A New Approach for Delivering Effective In-House CLE

By:

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Presented at:
ACLEA 49th Annual Meeting
August 3-6, 2013
Baltimore, Maryland
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Mark Behrens co-chairs the Washington, D.C.-based Public Policy Group of Shook, Hardy & Bacon L.L.P., an international law firm that primarily represents corporate defendants in complex civil litigation. For over two decades, Mark has been extensively involved in liability law, defense litigation, civil justice reform, and counseling in the prevention of liability exposure. He has been listed as one of “Washington, D.C.’s top lawyers” by Washingtonian magazine and as a leading product liability defense attorney by Who's Who Legal: The International Who's Who of Business Lawyers. Mark has authored or coauthored over 140 amicus briefs on behalf of business and civil justice organizations and has published over fifty scholarly articles in leading national journals. Mark graduated from Vanderbilt University Law School in 1990 and received his B.A. in Economics from the University of Wisconsin-Madison in 1987. He has worked with several law schools to develop CLE programming.

Tommy Galan
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Tommy Galan is a professional speaker, improviser, performer and the Director of Corporate Programming at The Peoples Improv Theater in New York City where he teaches the benefits of improv to lawyers, executives, performers and business teams. As an improviser and attorney, Tommy developed "Improv(ed) Legal Skills," a 3-Credit NYS Continuing Legal Education Course that he has delivered to the NYC Law Department, the American Bar Association, Hofstra Law School, and hundreds of lawyers in both the private and public sector. In April 2012, the CLE course was recorded by ALM Media for internet distribution, and in November 2012, Improv(ed) Legal Skills was taught in Toronto at Osgood Law School. Tommy's Improv Business Classes entertain and educate clients such as the NBA, Martha Stewart Omnimedia, AMC Networks, Avrett Free Ginsberg, Medallion Retail, Benchmark Hospitality, New York University, Columbia University, Hofstra Law School, and Baruch College. Tommy performs, speaks and teaches regularly in NYC, California and everywhere in between, north and south. He lives in San Diego with his wife and two sons.
A New Approach on Delivering Effective In-House CLE
Mark Behrens and Tommy Galan, presenters

ACLEA – Baltimore 2013
Tuesday, August 6th - 3:00 – 4:00 p.m.

Are you offering CLEs not because of topic interest but to meet MCLE requirements? Wouldn’t it be fun to offer an engaging and unusual experience to your audience? Your audience might actually LIKE the CLE – interested in learning more? This workshop is for you! New York comedian and former trial lawyer, Tommy Galan together with Shook, Hardy & Bacon, L.L.P. Partner, Mark Behrens team up to bring you CLE ideas and ways to bring them to life! The trend toward experiential, active programs for CLE credit is unmistakable. Whether it’s an improv class where participants practice responding to the unexpected or a program designed around a cause drawing a lot of interest – how do you meet the needs of your audience and provide a more experiential learning environment offering more stimulation and socialization than the typical CLE? How do you prevent lawyers attending your program from becoming easily bored and distracted? You won’t want to miss this exciting workshop – come learn how to engage your audience differently.

What this presentation is NOT?

When Mark and I were asked to present this program, we realized that we come from very different paths. Mark is the partner of a large law firm and comes to CLE from an in-house perspective, and I left a small practice with my brother to pursue comedy, improv and to share my experience with attorneys through Continuing Legal Education. We agreed early on that our unlikely pairing combined with the course description might confuse our audience. For the sake of clarification, it might be easier to explain what this presentation is NOT.

It is NOT a gimmick generator. In improv, we use games and exercises as our teaching medium. You might be more familiar and comfortable with a power point presentation. In this presentation, we aren’t going to suggest you replicate our system for success. What works for us might not work for you and your audience.
Instead of gimmicks, we urge you to simply open your mind to new ideas that can inspire adjustments in your programming.

This presentation is NOT a silver bullet. We don’t expect our audience to leave Baltimore and have all the secrets to active, engaging, and experiential programming. Rather, we want to show you how to find the answers. Every audience is unique, and they will guide you toward the CLE that works best for them. Instead of looking at us for the answers, we urge you to listen to your audience. Talk to them. Survey them. Test new ideas, and then listen and react to their feedback.

Finally, this is NOT about us. It is about you. It is about the knowledge you share with your audience. In that spirit, we invite you to treat this presentation as an open dialogue. We want to know what you think and how you feel. We want to know what you’ve tried; what worked and what failed. Together, through open collaboration, the best answers will emerge.

Ultimately, we ask you to take a leap of faith. Anything new forces us out of our comfort zone. Change is scary, and fear can hold us back. So, with an open mind and a fun spirit, we thank you for choosing to join our session, and we are excited to share what we love about CLE with you.

**Earners and Learners**

In the continuing legal education community, we are familiar with the differences between the earners and the learners. Earners only wish to fulfill the mandatory requirements for continuing education credits, and learners actually want to learn, grow and develop a new skill or sharpen and hone the knowledge they already possess. Are earners people who already think they know it all? Are learners just newbies to a field? Why bother marketing toward earners if they only care about the credits? Should I only focus on learners? How can I tell the difference? It is easy to pass judgment on the learners and earners, and many questions come up when trying to identify your target market for advertising purposes.

Ultimately, it isn’t fair to judge. Some earners might practice a specialized area of law and they don’t need to learn anything but the new developments. Some are retired attorneys or out of state attorneys who just want to keep an active license. On the other hand, learners can come from many walks of life too. They can be diligent seasoned attorneys who want to stay on top of their field or new hires who must learn the ropes. Both earners and learners come with obstacles and challenges. Earners need specific information and expect it to be delivered in a certain way. Shifting the mindset of earners to try new CLE feels like an uphill battle.

From our perspective, there is also a third group.
Beyond Earning and Learning

What if there was a way to pull more earners into a classroom setting? Wouldn’t it be great if we could hook new attorneys out of law school so that they didn’t fall into the “CLE is just for earning” trap? What if we stopped looking at lawyers as earners and learners, and just focused on them as “transformers.” In so many areas, they already fit this description. Attorneys seek to transform the law and society. We use persuasion to transform opinion and policy. We transform relationships through communication and the views of judges and juries through our presentations. Attorneys are in the transformation game, and instituting change excites us.

How do we use the model of “Attorney as Transformer” to adjust our strategy at developing, selling, and delivering CLE?

CLE as Agenda for Change

Broad Change

Starting from the largest group of people, we can use CLE as an opportunity to advance our agenda to affect the political, judicial and societal fabric. CLE panels with invited guests such as judges, press, and members of both defense and plaintiff's bar gives us an opportunity to not only teach, but to also open a discussion. It gives us a platform to shed light on issues that we feel are neglected. Often times, it can be difficult to catch the ear of a judge, politician or member of the press regarding a specific issue. An open dialogue in a CLE format gives us the familiar arena to share ideas, learn and let our voice be heard.

Focused Change

CLE offers an excellent opportunity to narrow the focus of your goals. For example, firms are changing every day with employees retiring and new employees taking their place. More CLE that focuses on fun, different, or challenging team activities are an excellent way to learn, earn and strengthen the bond among the team. When an office learns through a shared experience, they emerge with a stronger sense of trust and respect. They become more connected to each other. When a team sees each other as fellow humans rather than simple “co-workers” they are more likely to help each other, share information, and care about the groups combined success. Also, in an ever competitive and growing market place, we have no choice but to respect the power of networking. CLE offers us the opportunity to strengthen internal office bonds through a platform that allows us to grow and strengthen our network.
Personal Change

Learners seek adjustments. Transformers seek transformative change. CLE can be used for personal growth and empowerment. In this age of lighting fast Internet and shared information, the playing field has been leveled. Win and loses in all areas of life are based more and more on the margins. Skills that were once thought of as “soft” are at the very core of what it takes to succeed against a huge group of very qualified adversaries. CLE can be an opportunity to build confidence in communication and public speaking. It can be a change to learn self-defense, or time management, or stress-relief and coping skills. CLE can be used to teach a wealth of knowledge and skills that cross-train us both for the experience in law, as well as the experience of life.

What should I do next?

As we mentioned earlier, we are not here to give you the best practices for your audience. They will tell you what they are looking for. However, it wouldn’t be fair to point you in a direction without some additional information. First, as we mentioned, you must LISTEN! Talk to your audience. Call them. Survey them. Look at the programs that they are most receptive towards and then do more of that.

Experiment. Try different things. What works for you might be different than what works for your colleague across the country. So let go of the fear of change and try something different and then gauge your audiences’ reactions.

Share and learn from others. Research what else is out there. At the end of this packet you will find an article from the ABA Journals that mentions activities that are already taking place all over the CLE universe such as improv, spinning classes, firearm lessons, golf, skiing, yoga, and even roller derby. While these may or may not sound exciting to you and your team, they are just suggestions that can spark your inspiration.

Finally, let go of your fear and judgment. It always feels a little uncomfortable to try new things. We won’t grow unless we challenge ourselves. Ignore the voice in your head that says, “Will this be good enough? Will my audience think this is silly and strange? How will I be judged for my new ideas?” Fear of the unknown is natural, and the only way to overcome it is to run right through the fear. As we all know, nothing is ever as scary when we look at it from hindsight with the pride of accomplishment.

Using CLE to transform ourselves, our practice and society is at the essence of good lawyering. Thank you again for choosing to join us in our session, and we hope you take this as a first step in saying “Yes” to transforming the world of Continuing Legal Education.
Articles:

Clapping for Credit: State CLE Courses Use Unusual Pairings to Stimulate Interest

http://www.abajournal.com/magazine/article/clapping_for_credit_state_cle_courses_use_unusual_pairings/

Improv Comedy and the Practice of Law


Lawyers Weekly: Afternoon at the Improv with Lawyer Turned Comic