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papers from past meetings. ACLEA Listservs can provide answers to almost any question—I still marvel at the great results I got when I asked for help in drafting a new CLE job description. One-on-one office consultations with an experienced ACLEA member can be arranged through the ACLEA Office. ACLEA also provides opportunities for leadership. We always

need active SIG and Committee members and co-chairs. ACLEA's awards program can bring well-deserved recognition to your work. ACLEA's meetings are an incredible resource. Take advantage of all that ACLEA offers to position yourself for success!

Lesson #5: And . . . it's all about the education

In the end, both ACLEA members and college students know that

the overall goal is an excellent education. College provides students with the learning opportunity of a lifetime. ACLEA gives us a great learning opportunity, making us more valuable to our organizations and helping us to provide the best continuing legal education to our customers. ■

From Podiums to Podcasts: A Practitioner's View of the State of Continuing Legal Education

*by Larry Pozner**

There are unusual and often unseen forces that affect the CLE environment. This article briefly discusses three of them: an unforeseen consequence of computer access to the law, the impact of anxiety on CLE desires and selection, and the effect of time pressures in general and hourly billing in particular on CLE delivered over a computer monitor. These observations are drawn from my broader talk to the ACLEA 2008 convention in Vancouver.

Factor 1: Computer access to the law has dramatically increased lawyer isolation

Let us begin with a discussion of a law: the law of unintended consequences. Computer access to case law and treatises revolutionized the practice of law, and not always in predictable ways. For most of the 20th century “the law” was available only in book form and the books

were expensive. The largest law firms had extensive and expensive law libraries. The medium-sized law firm might have a set of case law reporters for its state and federal circuit. The small law firm and solo practitioners had a copy of their state codes and a few law books devoted to the type of cases they handled. Because of the tremendous economic, space, and labor requirements of a law library, most firms simply could not afford to create in-house access to “the law.”

The real estate market perceived the problem and provided the solution. Large office buildings, each with its own extensive law library, became the necessity and the norm. Smaller law firms frequently located within larger buildings so that the enormous costs, space requirements, and labor could be fractionalized and passed down to a large number of small firms or solo practitioners. The law library was the dependable magnet that drew in lawyers

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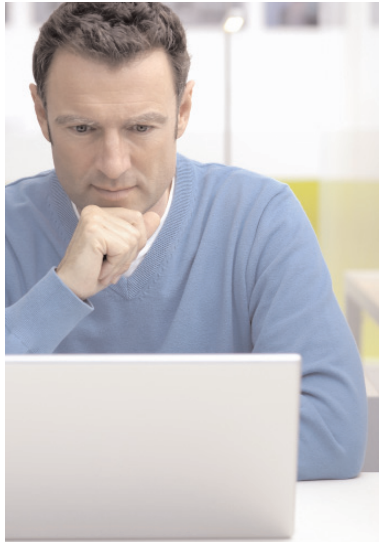
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and generated chance encounters that facilitated socialization, an activity that is both personally gratifying and professionally important.

With the advent of instantaneous and affordable computer access to the law, the need for quick physical access to a large law library largely disappeared. Once we didn't need the shared library, we didn't need the building. One's law office can now be anywhere: a large building, a small building, a home, a second home, even the beach. As practitioners become increasingly spatially dispersed, we have fewer occasions to see each other, to socialize, to network.

An unintended consequence of computer access to the law has been the dramatically increasing isolation of attorneys. Add cell phones and BlackBerrys and we have created the ability to practice law with ever fewer opportunities for face-to-face contact with other lawyers, which in turn equates to sharply declining opportunities to network, to market. And lawyers need to network, to market.

Enter the CLE provider. (Sound of French horns.)



The increasing importance of live CLE as a networking opportunity

Live CLE provides a very-much-needed opportunity to network. In fact, it is now one of the principal reasons to attend many CLE programs. Live CLE offers practitioners that which we cannot obtain through any form of remote access or web-based presentation. We can see and talk to each other.

More specifically, practitioners want and need to talk with others who practice the same type of law. Whatever the field, commercial litigation, personal injury, mergers and acquisitions, estate planning, or divorce, the practitioner wants and needs to brush up against their colleagues who practice in the same field. Lawyers need to spend time with others who practice the same area of law so they can discuss the newest technique, the cutting edge motion, the gossip, the stories. Lawyers want to know where to send a conflict, and most importantly, to remind others that they would love to receive a referral. Practitioners hunger for informal time with their colleagues. Live CLE provides precisely this opportunity.

The type of seminar that draws attendees not only for its programmatic content, but also for its networking opportunities, is a program focused in a particular area of

law. The tight focus of a program acts as a funnel. The program brings together those lawyers interested in that practice area and therefore it brings together lawyers who have much in common in the practice of law. This is precisely the networking opportunity lawyers seek.

Program focus as a guide to networking opportunities

When a CLE program is focused on a particular area of law (say, personal injury) and then on a particular aspect of that type of law (say, trucking cases), the likely attendees already have a great deal in common. A person considering attending such a program realizes that they are far more likely to find several of their professional friends and acquaintances in attendance. Practitioners are more likely to select such a program and they are more likely to come away pleased. They arrive in the mood to socialize, to network. Seminars that encourage such interactions provide benefits beyond the mere quality of the program itself. More to the point, a CLE provider that optimizes socialization can build brand loyalty and differentiate its product from its competitors.

Physically facilitating networking

Just as program quality varies considerably, so do the networking opportunities within a focused CLE offering. Time and space in which to network are critical. The presence and location of appropriate food is another plus. Once lawyers learn to identify the CLE sponsor who can be counted on to provide these additional qualities, that provider's programs will be better attended and more highly rated. Quite simply, such programs will be recognized as having increased value to the practitioner.

A word about the food: practitioners are not looking for a banquet, but do appreciate food appropriate to the time of day. What is actually far more important is a setting in which to break bread with other practitioners. By encouraging attendees to arrive a little earlier, by giving a little extra time at the morning and afternoon coffee breaks, the program will be perceived as having offered greater networking possibilities. Placing the food in a space in which lawyers can congregate also assists in the socialization process. One might even consider the use of several round tables in a space at the back of the room so as to encourage interaction among attendees.

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Factor 2: Anxiety as a Motivator to Web-Based CLE Purchase

To best understand a practitioner's perspective on web-based CLE, we must discuss another aspect of modern law practice — the effect anxiety has on the CLE search and purchase decision. The practitioner's first and dominant consideration in the selection of an online CLE is the correlation between the program and a problem **currently** facing the practitioner. A small problem needing a solution this month creates more immediate anxiety than a large problem that must be solved by a later date. In our computer-centric culture, answers are found on a computer monitor. Case-driven anxiety increasingly motivates online searches for a problem solving CLE.

Survey programs are generally inefficient in resolving case-specific anxiety. The practitioner will search the web for a sharply focused program whose agenda most closely matches the problem causing his or her immediate professional anxiety. Web-based CLE offerings can be tuned to respond to that need. The general program offers too little useful content per hour invested. If the area interests us, we would rather hear everything about something rather than something about everything. Moreover, amorphous topics lead to poor preparation and delivery.

Live CLE programs require far greater advance planning on the part of both the provider and the potential audience. The lawyer experiencing professional anxiety wants quick resolution, and the live program seldom crops up at just the right time.

In contrast, the web-based, pre-recorded CLE can be quickly found and quickly viewed. One hour devoted to one aspect of a problem is a perfect antidote to any practitioner who is currently facing that problem. Because the program will be consumed over the web, advertising and purchasing it over the web strikes the lawyer as normal and comfortable.

The most intriguing feature of web-based CLE is its ability to respond to unusual aspects of the rapidly changing legal environment. The state and federal governments create new and complex laws, and courts issue landmark decisions and immediately change the legal landscape. The web-based CLE of short

duration, launched in close time proximity to a change in the law or the legal landscape, is well received.

Obviously, any species of non-live CLE, whether a remote broadcast, video replay, Web-cast, podcast, book, or audio tape, suffers the detriment of offering only an abbreviated or nonexistent networking opportunity. The web-based seminar has the chief advantage of its timeliness, its tight focus, and its short duration.

The practitioner's dream: CLE on demand or Emergency Anxiety Relief (EAR)

A practitioner facing an anxiety-producing legal issue seeks immediate assistance. A live program 60 days away is beyond most lawyers' threshold of patience. We can't wait for CLE. We want EAR: **Emergency Anxiety Relief**. We want to find and attend an appropriate CLE to relieve our anxiety RIGHT NOW. The anxious practitioner wants the ability to access a library of CLE offerings, and check out the appropriate program. This is simply a logical extension of our learned behavior to demand instant computer access to the law. The provider who creates such an online library of short CLE programs, or longer programs cut into logical and accessible components, will have created increased value and increased utilization of their CLE offerings.

Factor 3: Work Loads in General and Hourly Billing In Particular Affect CLE Selection and Absorption

We end this article where we began: with the law of unintended consequences. The technological innovation of CLE over a commuter video screen is understood as a giant time-saving innovation. And so it is. But it has a pernicious and hidden side effect. In the competition between legal work versus legal education, work generally wins. Work is more measurable and therefore more reliably rewarded. CLE over the computer and into the office is easy to obtain but easy to ignore.

Heavy work loads throughout the profession and hourly billing in particular have a pronounced effect on both CLE selection and absorption. Lawyers in public service or in practices employing other forms of billing are not immune from the time pressures inherent in our profession,

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though hourly billing generates a more immediate impact on behaviors.

Hourly billing provides a quick and rough measurement of lawyer productivity and is therefore a very common management metric. The measurement is quantitative rather than qualitative. As a result, billing hours provide a rather immediate reward for an in-office behavior. Obtaining CLE in the office enhances the lawyer's ability to accomplish hourly work.

Attendance at a live CLE not only takes a lawyer out of the office for an extended period, it also generates a far less immediate, measurable, or dependable reward. Certainly we gather with our peers out of a desire for companionship but also partially with the hope that today's socializing activities may lead to tomorrow's professional opportunity. Maybe.

Unfortunately, the law office is not an ideal CLE setting. Work intrudes: an important call, a brief that needs

editing, or a quick question from a colleague. Add that the lawyer may even be toggling between the live computer screen and the accumulating e-mails. Put more directly, an hour of online CLE, when viewed at the office, is an invitation for divided attention. As a result, the lawyer obtaining CLE through any remote method is often going to find the educational experience less-than-fully satisfying. Lawyers will recognize their CLE need, they will buy the product, and they will watch, but seldom with their full attention.

Summary

So where are we? This brief missive is not a complaint, nor even a critique. It is merely a set of observations. Live CLE provides important intangibles, online CLE can provide an effective antidote to professional anxiety, and CLE in the office is time efficient but educationally inefficient. Or so says one practitioner's view of the state of CLE. ■

A Reflection On My First Experience As An Exhibitor At Vancouver, 2008

*by Rev. Dr. Bill Glisson**

Vancouver was a great experience. It was an opportunity to share knowledge and experience with others.

My Course Director at IICLE, Steve Rahn, suggested that I join ACLEA and that I should ask to be included on the list of exhibitors at its annual meeting in British Columbia in early August. Steve was sure that it would give me exposure to fresh ideas as well as "tried and

true" methods of marketing my seminar on Ethics outside our home state of Illinois. I just started last October and since then, I can freely admit that I have learned that I love what I do and do what I love. Vancouver affirmed this feeling even more.

I kept asking myself, how do I follow up with Steve's idea for me to broaden my appeal and my audience? How do I serve and share my particular knowledge and experi-

ence to the full extent possible? How do I literally market my idea? This marketing business is new and challenging to me. Vancouver eased the anxiety of this first experience and most certainly challenged me to be on the lookout for those "tried and true" methods that Steve mentioned. The exhibitor experience reaffirmed a very important detail in marketing: to seek the trust of those

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**Rev. Dr. Bill Glisson, J.D., M.A., M.Div., Ph.D., contracts with IICLE to present a 4-credit-hour Ethics seminar on Professionalism at the Movies. About his seminar, Dr. Glisson says, "I've been to many ethics seminars in my career, and I would be less-than-honest if I didn't freely admit that they, for the most part, were boring! My seminar, I've been told, is intellectually stimulating, fun, and, above all, enlightening." He can be reached at wglisson@sbcglobal.net.*