

"The function of education, therefore, is to teach one to think intensively and to think critically. But education which stops with efficiency may prove the greatest menace to society... We must remember that intelligence is not enough. Intelligence plus character—that is the goal of true education." *Martin Luther King, Jr.*

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How many times have you invested precious resources in training for your advocates, only to realize that you're not quite sure what it is they learned and how – if at all – they are using it in their work? How often have you watched staff members return from a training overflowing with eagerness to put what they learned into practice, only to get swept up in pressing client needs and fall back into “business as usual” mode?

Legal Aid University -- which has grown out of the Legal Services Training Consortium of New England – announces its launch, scheduled for January 2006, as an independent not-for-profit training center based on a national¹ equal justice mission. LAU is tackling the challenges described above through the unique design and delivery of its courses. LAU courses address the full range of practices and skills that equal justice advocates need to provide excellent representation to the individuals and communities they serve.² Courses are delivered in-person, on-line and by a combination of these formats.³ Through its innovative use of web-based technology, LAU offers a critical and timely means to transcend barriers of distance, time, funding and other organizational constraints that have hindered the maintenance of a strong national training infrastructure. It is a significant new resource for the equal justice community.

Distance Learning, Community & Action

LAU teaching is based on principles of “dialogic” and “action learning”. Action learning is a pedagogical approach that is, as the name implies, about action. This includes the dynamic engagement of participants in their own learning, allowing them to draw from their experiences in defining problems, creating solutions, taking action and then reflecting on and learning from it. “Dialogic learning” assumes that for learning to be authentic and effective, there must be

¹ LAU has already provided its online training to - and drawn trainers from - legal services programs in these states: Alabama, California, Connecticut, District of Columbia, Florida, Illinois, Indiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, New Mexico, New York, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Virginia, Vermont and Washington.

² See the complete list of LAU in-person and on-line courses in Box A. For offerings scheduled for the remainder of 2005-2006, go to www.legalaiduniversity.org/calendar. In addition to these courses, LAU is pioneering a regional Leadership Institute in New England.

³ LAU recently developed a three week “Affirmative Litigation Training” which is delivered online during the first 2 ½ weeks and culminates in a 1½ day in-person session in which participants argue a motion to dismiss; see www.legalaiduniversity.org/courses_online/affirmative_lit for more information about this course.

ample opportunities for dialogue among learners and between learners and facilitators. Initially concerned that it would be difficult to implement these core principles via distance learning, LAU has found that this technology can actually promote greater collaborative learning by reducing the facilitator/participant ratio and providing multiple vehicles for communication among participants and between participants and facilitators.

LAU course design and structure incorporate the expectation of continuous learning as participants apply their new knowledge and skills to their legal practice and to the results they seek on behalf of the communities they serve. Unlike typical online CLE programs, which consist solely of videotaped presentations, LAU courses utilize a range of technologies and resources (web-based readings, streaming video, CD ROM) and learning activities (facilitated online discussions, web-based conferences, and role plays) that ensure that participants engage with both the resources and each other. LAU online courses are structured over a period of time – from one to four weeks – to allow participants to integrate new concepts and skills through practice and reflection.

LAU courses are developed specifically for advocates serving poor and marginalized people and communities. LAU staff convene design teams of experienced practitioners, and work with them to distill and structure knowledge that has, for many, become instinctual. The LAU team then crafts specific activities that make this knowledge accessible and engage advocates in mastering these new areas of practice.⁴ This means developing case hypotheticals that are true-to-life, and activities that sequentially advance learners' ability to integrate new material. Learning culminates in activities that are directly transferable to the participants' practice: for example, drafting a federal court complaint, counseling a client, and conducting a negotiation.

LAU develops practice guides for these skills, as well as for components that may pose problems for learners – often because they are deceptively complex. An example is *Delivering bad news*⁵, an exercise designed after trainers observed that advocates in simulated counseling sessions consistently failed to adequately inform clients of adverse law, or made promises of further assistance that were beyond their ability to deliver (“Yes, I will appeal this case!” or “Don’t worry, I will find you a new place to live.”). Practice guides such as *Delivering bad news* are tools that learners can use to assess their progress in a given skill and hold themselves accountable to their intentions. They are also designed for supervisors to use when helping their staff reinforce new skills.

The Critical Role of Supervisors & Managers: A roadmap for staff development

Supervisors⁶ are advocates' primary, day-to-day, often onsite teachers. Supervisors also control, through case assignments and other policies, the amount of time that advocates have to devote to training and to integrating new learning. Recognizing the critical role that supervisors play in

⁴ See MIE Vol. XVII.3 Fall 2003, pg. 29. Our challenge was not only to identify and analyze what community lawyers do – and translate this into achievable and teachable steps – but to convey the spirit of community connection and empowerment that motivates this work.

⁵ *Delivering Bad News* is an exercise used in the “Counseling” session of our Basic Lawyering Skills course.

⁶ Since supervision structures vary dramatically among programs, we use the term “supervisors” to refer to the senior attorneys who are directly responsible for participants' practice and professional development. In some programs, this responsibility is shared by direct supervisors and litigation directors or managers. We also recognize that senior staff who are not direct supervisors may play key mentoring roles.

participants' ability to integrate what they learn into their real-life practice, LAU makes it a priority to engage supervisors in the choice, delivery, and evaluation of training courses.

Assessing Supervisees' Learning Needs

Learning is a continual process. This is a foundational aspect of LAU training design. The supervisor is often in the best position to assess an advocate's individual needs for growth, and the LAU course descriptions and objectives aid the supervisor and participant in assessing whether a particular course is appropriate for the staff person's learning needs and professional development level.⁷

LAU provides training "tracks" -- for sharpening litigation skills or working with communities on systemic issues, for example. LAU is developing more advanced courses as well as increasing the breadth of its offerings to meet the multiplicity of needs for training and continuing education within the civil equal justice community. Using the LAU course catalog, supervisors and staff are increasingly able to craft individualized learning plans to ensure ongoing, timely and sequential professional development. Course objectives can serve as a checklist of key skills and help to determine training needs.

Informing and Engaging Supervisors during the Training

LAU is committed to informing supervisors about individual courses, and engaging them as resources. Supervisors are required to "sign-off" on all on-line courses. This helps ensure that staff will have the release time necessary to participate fully, and also that the supervisor understands the course content. Prior to each course, LAU trainers contact both participants and their supervisors to welcome them and learn more about their hopes and expectations.

Trainers then provide supervisors with weekly e-mail summaries about what participants are working on and how specific learning activities fit into overall course objectives. For on-line courses, LAU staff invite supervisors to access training materials through its online campus. For all courses, they provide supervisors with copies of or links to Practice Guides and other materials that can directly aid them in supervising the participant and other staff. Supervisors also use these materials to refresh their knowledge of the subject matter, and have told us how rejuvenating these materials can be: they give supervisors a structure and language for conveying what they know, and inspire them to re-examine their work and re-institute helpful practices that have fallen away over time.

The supervisor is also involved in discreet components of the training – both as a way to actively encourage the transfer of knowledge to the next generation of equal justice advocates and to ensure accountability between the person attending the training and the program sponsoring their participation. An example of the latter is the pre-training assignment for *Community Lawyering* in which LAU asks participants, in consultation with their supervisor, to identify a community with which their organization seeks to develop a closer, more engaged relationship. An example of the former is the assignment for the on-line Basic Lawyering Skills course in which training participants interview a supervisor or senior staff person about their experiences conducting informal discovery. The stories the participants come away with to share are always varied and inspiring – from computer searches and planned "casual" conversations to meetings with a mobster in a vacant lot. As Judd Esty-Kendall, a senior attorney from Pine Tree Legal Services

⁷ LAU's course catalogue indicates target audiences and suggested minimum skill levels for each course.

in Maine and a trainer during the January 2005 on-line course wrote, “This discussion is helping us all, including the facilitators, expand our ideas of what is possible through informal discovery. The limit to what you can do with this is your imagination, so keep thinking!”

Each course is not only an important part of an individualized learning spectrum, but also provides mechanisms for integrating newly acquired knowledge into daily legal practice. Every training, for instance, ends with a work plan. This may be a discreet skill that the advocate commits to practice (e.g., for Essential Interviewing), the development and dissemination of a community education training design (e.g., for Training of Trainers), or a working group’s plan for advancing an advocacy or law reform initiative (e.g., for the Advocacy Symposium on Unrepresented Litigants). Supervisors again fulfill an important role in helping their staff implement post-training work plans. LAU trainers recommend that participants meet with their supervisors after the course to integrate their post-training action plan into their overall unit or program work plan.

To further support participants’ ongoing learning and reflection, LAU hosts “class reunions.” Participants reconvene through the online campus to reflect on their successes and challenges in implementing new knowledge and skills, and draw from each other’s experiences to refine and strengthen their equal justice practice. Trainers provide continued guidance, and these reunions include structured activities that address learning needs specific to each group. As Eddie Weinberg, a Managing Attorney at the South Carolina Center for Equal Justice remarked after a Negotiations reunion, “Even though at the time I thought I got a lot out of the course, participating in the follow-up reinforced what I did learn and showed me that the learning is ongoing.”

Evaluating Training Impact

Evaluation is a key component of every training. LAU uses evaluation not only to continuously improve the quality of our courses, but also to stimulate participants to examine what constitutes “success” in their work and how to move closer to that ideal. This ties in to the work plan each participant takes from an LAU training.

Evaluating training impact is ideally done on several levels – from the participants’ immediate perception of its value to their ability to implement what they have learned and improve the results they obtain for clients.

LAU uses several methods to obtain this information. Throughout the course, trainers and participants use observation, practice guides, and other tools such as matrices to evaluate changes in participant skill levels. The combination of techniques is necessary because change can initially produce awkwardness; an advocate may have to forgo habitual, polished phrases for less certain ones (when learning a new framework for conducting negotiations, for example). The multiple means of evaluation can capture the advances in learning (e.g., did the negotiator attend to the seven elements of the negotiations framework) as well as indicate areas for improvement and guide the participant in working on them.

At the end of the course, participants rate its usefulness and the value of specific components. There is also focused discussion to elicit further qualitative information. Supervisors, too, are surveyed about both their perceptions of how well the course met their supervisee’s needs and the utility of the information they received (practice guides, weekly e-mails, etc.) Six months out, the process is repeated. At this point the emphasis is on what advocates are actually doing, and

again the observations of the supervisor as well as the participant are valuable. LAU uses these not only to assess the course but to determine topics for follow-up seminars and future courses.

Moving Forward: LAU as a vital national resource

Over the last several years, LAU has developed significant expertise in the design and delivery of online courses. LAU's extensive course catalog and skilful use of technology and internet-based learning tools provide a critical vehicle for overcoming so many of the barriers that have limited ready and equal access to quality continuing education. Providing a structure to engage supervisors and managers in the design, delivery and evaluation of training is a vital step in ensuring that course participants successfully put what they learn into practice for the benefit of the communities they serve.