer Members of the Legal Community

People volunteer primarily for altruistic reasons because they care about a cause. Involving volunteer members of the legal community provides them with the opportunity to learn, grow, enhance their status, network, and give back to the legal community. CLE providers should examine what motivates volunteers in order to focus recruitment strategies. The legal community has a long standing sense of loyalty that encourages lawyers to give back to the community. It is recognized by peers and professional associations that some form of pro-bono obligation is required. Use this information to positively present the opportunity to encourage members to volunteer at a program so that it will be attractive to them.

The most common barrier to volunteering is lack of time and unwillingness to make a long term commitment. In a CLE environment anticipate these barriers and modify volunteer roles to suit these pressures. Identify ways to assist volunteers. Focus on short term, one-time opportunities. Be careful not to use the same person over and over again so as not to overburden them. Provide assistance with their presentation so the role is not considered a burden or a time consuming endeavor.

II. Retaining Volunteers

While recruiting top-notch volunteers is critical to the success of a program, retaining them is just as important. Before the program, build sincere rapport and relationships with program chairs, planning committees, speakers and other volunteers. Be conscious of boundaries, the organizational environment, and always be professional in relationships with volunteers.

Two hallmarks of volunteer retention are education and communication. Volunteers want to know and understand why their participation is important to the CLE provider, its organization, and to the legal community. Share with them the big picture, and let them know how and where they fit in. Volunteers may not know much about a CLE provider's organization, so educate them. Volunteers who understand and appreciate the CLE provider's goals, what the provider is trying to accomplish with a particular program, and how a speaker's efforts will help achieve those goals, are more likely to make and maintain a commitment. Throughout the planning process, keep any promises made.

After the program, thank and recognize the volunteers personally and organizationally. Ask them for feedback on the program, the planning process, and what could have been done

differently to improve their experience. Stay connected with these volunteers. Spot an article, accolade or accomplishment of a volunteer? Acknowledge it with a note or phone call.

Respect volunteers as a vital and integral part of your team. To foster continued volunteer engagement, ensure that volunteers' gifts of time, talent and energy will be invested for maximum benefit. Clearly identify their volunteer assignments to ensure there is a shared understanding of what is needed and expected from them. Recognize their efforts in a positive, meaningful and consistent way to mark the importance of their contribution. Finally, evaluate the success of your volunteer program by soliciting and incorporating feedback from volunteers.

III. Recruiting Speakers

Recruiting qualified and talented speakers is critical to the success of any CLE seminar. Some strategies use existing resources and others require further research. Past performance is a good predictor of future performance, so the first step is to consult with others to learn who they think the top speakers are in the practice area. Be sure to consult your ACLEA colleagues for reviews of national speakers. Another resource is evaluation results. Review the evaluations of similar programs from past years to see which speakers stood out. If further research is required, solicit recommendations from other lawyers and judges who know the practice area well. Consult local newspapers and legal publications to see who is writing articles, mentioned in articles, commenting on legal issues, and handling important cases. These publications often print lists of top lawyers, such as “Super lawyers,” arranged by practice area.

In addition to recruiting speakers, volunteer speakers can be solicited. Add a button on the CLE provider's website that allows people to volunteer and propose topic or seminar ideas. Send out surveys that encourage people to volunteer and submit proposals. Another method is to announce at courses or meetings that volunteer speakers are needed.

Regardless of the source for speakers, review their qualifications to ensure they are a good fit for your seminar. The first step is to review biographical information on their firm's website. This is also a good way to find articles that they have written. Check with their partners or colleagues to see if they would recommend them as speakers. Also check with your state ethics board to ensure that they have not been the subject of any disciplinary action. For a new speaker, try scheduling them as a panelist rather than as a solo speaker, to see how they perform. If they do well, promote them to a solo spot the next time.

IV. Searching for a Program Chair or Forming a Planning Committee

A fundamental step in developing a successful CLE seminar is to select a program chair or form a planning committee that can lead the process of structuring the topics and selecting faculty members.

Comment: Sometimes using co-chairs is effective, with or without the existence of a planning committee. For regularly offered programs, co-chairs can have staggered terms, with one new chair working with one experienced chair. Alternatively, if agreeable, two chairs can serve simultaneously to make this task less demanding.

When selecting program chairs or planning committee members, consider the following sources:

- Organization's CLE governing body
- Organization's practice area sections or committees

Sometimes the sections or committees take on the task of planning seminars, making use of their executive committees or a special seminar subcommittee, or finding a planning chair(s). A section or committee can be approached to recruit the program planners. The history of the section or committee will play some role in the program planning process.

- CLE Board/Committee
- The CLE Board/Committee or curriculum planning group may suggest programs needed to fill out a curriculum plan
- Staff within a CLE provider's parent organization
- Local law firms
- Legal publications

A CLE provider's governing body members can use their networks to select program leaders. Contacts within their firms and the legal community at large are an excellent source. An organization's practice area sections or committees are another source of both leaders and subject matter experts willing to volunteer or refer you to volunteer candidates.

Organizational colleagues who work with lawyer-volunteers in non-CLE roles can recommend people who may be interested in expanding their volunteer efforts into CLE. An organization's publications and other legal-oriented publications also offer ideas for CLE topics and people who can lead the process of turning those topics into successful programs.

The suggestions above reflect a personal network and relationships. Additionally, consider actively recruiting program chairs and planning committee members by networking (at programs and events) and asking for volunteers via surveys, emails, and social media outlets. Request referrals and check references for anyone unknown or who has not previously volunteered as a CLE presenter.

V. Guiding the Program Chair or Planning Committee

After selecting the program chair(s) or creating the planning committee, the work of actively creating a program starts.

The CLE provider should be diplomatic when reviewing the program planners' goals and plans and respect the lawyers' expertise in their areas of specialization or experience. Relevant policies and procedures should be shared, as well as what has and has not worked in the past, as this information can help planners achieve their objectives. As noted below,

CLE providers also can provide planners with guides, timelines, due dates, and expectations about the kinds of materials provided to attendees. This process includes:

- Reviewing the mission of the CLE provider's organization
- Reviewing the goals and objectives of the program
- Sharing and discussing pertinent policies and procedures
- Setting a timeline and establishing due dates
- Sharing input and feedback on potential speakers and topics

Reviewing the mission of the CLE provider's organization with the program chair(s) or planning committee is often overlooked but very important. The development and production of a CLE program should reflect the organization's mission. Many volunteers are not aware of this mission statement – share it with them!

Work with the program chairs or planning committees to craft goals and objectives for the program. Asking a series of questions and carefully listening to the answers will help you to define the program and what is expected to be accomplished. Some questions to consider are:

- Why do you want to present this program?
- Why is this topic important to...(the practice area, the bar, the planning group, etc.)? What will an attorney who attends the program learn?
- What will s/he be able to do better as a result of attending the program?

Policies and procedures will impact the planning process and the decisions made by the CLE providers and the program chair or planning committee. It is important that the chair and committee members know about them in advance to help meet expectations. Examples of policies that should be shared include: expense reimbursement, payment of honorariums, preference given to local or member speakers, venue selection, and meals or receptions offered in conjunction with a seminar.

Establishing a detailed planning timeline and due dates for critical deliverables are essential to the planning process. Most program chairs and planning committees will look to the CLE provider for guidance to create a timeline. A timeline should be detailed, have assigned responsibilities, and offer some flexibility. Decide early in the process with the program chair(s) and committee members what will happen if some element of the process veers off course.

It is important to share knowledge of potential speakers with the program chair(s) and committee members. If consideration is given to a speaker who has received sub-standard ratings from previous programs, is difficult to work with, or doesn't deliver on expectations, you should make this known. Likewise, if the chair or committee wants to present a topic or

program unsuccessful in the past, inform them and share the possible reasons why it was not successful.

VI. Expectations for Materials and Presentations

Participation in a CLE program usually involves preparing course materials and making a presentation at the event. Requirements and expectations of course materials should be clearly set out in advance for the presenter.

Materials are one of the most valued features of a CLE program. Apart from being a tangible “take away” from the course, materials provide in-depth analysis on a number of important legal topics and serve as valuable reference/resource materials after the program. In some jurisdictions, materials are a requirement for CLE/CPD accreditation. Appropriate materials will vary from course to course, and may include a combination of the following:

- A. **Formal paper:** It should cover and expand upon the substance of a faculty member’s presentation and should include references to statutes, regulations and relevant cases (statements of principal for which the case stands, headnotes, or reasons for judgment).
- B. **PowerPoint:** A collection of presentation slides supports a faculty member’s presentation by allowing the learners to focus on the key points that he/she will flesh out in his/her talk.
- C. **Handouts:** These less formal written materials can be distributed as a supplement to the registrants and used as a teaching tool. Examples include flow charts, tables, graphs, fact patterns, precedents, forms, checklists, practice points and speaker’s notes.

VII. Deadlines for Materials

It is important to set a deadline date for submitting materials. The deadline is necessary to allow the CLE provider adequate time for preparation and distribution. To ensure that materials are submitted on time, utilize a number of communication pieces (e.g. confirmation of participation letter, volunteer information package, e-mail reminder, etc.) to remind faculty members of the impending deadline date. Once a deadline date has been set, stand by it and do not get into the habit of allowing faculty members a secondary or “drop dead” deadline. The deadline is the deadline.

VIII. The Formal Presentation

The purpose of the presentation is to allow the faculty member to take a few of the most important points that the learners need to know and discuss them in detail. A presenter’s role is to deliver high-quality content in an engaging manner. An effective presentation should include:

- A. Content that has been detailed in the learning objectives

- B. A logical structure so that learners can understand and retain the concepts being presented; and
- C. A delivery that is dynamic and memorable.

Visual aids can be used to effectively clarify, summarize, and speed up the learning. Visual aids can include models, graphs, charts, flowcharts, and pictures. Keep in mind, however, that these are only used to assist in communicating the message. Their use should be limited to only the main points. Overuse of visual aids should be avoided.

It is important for a presenter to leave time at the end of his/her presentation to address questions or comments. The Q&A component of a presentation is an important part of creating a collaborative learning environment. Not only is it important for the audience to have questions addressed, it is another opportunity for the presenter to reiterate main points.

IX. Managing Faculty on the Day of the Seminar

Managing faculty effectively on the day of the seminar can go a long way toward executing a high-quality program. Take off the “program planning and designing” hat, and put on the “program execution” hat.

A. Get There Early

One of the easiest ways to manage faculty effectively is to arrive at the course location well in advance of the start time, become familiar with the venue, complete registration and meeting room set up, and make every effort to anticipate and respond to any faculty questions and concerns.

B. Meet and Greet the Faculty

When faculty members arrive the first role is to serve as a host. If possible, greet each of them personally when they arrive and make them feel welcome and comfortable. Show them the location of coat racks, restrooms, and catering. Introduce them to the CLE team, fellow faculty members, and provide them with any necessary last minute details.

It is important to appreciate that the needs of individual faculty members may vary greatly. Some are very seasoned presenters, comfortable speaking to a large audience, and require very little support. Others are much less comfortable speaking in public, appear anxious and nervous, and may require more hand holding. Try to set their minds at ease, and convey a sense that everything is under control, even if that isn't entirely the case!

C. Be Ready For Last Minute Changes

Speakers often show up at the event with last minute changes (e.g. a new or updated paper, PowerPoint presentation, and/or other materials) and expect to have this dealt with effectively. Be ready for such changes and develop internal workflow processes

in advance so that when such curve balls arrive there is an appropriate response. For example, a CLE provider could be running a program simultaneously as a live face-to-face event and as a live online webinar. If a speaker shows up with a new PowerPoint presentation on just a memory stick or printed handout 10 minutes before his/her presentation and says, “I need this up,” design a workflow system so that the PowerPoint presentation is accessible in some form to both the face-to-face and remote audiences.

There also may be difficulties with the speakers. A speaker may be unexpectedly caught up in court or traffic, or suddenly fall ill. There should be a strategy in place involving the entire faculty in the event that one of the presenters shows up late or doesn't show up at all. This could range from placing a late arriving panel speaker at the end of the head table (compared to a seat in the middle or next to the podium) to facilitate the least disruption when he or she arrives, to rearranging the order of the speakers if the late arrival is the sole presenter. Another option is asking a speaker already at the seminar to extend his or her presentation (assuming there is sufficient material to do so) until the absent presenter arrives.

D. Before the Presentation

Accompany faculty members into the meeting room and explain the day's format. Take those who have provided you with a PowerPoint presentation up to the head table, load the individual PowerPoint presentations, and have faculty practice forwarding them. This helps increase a speaker's comfort level with using what could be unfamiliar technology. Ask if anything else is needed, and then allow the speakers space to collect their thoughts and focus.

E. During the Presentation

Be prepared to make any necessary AV adjustments and/or ask, write a note, or signal to the speaker to speak up or to speak more softly.

When asking questions, some attendees forget to speak into a microphone. Remind your presenter that if this happens, to repeat that question into a microphone before answering it. It is annoying for an audience to hear a response to a question without hearing the question first.

F. Time Checks and Wrapping Up

One of the most common problems that can arise is the failure of an individual speaker to properly estimate speaking time. For example, the speaker is allocated a total of 30 minutes, and it takes 10 minutes just to get through the introduction. This problem can be addressed prior to the course by reminding speakers of their allotted speaking time; emphasizing the importance of remaining within that time (e.g. CLE/CPD requirements, respect for fellow speakers, etc.), asking speakers to rehearse their presentation in advance, and budgeting time for questions within the allotted time.

During the program the use of a stopwatch, strategically placed small clocks on the head table and podium, cue cards (e.g. “5 minutes”, “2 minutes”, “1 minute”, and “Please wrap up”), or some other device to signal time checks for the presenter can be very helpful. At some point, the CLE provider may need to intervene. Politely ask the speaker to wrap up and advise the need to move on.

If a program is running over, subsequent speakers can be asked to shorten their presentation times but do not expect that this will happen. Depending upon the program schedule, an alternative would be to shorten a 15-minute break to ten or five minutes or cut some time from the lunch break to make up for lost time.

X. After the Presentation

Once a speaker has finished, make an effort to personally acknowledge their contribution to the program. This can include a simple handshake and a personal word of thanks, presentation of a small gift as a token of appreciation, or some other gesture of thanks. Small acts can go a long way toward building a relationship with the speaker. A current speaker could be a future presenter at many more programs in the years to come.

XI. Reimbursement Policies

When working with national speakers, there are a number of options for paying for travel expenses to be considered when negotiating with the speaker. Travel expenses could be included in the fee, a travel stipend offered, reimbursement of all expenses, or a limitation could be set for what will be reimbursed. In some instances a CLE provider or its parent organization may have policies regarding what is eligible for reimbursement.

Specify in writing exactly what will and will not be reimbursed. Include these provisions in the speaker’s contract and also in any confirmation correspondence to them. The clearer a CLE provider is with expenses the less likely there will be misunderstandings or problems.

For local speakers a CLE provider should also be clear about what, if any, travel expenses will be reimbursed. In some cases, local speakers may be offered a small travel stipend to cover mileage, parking fees, and food costs, or they may be reimbursed individually with proper documentation. Again, a CLE provider or its parent organization may have policies regarding expenses eligible for reimbursement.

XII. Speaker Training

Offering education to your faculty on how to become a better presenter will aid to ensure you have a high-quality finished product. Some organizations provide formal speaker training programs to their faculty and others provide print or video resources for presenters. The resources should identify the best qualities of a speaker and aid in providing a high-quality and engaging delivery. This material can include tips on how to engage the audience, pitch content at an appropriate level, incorporate visual aids, organize key points, and overall presentation skills such as eye contact, voice inflection, posture and the use of humour.

XIII. Best Practices for Volunteer and Faculty Management

Volunteers are the foundation for many CLE providers. Without volunteers sharing their knowledge, experience, and expertise, CLE providers would be hard pressed to provide sufficient CLE/CPD to meet the needs of lawyers. CLE presenters can be recruited from a variety of organizational sources, both internal and external. Careful selection of program chairs and faculty, a structured planning process, and detailed execution of the program can result in a high quality of education for the audience and a positive experience for the presenter.

Chapter 7 Marketing

As the competition for a lawyer's CLE resources increases, marketing is key not only to the success of an individual program but also the overall financial health of a CLE provider. Successful CLE marketing creates not only brand awareness but also customer loyalty. CLE marketing should consider the following:

I. Targeting A CLE Audience

Targeting a message to register for a CLE program is an effective and cost-efficient way to pinpoint potential registrants. While in some instances a shotgun approach might work for program topics that are very general in nature (ethics, legal writing, persuasion skills, business development, etc.), focusing on a specific audience and demographic will provide a greater return on marketing efforts. “Who should receive my message” is one of the most important marketing decisions one can make.

II. Identifying Your Audience

Since the main goal of a program is to provide continuing legal education, the primary target audiences are lawyers and paralegals. By filtering that audience the marketing message becomes even more directed. The MCLE reporting cycle dates is a good example of a filter. Attendance at CLE events increases as reporting dates near. This can be a good time to schedule programs with a wide general appeal such as ethics, skills programs, law practice management, time management, as well as substantive law programs. MCLE reporting requirements such as specific CLE requirement in a jurisdiction, e.g., ethics, diversity, practical skills, etc., also can be a way to identify a CLE audience.

State bars can usually provide lists of sections (litigation, tax law, estate planning, etc.), although the price for obtaining this information varies from state to state. The type of practice, such as civil versus criminal or private versus government, can also help target the message. The number of years lawyers have been in practice can be very helpful when marketing certain levels of courses, such as an advanced institute to experienced practitioners or introductory skills to new lawyers. In some areas, geographic location can also yield target audiences. CLE providers in high density areas with multistate bar members will want to draw upon those neighboring states.

And what better way to identify a potential audience than those who attended a previous seminar?

By using multiple filters and drilling through the layers, CLE providers can pinpoint a target audience from among a much larger general bar membership.

In addition, a number of other professions have accreditation standards, and CLE programs may qualify for their continuing education credits or units. Consider including these groups in the target audience if contact information is available. Examples of other professionals

possibly interested in CLE programming are accountants, financial planners, insurance professionals, real estate and human resources professionals, and private investigators. Continuing education requirements will vary from state to state, as well as levels of professional certification.

III. Crafting A Message For The CLE Audience

The ultimate goal of any CLE provider's message is "register for this program!" It is the program provider's call to action. Crafting a call to action need not be lengthy, but it should contain sufficient information to encourage the reader to make a decision. In a nutshell, a CLE provider needs to answer the five Ws: who, what, when, where, and why.

- A. The "Who" tells the audience that the seminar has subject matter experts. Highlight the speaker's expertise and any other special features that distinguish the program from competitors.
- B. "What" the speakers will discuss should clearly identify the program's learning objectives or benefits. Work with the speakers and encourage them to think in terms of providing benefits rather than simply transmitting information.
- C. "When" is a matter of timing. Be strategic as you plan your annual course calendar, as programs scheduled closer to CLE reporting deadlines tend to attract more attendees. Plan seminar dates to avoid government and religious holidays, if possible. Schedule annual events in the same week each year to establish a tradition. Regular attendees will come to expect that the program will take place that week and will be more likely to attend.
- D. "Where" should be geographically convenient for the attendees of a live event (don't forget to evaluate parking and mass transportation options). Also, highlight other virtual or physical locations that are available (e.g., home or office via webcasts or replays in a certain area or region).
- E. The first four Ws are essential program details. The craft of marketing, however, is inherent in the fifth W: "Why should the reader attend the program?" The CLE provider's job is to succinctly answer this question. The key is to emphasize attendee benefits. The best marketing language appeals to the reader's self-interest. Consider how the program will solve a reader's problem. Write that they will gain insights into an important new case, learn or improve a critical skill, get better results for clients, or reduce their stress. Make sure the focus is on how the program will benefit the reader.

Use active, rather than passive, language in the program description. "The speakers will discuss the Smith case" conveys more energy than "The Smith case will be discussed."

When crafting a call to action, keep in mind that less is often more. Concise descriptions, coupled with white space and the judicious use of graphics, actually allow the reader's eyes to "breathe" and better process the information. Presenting a reader with competing elements, such as large quantities of text, multi-colors, different font sizes, exaggerated

punctuation, and large graphics, can be overwhelming and obscure the call to action. As a result, the reader might abandon the communication prematurely.

Never underestimate the importance of working with a talented graphic designer on brochure design. If resources preclude dedicated in-house design expertise or working with a third party, ask around the organization to tap into other staff that have a side interest or experience with design elements. Or, if the marketing pieces are self-formatted, become familiar with the basic principles of graphic design.

IV. Sending The Message To The CLE Audience

The type of message and how frequently to send it is a balancing act and very dependent on audience communication preferences.

A. **What media should be used?**

Marketing messages can be sent in a variety of print and electronic formats. While a potential audience may have a preference for one format over another, sometimes finances or organizational policies dictate the medium. Ideally, the call to action (“register for this program”) is presented to a potential audience in several different formats over a period of time. Using more than one medium or more than one channel to reach people will help ensure that the message gets through.

1. **Brochures and Catalogs:** Many CLE providers choose to produce and mail a separate marketing piece for each CLE program or event they develop. This strategy allows for a targeted marketing campaign to those who have shown interest in similar events in the past or who are likely to be interested in the event. There are, however, occasions when it’s wise to advertise multiple events on one marketing piece. One example is a series of related courses, as in estate planning. Another example is a series appealing to certain groups, such as basic-level courses for new attorneys.

Some CLE providers choose to publish monthly or quarterly catalogs that advertise their upcoming seminars. This strategy allows them to market all of their seminars to all of their customers. The risk in this less-targeted approach is that recipients may not open the catalog or notice a particular seminar in it.

While printing and mailing marketing pieces is generally more expensive than email or social media marketing, it may be more effective at getting audience members’ attention in a sea of electronic notices.

2. **Email Marketing:** Email marketing is a popular strategy for CLE providers. It is very inexpensive compared to mailing printed brochures and allows a CLE provider to easily target specific groups.

CLE providers must comply with the CAN-SPAM Act. CAN-SPAM stands for "Controlling the Assault of Non-Solicited Pornography and Marketing." The law was enacted in January, 2004, and sets forth requirements for

sending out commercial emails. The law covers email where the primary purpose is to advertise or promote a product, service, or website. Transactional or relationship messages, which are emails that pertain to agreed-upon transactions or emails that update an existing business relationship, are allowed under the Act. CLE providers should be careful when sending emails to customers with whom they do not have an existing business relationship.

3. **Social Media Marketing:** Social media marketing within the CLE industry is growing. It offers engaging and immediate ways to connect with an audience, create content that is fun and informational, and publicize a product or service. This marketing platform, founded on Facebook and Twitter, will continue to evolve and may be an effective way to reach some target audiences. Facebook pages allow CLE providers to update customers who have Facebook accounts about future seminars. Twitter accounts allow CLE providers to “tweet” (send short messages) to their followers (those who have signed up to receive updates.) The benefit of social media marketing is that it is audience-driven and potentially interactive. On both Facebook and Twitter, those receiving the message have indicated that they were interested in getting it. The audience is encouraged to respond to the message and forward it to others. This interaction creates more of a two-way relationship than traditional direct marketing and allows for further distribution of the message to potential registrants. In addition to general Facebook pages and Twitter accounts, some CLE providers have created Facebook pages and Twitter accounts for specific events.
4. **Websites:** In addition to primary business websites, some CLE providers have created websites dedicated to specific seminars or events that contain information on the event, links to faculty bios, directions to the venue, and other details.

B. How Frequently Should a CLE Provider Contact a Potential Audience?

Most marketing efforts are either mass marketing that appeals to an entire market and uses mass media to reach it (e.g. advertisements in an online or print newspaper) or direct marketing that targets a specific market segment and communicates to individuals in that segment by using methods such as emailing/ mailing a brochure, interactive consumer websites, or online display ads. The effectiveness of a mass marketing campaign (e.g., did it generate a call to action?) is more difficult to measure than direct marketing, but it can help raise awareness about CLE providers and their events.

Technology has greatly expanded the ability to send and receive messages compared to when print was the sole source of CLE marketing communications. One concern with email marketing is the temptation to send too many emails. Readers can become desensitized to repetitive messages, and frequent emails may result in the sender being blocked by customers or generate a request to be removed from a marketing

list. One way to counteract this fatigue is to establish social media sites. Using social media can keep an audience from becoming bored or disinterested with a CLE provider's marketing messages.

V. Evaluating The Message

Whatever communication methods and frequency are ultimately selected, measuring audience responses to these messages is vital. This can be as simple as tallying a two-digit code included on a brochure's registration form or as sophisticated as tracking the various levels of click-through responses from an email announcement. Commercial email marketing services can help CLE providers manage their email marketing and provide analysis of open rates (number of emails that are opened), click-throughs (number of times that links within the email were clicked on), and registrations. Whether the media is print or electronic, without such feedback CLE providers may be unable to accurately evaluate their marketing efforts, revise existing communications, or create new marketing strategies.

VI. Best Practices for Marketing

CLE program marketing is a dynamic and ever changing environment. CLE providers who are flexible and creative with marketing resources will recognize an audience's preferred methods of communication, which in turn will shape and drive marketing strategies. The goal is to differentiate a message from the clamor of competitors and convince busy lawyers and legal professionals that this CLE program is the best choice for them.

