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LAW PRACTICE ROUNDTABLE

# Professional Development

**BUILDING TALENT FOR A MORE SUCCESSFUL FIRM**

The legal profession is undergoing significant change both in how it serves its clients and how it develops talent, with clients demanding more and willing to pay less—especially when it comes to training new lawyers. Dropping the ball on professional development today can be a mission-critical failure. So what are firms to do? In this roundtable, five of the smartest minds in professional development share their insights on what your firm can do to maximize the results of its professional development efforts. Their responsibilities range from a pure focus on education on through to all facets of talent management, including recruiting, orientation and training, mentoring, career development, competencies and beyond. Here are the highlights of what we heard.



**Karen MacKay (KM), MODERATOR:** Where does professional development fit within the strategic agenda? Or, as firms look to the next three to five years, where should it fit?

**Susan Clarke (SC):** I think professional development will be high up on the strategic agenda going forward. Law firms today realize that improving their intellectual capital calls for a systematic approach. On-the-job training has its effectiveness, but we cannot solely rely on senior partners to train associates because the partners themselves are closing deals in days instead of months and they simply cannot take the time. So firms need to provide practical and focused training for their young lawyers. I think there's a wealth

of appreciation among firms for professional development, in part to take the burden off the partners' shoulders. Although, ultimately, I think management committees do acknowledge that accountability rests with them to make sure something worthwhile is done in the area of professional development.

**Sari Fried-Fiori (SFF):** The way that PD fits in the strategic agenda continues to evolve. The competitive landscape is really driving law firms to run more like businesses—to bring greater value, improve client service and stand out. The way that professional development connects is by looking at how to bring the best talent to the needs of the client.

A law firm is about two things: its

clients and its people. Correspondingly, it is incumbent on the firm and its leaders to develop its talent to ensure that the firm has a ready, responsive, capable group of professionals to meet clients' needs. So the better we are at developing talent to meet the needs of our clients, the higher PD will be on the strategic agenda.

**Susan Hayes (SH):** I'd like to build on Sari's comments. The real focus here is client service. Clients are both tightening their belts and heightening their expectations about what they're going to get from their law firms. This presents an opportunity to implement some real change in how we provide legal services. Beyond the substantive programs, we need to get closer

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to the strategic goals of the firm and its clients and expand to meet that focus, which includes staying ahead of the curve to deal with the needs people may not have thought of yet.

**Richard Pearson (RP):** As Sari and Susan said, it is all about clients and people. We can make a big impact by connecting PD to the strategic goals of the firm, although ultimately firm leadership needs to be accountable for developing and implementing strategy—that cannot be delegated. New skills are needed to profitably execute on things like alternative billing and project management, for example. Also, retention will become important again as firms emerge from the latest downturn—this time it will be about retaining the right talent. Leadership is critical and PD has a key role to play in developing the leadership within the firm as well.

**Scott Westfahl (SW):** Building on the points about competition, not only for talent but also for work, the research and the reality are showing us that the demand for legal services isn't likely to grow any time soon, which means there's going to be greater competition. In terms of the strategic agenda, PD brings the ability to help figure out how to serve clients more efficiently and compete for legal services work more effectively. We need to be figuring out different kinds of staffing models, different kinds of advancement models and different kinds of client service delivery models. Underneath all of that, we have to drive cultural change. There are so many ways that those in PD can plant seeds and affect cultural change, in particular, as Richard noted, in focusing on leadership development. I think it's a very exciting time.

**KM: Many Law Practice readers are in firms a lot smaller than the ones represented at this table. How do smaller firms without dedicated PD professionals provide the resources necessary in the competition for talent and clients?**

**SFF:** The challenge for all law firms today, irrespective of their size, is that clients don't want to pay for the development of lawyers—they want law firms to take that on. As part of meeting that challenge, I think smaller firms are able to do more one-on-one and on-the-job development because of how they are structured. Even in larger firms that have the resources to focus on developing lawyers through formalized training programs, learning on the job still remains one of the primary approaches to developing lawyers.

**SH:** While my firm does have a dedicated professional development team, we are a smaller firm than the others on the panel. And I agree that smaller firms do have the advantage of being more flexible in their ability to offer one-on-one development—including that partners can take younger associates along to client meetings or the courtroom and provide “at-the-elbow” training without some of the pressures that come with being in a bigger firm.

**RP:** Smaller firms really need to dedicate a partner to the development of others, someone who's genuinely interested and committed to it. Under this person's leadership, the firm should start at the top and train its leaders in group process, learning, mentoring and coaching. There are many useful online tools the firm can leverage for the delivery of information. In addition, every lawyer should have an individual practice development plan—this is as

## ABOUT THE PARTICIPANTS



### MODERATOR

**Karen MacKay**

is President of Phoenix Legal Inc. and a *Law Practice* Editorial Board member.

**Susan Clarke** is National Director of Professional Development at Gowlings, a Canadian firm with 700 lawyers, eight offices across Canada, one in Moscow and one in London, UK.

**Sari Fried-Fiori** is Chief Professional Development Officer at Fulbright & Jaworski L.L.P., a full-service international firm with nearly 900 lawyers working in 16 offices. She is based in Houston and is the Past Chair of the Professional Development Consortium.

**Susan Hayes**, based in Halifax, Nova Scotia, is the Professional Resources & Development Officer at Stewart McKelvey, a regional firm in Atlantic Canada with approximately 220 lawyers in six offices across four provinces.

**Richard Pearson** is Director of Professional Development at Davis Wright Tremaine in Seattle. DWT is a West Coast-based full-service firm with 550 lawyers in nine offices, eight in the U.S. and one in Shanghai, China.

**Scott Westfahl** is Director of Professional Development at Goodwin Procter LLP in Washington, DC. Goodwin Procter has approximately 850 lawyers in 10 offices. He is the current Chair of the Professional Development Consortium.

true for solo practitioners as for those in the AmLaw 100. Smaller firms can also make profitable use of outside consultants and coaches to support the development of their lawyers—especially in things like business development and how to leverage their practices.

**SC:** Smaller firms can take advantage of online resources, although some online materials are of much better quality than others, so they have to be smart about what they use. Local and national bar associations, law societies across Canada, and a few law schools are starting to provide webinars, regional programs and archived videos with content that is often specifically focused on small firms and solo practitioners, so those are good resources to tap.

**SW:** Something not to be missed by smaller firms is that there are a growing number of very talented large law firm PD people who've gone off and started consulting practices. This means a smaller firm could get a piece of somebody who's got terrific experience on a retainer or a per-project basis, which is a cost-effective way to get high-quality programming without having a dedicated PD person on staff.

I also agree with Richard that smaller firms really need one or two partners who are real believers and champions. Perhaps the best model I've seen is where it's a partner who's nearing retirement and has been a really good

developer, mentor and teacher of associates along the way. And because they've been contributors to the firm for so long, older partners have a lot of credibility and clout and can influence direction with regard to talent.

**KM:** In firms large and small, a lot of money gets spent on professional development in the early years only to walk out the door. As I once heard Karen Stacey, former PD director at Arnold & Porter, say, "Better to train them and have them leave than not to train them and have them stay." So how do you measure progress in what you're achieving in your training efforts?

**RP:** If the firm aligns its PD efforts to its strategy, measurement can occur at the macro level in terms of progress toward the strategic goals. On a more granular level, attainment of individual professional and business development goals can easily be measured—360-degree evaluations are useful tools and, of course, retention of the people you want to keep is a key measure.

**SC:** The obvious, easy thing to do is to look for signs of development through the evaluation process. Retention statistics over a period of time are also a measure. But measurement is not a perfect science by any means. In fact, a partner asked me the other day how we measure the impact of business development

coaching and its impact on billings. While we measure matter involvement, responsibility and origination, it is very difficult to measure the direct impact of coaching or other kinds of behavioral development.

**SFF:** Susan uses a great example with regard to business development. It can be challenging to parse out whether billings increased directly as a function of coaching or whether they increased due to other factors. Those who are purists about ROI will always push back and say you can't parse out the direct impact of PD at that level of detail. That said, we are being asked more and more by those who lead our firms to show a financial return on the PD investment and its impact on the business. To do that, we can measure a number of things such as retention and utilization as well as evaluate programs, particularly in terms of usefulness and applicability. Although there is a lot of emphasis on ROI, simple statistics can be very powerful in helping understand the value of PD, too. Subjective measures of improved work quality resulting from PD efforts are also important. For example, you can measure whether someone is more effective at formulating persuasive written arguments in their draft briefs following an advocacy writing program.

**SW:** We've built a kind of satisfaction survey into our associates' annual self-assessment report that gives us some really good data on whether we are meeting associates' expectations. One of our big goals is to reduce the delta between what people experience and what we actually want them to experience—the theory versus the practice, so to speak. The surveys help to identify the gaps and measure our progress toward filling those gaps. We also have a good process for collecting data on how effective our programs are at the time of delivery, via reports back from training sessions.



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Finally, I believe a measure of our progress in PD is if we are keeping pace with other firms—are we falling behind or are we actually ahead of our competitors? Are we pushing the envelope on thinking and bringing new ideas? I think if you’re constantly playing catch-up and focused solely on implementation, you’re not going to have much of an impact and you’ll be in trouble.

**KM:** Can you describe anything that is being done in your firms or other firms that is showing enormous promise?

**SH:** In our firm, we have customized our Learning Management System (LMS) to create a desktop-accessible knowledge center. The LMS went from a tracking tool to a dashboard that is an entry point to knowledge and just-in-time learning, podcasts and training materials. Beyond that it provides a history of the lawyers’ training and development with the firm, which gives a pretty powerful snapshot of the investment the firm has made in each individual. It has created a lot of very positive buzz.

**SW:** I’m excited about the big movement firms are making away from the lock-step model of advancement for people and the introduction of more career flexibility for associates based on solid talent management tools like competency models and evaluations that track the competencies lawyers really need to be effective in their roles.



These kinds of tools allow us to measure a combination of knowledge, skills and behavior to provide better feedback. Nearly six years ago our firm started developing competencies and putting an evaluation structure in place, and now, watching how more firms are moving toward this new model is to me incredibly promising because we’ve lost a lot of very talented lawyers when our business structures have become too rigid.

**SFF:** I agree that the competency movement, which started in 2001 but didn’t pick up steam until about 2005 in the

United States, has really taken off. This is evidenced by the number of firms that have begun to invest in defining the characteristics of success, and the behaviors that people need to exhibit to achieve success as defined by clients, the firm and the marketplace. Why this is so enormously promising is that it provides the substance to integrate all the facets of how you develop a ready, talented, capable workforce. It allows us to recruit lawyers, develop them, assess them, retain them or help them land in a place that is a better fit for them. It especially enables firms to more efficiently

focus on developing the knowledge and skills needed by our clients.

**RP:** The development of competencies definitely allows a more strategic integrated approach to talent management and development. We have initiated individual career development planning, which is allowing us to focus our investments much more directly on the needs of the lawyers and build ownership in their ongoing development. In support of these efforts, interactive webinars, one-on-one coaching and group mentoring are all showing great promise.

**KM:** Many firms may not be as far along as your firms are. What mistakes do you see firms making? What should they avoid?

**SW:** A mistake some are making right now is to think that what has happened to the industry in the last year and a half is just a blip and everything will go back to being the way it was before the economic crisis. I don't believe that is true, and most of the experts who are studying the legal profession from the outside, economists and social scientists, are showing how the market for talent and the market for legal services are both changing rather substantially.

**SFF:** One of the challenges—and I think it kind of cuts both ways—is whether we underestimate or overestimate the amount of change that needs to be

made in order for law firms to continue to grow, be successful and meet their clients' needs. Best practices in this area are to engage people early on in change, to talk with people, to get input along the way, and to be as responsive as you can to most of the input, while knowing that you can't meet all the needs.

**SH:** I've seen firms get too focused on associate training in isolation from the client experience. I'd say the mistake there has been trying to be all things to each and every associate rather than remembering where all of this should be driven from, which is the client experience. PD initiatives should always tie back to the firm's strategic goals.

**SC:** I think one of the mistakes that large firms make is to assume that every corner needs the same kind of professional development. It is very easy to believe your main location sets the agenda and just ships things out by videoconference. But not all content will be relevant and well received across the board, and I think that can cause some disconnect. My firm has generated a good response by paying a lot of attention to the varying needs of our different locations.

**RP:** It's "ad hockery"—by which I mean not thinking strategically, not linking talent to strategy, and indulging in what Terri Mottershead calls "random acts of training." Ultimately, a lack of systems thinking and in-

novation creates the opportunity for mistakes to be made. This is like having the heat on and the windows open.

**KM:** New delivery mechanisms are changing access to professional development resources. What's working, and what isn't?

**SC:** Videoconference works for things like information delivery. However, it does not work for skills training. We need a balance between the online life and the human interaction. One of my goals is to develop a network throughout our various offices of replicating training experiences so that a live program in one place can be customized and relevant somewhere else.

**SFF:** We use a blended approach for formal training to ensure that our attorneys get access to the same knowledge. We use videoconference for the lecture portions of our training across offices, and then host local office skills-based sessions or discussion groups to enhance application of the training to the job. Another delivery mechanism that I think has promise for law firms is creating social media communities, where people can pose questions that are specific to what they're working on and engage in substantive discussions.

**RP:** I agree about looking for opportunities to blend virtual and live learning experiences. In fact, that is the essence of our new group mentoring initiative. E-learning is great for us—people can access high-quality internal or external content 24-7 and can even download it to their iPods. Interactive webinars are opening a whole new way to engage people who are geographically diverse—although collaborative learning technologies are just beginning to appear in a format that law firms can use.



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—Susan Hayes



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**SW:** I agree that the blended approach is the way to go when you're at a firm with multiple offices, and the more you can replicate live programs in various localities, the better off you're going to be. Technology offers only so much promise in terms of sharing of knowledge because a lot of what lawyers do is live and interactive and the way they learn is by doing. But I think we'll be better off as we begin developing new kinds of interactive online learning tools.

Social media is something that holds more immediate promise for the kind of culture building and information sharing needed today. Look at how companies like Deloitte and IBM are applying social media platforms—with people profiles that give a rich sense of who someone is, what they know how to do personally and professionally, the best way to connect with that person and what networks they're involved in. That sort of information sharing can be very rich in terms of building culture and creating an environment where learning is more likely to happen because you're connecting people, and then people will take it from there and figure out how they want to learn from each other.

**SH:** I'll add that it's easier for smaller firms to be more agile in their delivery mechanisms. However, I would echo the comment that—even in small offices—you see a significant level of disengagement among video-conference participants who are not

in the same room with the speaker. We have a significantly higher attrition rate from webinars, even if you're delivering quality, than from any other training delivery method.

**KM:** If you could change one thing about the practice of law and its approach to the development of its professionals, what would that be?

**SH:** It would be the level of engagement that partners have in the development of younger lawyers. As firms increase the sophistication of their PD resources, it's easy for partners to abdicate responsibility, but as Sari indicated earlier, it really does take a village and partners are an integral part.

**SC:** If you're opening this up to my fantasies, I would change the entire structure. I would really love to see us create a co-op mentality for the first three years of practice so that young lawyers don't come in with a sense that they're supposed to be a fully formed practicing lawyer on day one, but instead they are now going to spend three years learning to practice law.

**SFF:** My change would be that when a law firm is making decisions about its strategy, business or operations, there would always be someone at the table who is focused on talent—someone who is thinking about how decisions will impact talent and how talent can

be leveraged to help the firm achieve its goals and consistently meet its clients' needs. With talent being a law firm's primary asset, how talent is managed and developed needs to be fully integrated into how firms operate and how they deliver service to clients.

**SW:** Outstanding—the logical implication for what Sari is recommending goes to the core of the business. Our mission is to serve clients and develop people, and that's a co-equal mission, and that's how professional development becomes part of the strategic discussion. Without people who are growing and developing as lawyers, without a continuing focus on improving the quality of law that's practiced, we can't serve our clients most effectively. Too often we're caught in this false trade-off thinking that the people development and talent management stuff is “soft stuff” that's nice to have, but we need to go out and serve clients. It completely misses the point that we won't serve those clients well if we're not developing the right kind of lawyers.

**RP:** We talk teamwork and innovation but in many firms we reward individual performance and the status quo. We need to reduce our dependence on the anachronism of the billable hour, which is a tremendous disincentive to many people, and realign incentive systems to reward people development, efficiency and innovation instead. By focusing on delivering great value to clients in a way that makes sense to them, lawyers can then focus on developing their people and systems to be as efficient as possible. Both clients and their lawyers win with this approach. This would also affect firms' ability to attract and retain the right people. We need to create cultures of innovation—that is what our clients are striving to do on a daily basis, and we should do the same. **LP**