

5 Principles For Better Professional Development Programs

By **Matthew Woods** (November 22, 2022)

Mention the "great resignation" to colleagues these days, and you are likely to get an eye roll, a shoulder shrug or even an excuse about needing to run to a scheduled Zoom meeting. We've all heard so much about it and are sick of talking about it. But there is no escaping the profound effect it has had upon the practice of law.



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The pandemic has opened a Pandora's box regarding the so-called normal or typical trajectories of lawyers' practices. Regardless of why those forces have been released — a subject above the pay grade of this author — law firms clearly are now facing a more mobile, transient work force than ever before in the modern era.

The recent Future Ready Lawyer survey by Wolters Kluwer indicated that over 50% of all lawyers are somewhat to very likely to leave their current position within the coming year.[1] In AmLaw100 law firms, attrition in 2020 was 16%, growing to 27% in 2021, with almost half of those being associates.[2] Such loss not only disrupts law firms' ability to service clients, but it is also costly in and of itself. Associate attrition costs firm a conservative average of \$200,000 - \$500,000 per associate.[3]

This newfound willingness to leave one's firm resulted in a talent war, with firms throwing increasing salaries at associates to stabilize their talent pool.[4] At the same time firms were diverting dollars to this proverbial arms race, they also had to invest heavily into hardware and software solutions for working remotely. The coffers of many firms began to empty at an alarming rate.

In response to these budgetary constraints, and the realities of working from home, firms cut budgets for many nonrevenue-generating activities. With the pandemic in full force, and stay-at-home orders in place, firms consistently cut training and professional development activities, with one analysis estimating that approximately 70% of firms cut their training budgets significantly, and 37% cut their budgets more than 20%.[5] Understandably, the professional development programs that were offered utilized remote, online learning.

Even as the country began to emerge from the pandemic, training budgets generally did not return to prepandemic levels and continued to focus on remote offerings.[6] And firms were beset with the myriad challenges of return to work, including reinvigorating and redirecting lawyers toward revenue-generating activities. With so many demands on their time, firm leaders and experienced partners had little time to prioritize professional development.

As law firms look for ways to maintain and grow legal talent in this new paradigm, particularly in the face of a workforce that is at least partially returning to the office, they should revisit prior decisions to relegate professional development programs to reduced status. As associates return to the office, they find themselves craving a more culture-driven commitment to professional development.

The two-year hiatus left many associates without a concrete way to connect with their colleagues; many incoming lawyers had no framework for building the bridge from law school to actual practice.

In a recent survey on law firm culture conducted by Major Lindsey & Africa LLC, one top trait that associates would like to see reflected and valued in their firm's culture was "an emphasis on training and mentorship."^[7] Similarly, a study of mid-level associate satisfaction published this summer by the American Lawyer placed the availability and quality of formal training and mentorship among the key drivers of associate satisfaction.^[8]

For at least the near term, then, firms have an opportunity to use a well-rounded professional development program for at least partially ameliorating the transient dynamics brought on by the great resignation. Such a program should be built around the following five principles.

1. Bring it in-house and make it in-person.

Much has been debated — and will continue to be debated — about the wisdom of implementing in-firm training programs versus relying upon an outside training organizations. Both approaches have pros and cons.

However, at this point in time, firms should want to maximize every opportunity to create purposeful, meaningful and in-person interactions between more senior lawyers and their junior colleagues to build and solidify the ties that bind. The mere act of sending your lawyers away to learn their craft deprives the firm of this signature opportunity.

Moreover, think about the message it sends when the firm delegates this important mission to an outside consultant: It undercuts your own lawyers' brand as authorities in their areas of practice, and it says that those lawyers aren't willing to invest themselves in junior associates' professional development. Associates are not just going to look at their paycheck when grappling with the existential question, "Should I stay or should I go, now?"^[9]

And, make it in-person. Rent some conference rooms at a nearby hotel where you can work — literally — elbow to elbow; or, if within budget, reserve a retreat space with options for after-hours downtime activities. After being separated for so long, simple acts such as sharing ideas around a real conference table or eating a meal together are critical at reestablishing ties of trust and collegiality.

Of course, this doesn't come cheap. Most fundamentally, it takes productive lawyers serving as faculty away from revenue-generating activities. And, developing a training curriculum and then rolling out a program based on that curriculum requires significant administrative support.

Data analytics and metrics from legal project management can provide an estimate of the opportunity cost associated with running an in-firm program. Management can decide if this long-term investment is financially prudent. But assuming it is, the firm can share this number with the associates as a means of demonstrating their commitment.

Moreover, an in-firm program can be a differentiator in marketing to institutional clients, who generally want to see that their firms are grooming a deep bench to serve their needs into the future. A client who learns that a significant portion of firm revenues are being reinvested in the talent pool for the future — as opposed to being directed simply to partners' pockets — will take note. And, a client's in-house team could be invited to join a training cycle, further cementing that relationship.

2. Diversify the faculty.

Let's face it. Some of the best practitioners can be lousy teachers. And some of the most productive lawyers are best left to winning cases, making deals and bringing in clients. Teaching is not generally taught in law school and isn't for everyone. But — and in this case it's a big one — an in-firm, culture-driven training program shouldn't be left to a few individuals. Think big tent.

First, think about the number of talented professionals you have at your firm who aren't lawyers but who can bring new lawyers into that tent by showing them best practices for the type of tasks incoming lawyers will be initially faced with.

For example, paralegals — the veritable master sergeants of a law firm — have a wealth of experience to share about mechanics and best practices for topics ranging from preparing deposition kits to document collection protocols to tracking closing or compliance memoranda to audit outlines, and more. They can be true force-multipliers in helping incoming lawyers make the transition from law school to practice.

Second, make sure to cast a wide net to include lawyers to serve as faculty from a diverse set of backgrounds, practices and experience levels. Don't just rely on the usual suspects for each training cycle. Associates want to see lawyers who reflect the firm's commitment to advancing a deep, wide bench of talent up the ranks. And associates notice who is given the important task of training them — an in-house program is a prime opportunity for demonstrating commitment to the values of diversity, equity and inclusion.

Finally, keep in mind that an extra benefit of a good in-firm training program is the development of organic mentorship relationships — ones that transcend formal assignments or departmental structures. The more purposeful interactions one can create between more senior lawyers and more junior lawyers, the greater the likelihood that some seeds of mentorship will be planted and yield fruit.

3. Don't be afraid to tell war stories.

What makes every firm unique is the amalgam of history and experiences that members have accumulated over their collective practices. In combination, these experiences and history form the foundation for a firm's culture. If an incoming lawyer is to truly make a home at a firm, they must sample that culture and want to be a part of it.

So, share those stories — bring out the triumph, the pain, the frustration, the humor and the excitement of what it is like to really practice law. Clutch victories, heartbreaking losses, challenging clients, cratered or news-breaking deals, demanding judges — all these make up the web and waft of great stories that have made us the lawyers we are today.

As lawyers, we tend to appeal to the logic and practicalities of a situation, often forgetting how the pathos of that situation either drove it forward to resolution or created a quintessential teachable moment. Since the dawn of humanity, people have taught others and passed on culture by telling stories; the practice of law is no exception to this aspect of the human condition.

But remember, rambling from one old story to the next without engaging your audience can be too much of a good thing. Get others to tell their stories, and then, with your students, go create new ones to share with the next class!

4. Balance formal instruction with hands-on practical exercises.

The theory of education generally confirms that people learn differently. Accordingly, a program that balances more formal instruction with opportunities for hands-on learning is more likely to find traction across, and resonate with, a random group of individuals.

Lawyers need some pedagogic instruction about, for example, the differences between leading and open-ended questions, before rolling up their proverbial sleeves and sparring with a difficult witness in a mock examination. In that respect, mock exercises form the bridge between theoretical or fundamental instruction and actual practice.[10]

The American educational reformer John Dewey is often attributed with espousing the view: "We learn by doing." It applies to the practice of law as well. Practical exercises allow the faculty to take on the role of coach, not simply teacher, and so create a more direct and personal connection to the student. It also helps cement a culture of excellence and continuous improvement where students see the faculty actively invested in their improvement as lawyers.

5. Walk the walk.

Finally, if an in-firm training program is going to achieve its potential as a tool for driving culture and cementing connections with a mobile associate class, it must be supported by the firm and consistent with its overall culture.

Firm members need to be actively encouraged to serve as faculty and recognized for those efforts. Associates need to feel comfortable that they can take time away from billable files without penalty and should similarly be recognized for successfully completing the program. And, the firm should ensure that its case-staffing policies, associate review process and broader mentorship programs all reflect a commitment to investing in an associate's professional development in a fair, transparent manner.

As lawyers, we are trained to recognize inconsistencies, and the most well-thought-out program won't generate the desired results if it is an island in a sea of contrary culture.

"When one teaches, two learn." This famous quote about teaching exemplifies the spirit with which law firms can use professional development to bridge a cultural gap growing with many associates, brought on by the great resignation. It signifies mutuality of interest, mutuality of benefit and a shared commitment to, and investment in, each other. That could go a long way to creating a work environment where people want to stay.

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[1] <https://www.lawyer-monthly.com/2022/07/how-law-firms-can-survive-the-great-resignation/> ; <https://www.wolterskluwer.com/en/expert-insights/great-resignation-talent-troubles-in-the-legal-industry-2022>.

[2] <https://www.americanbar.org/groups/journal/articles/2022/the-great-resignation-the-toll-taken-on-the-legal-field-and-what/>.

[3] <https://www.mlaglobal.com/en/insights/articles/why-associates-leave-and-how-you-can-get-them-to-stay?byconsultantauthor=tina-cohen-nicol>.

[4] <https://www.thomsonreuters.com/en/reports/law-firms-competing-for-talent-in-2022.html>.

[5] <https://www.law.com/international-edition/2020/06/22/pandemic-and-recession-take-toll-on-professional-development-efforts/>; <https://news.bloomberglaw.com/us-law-week/legal-hiring-lessons-learned-during-the-pandemic>.

[6] <https://www.abajournal.com/columns/article/the-winners-in-laws-great-resignation-will-be-firms-that-focus-on-innovation-not-compensation>.

[7] <https://www.law360.com/pulse/articles/1504488/the-2022-law-firm-culture-survey>; <https://legal.thomsonreuters.com/blog/how-do-you-show-commitment-to-your-firm/>; <https://www.lexisnexis.com/community/insights/legal/b/thought-leadership/posts/the-great-resignation-drives-law-firms-into-new-territory-for-keeping-good-associates>.

[8] <https://www.law.com/americanlawyer/2022/08/05/the-2022-midlevel-associate-survey/>.

[9] With apologies to the Clash.

[10] <https://people.math.harvard.edu/~knill/pedagogy/vark/index.html>.