

Professional Legal Trainers Group

Meeting Minutes

April 11, 2008

Meeting Location: Chadbourne & Parke
30 Rockefeller Center

Topic: Skills Assessments: When, Why, & How?

Moderator: Roberta Gelb, Chelsea Office Systems

Speakers: Alan Fricke, - Orrick, Herrington & Sutcliffe LLP
Christina Denzinger, - Sullivan & Cromwell LLP
Drew Hart - Debevoise & Plimpton LLP
Judith Wiessner - Kelley Drye & Warren LLP

Introduction

Lisa Reminick, PLTG President, welcomed everyone to the meeting and thanked Christine Bitetti and her firm, Chadbourne & Parke, for hosting. She noted and welcomed the presence of many guests, and described the premise of PLTG to the non-trainers.

Treasury Report

Our current balance is \$7,62.80.

Membership Renewal

Our website upgrade is complete, and an e-mail has been sent to the membership. If you have already signed up, please remember to send in your check.

May Meeting

Date: May 9th
Speaker: Jerriane Hammock
Topic: Transferring Learning to Behavior
Location: Kirkland & Ellis

June Meeting

Date: June 13th
Topic: A Day in the Life... New Approaches to New Hire Training
Moderator: Helen Blumenthal
Panelists: Carol McCluer, Chris Brady, John Attinger
Location: Kraft & Kennedy

Trainer Spotlight

Jeff Casper introduced Survey Monkey and reviewed the results of the recent Skills Assessment Survey. A link to the PowerPoint file with screenshots of the results will be posted separately with the meeting notes on our website.

We will also be posting a separate pdf file, see details below:

Title: The Legal Handbook for Trainers, Speakers, and Consultants; the essential Guide to Keeping Your Company and Clients Out of Court
Author: Patricia S. Eyres
Copyright: 1998
ISBN #0-07-063512-9

Topic Introduction:

Lisa introduced the topic of assessments by mentioning a New Yorker cartoon of a little league scene: “Just remember son, it doesn’t matter whether you win or lose, unless you want Daddy’s love.” She spoke of how integral the act of assessing is to our daily activities as trainers, whether we’re scoring a test, or just gauging a student’s receptiveness or our own effectiveness at any given moment as we train. As a trainer, we just want to know how our students are doing so we can help them better, but our trainees are scared of consequences. How do we negotiate the path between the resistance from our students, and the HR concerns of our firms?

Introduction of Moderator, Roberta Gelb

Lisa then introduced Roberta Gelb. Roberta has been working with “computer stuff” since it was called “Office Automation” in the 1970’s. She started with mag cards, went to CPT, Wang, PCs, and the rest is history. As an in-house Office Automation consultant for CBS, her first client was the CBS Records Law Department where she *almost* met Paul McCartney when he came in to sign a contract. Roberta sits on the Advisory Board of *Law Technology News*, was the PLTG Vendor Rep in 2007 and currently serves on our Program & Events Committee. She has moderated numerous memorable panels for us including *Unique and Dynamic Solutions to Common Training Challenges*; *Matter Centricity: Theory & Practice*; *Creating Stellar Training*; and *Innovative Ways to Market Training*. She is also a breast cancer patient navigator and advocate, spending much of her free time keeping up with the science of breast cancer and other patient-related issues.

Panel Introduction by Roberta

Roberta introduced the members of the discussion panel:

Alan Fricke has worked with the legal profession for 25 years. Over time his duties and capacities have changed and evolved. Early in his career he was a word processor on a Wang system. This required giving orientations to new secretaries and administration staff. Attorneys at that time did not have computers. Introduction to PCs came in the 90s and Word Perfect (no better name for this wonderful application) was the next application he learned. During this time also, he transitioned into the MIS department as backup for the MIS Director. And in the 90s, attorneys began using pcs at their desks. Trouble shooting, help desk and orientation for new hires were his responsibilities. Beginning in 2000 there was more emphasis on the orientation and in 2005 he transitioned into a full time training position at Orrick, Herrington & Sutcliffe LLP. His most successfully launched project has been his Snap Classes which are designed for attorneys. These are held on Wednesday afternoons and are one-on-one sessions by appointment. The clients set up

their own appointments in a public calendar and indicate what they need to know and he gives instruction on that item only. This has been received very well and continues to be one of the most effective ways to convey information to attorneys. Alan is a musician (he has a Masters degree in Music), teaches piano, and writes music for shows.

Christina Denzinger has been a technical trainer in Legal for 11 years. For the last 4 years she has worked as Senior Technical Trainer at Sullivan & Cromwell LLP. Prior to that, she consulted for many training companies and worked at a variety of law firms. What you may not know about Christine is that she is a professional actor by trade and degree and she still works in the business.

Drew Hart is the Technical Support Coordinator for Debevoise & Plimpton. He spoke at a PLTG meeting several years ago and was so incredible that people remembered his name and specifically asked for him to be on this panel

Judith Wiessner is the Manager of System Services and User Support at Kelley Drye & Warren LLP, with five offices in the U.S. and Belgium. She has worked for Kelley Drye for the past 26 years, the last 17 in the IT Department. She has worn a number of different hats over the years at Kelley Drye and participates in the New York Helpdesk Manager's organization.

Question 1. How and why did assessments come to be used at your firm? Who was involved in the decision making process? What result is the firm expecting by implementing assessments?

AF: Has never done skills assessments on anyone after they were hired. They trust word of mouth from attorneys - not wise. Recently, attorneys have mentioned to HR that some secretaries have been pushing off their work to Word Processing because they can't handle it, and are then asking WP to not tell the attorneys and to give the back to the secretary. This behavior is ruining morale throughout office, especially for those who do know what they are doing, as it taints the entire secretarial staff. Now Alan wants to create an assessment for all secys. HR has agreed to use a non-validated test, as long as it is applied universally. Now the task is to set basic standards to test. Would love to tie it in to merit to provide incentive. Currently, his firm is using *ProveIt* for pre-hire screening, but he does not necessarily feel it is appropriate. Alan also mentioned intense pressure on the secretaries at his firm to use Normal style and format everything directly because attorneys cannot use styles.

CD: Assessments were introduced at Sullivan & Cromwell when they went from WP to Word the *second* time. They have always had pre-hire assessments, and post-initial training assessments. The firm began giving Word assessments last year for all legal secretaries, with a PowerPoint assessment in the works. The current initiative came about because a technically-savvy partner gave a PowerPoint task to his secretary who then sent it to Word Processing because she did not have the skills. They have established expected competencies for beginning Word, Excel and PPT. Excel and Word are already assessed following initial new hire training.

DH: Assessments had already been established at Debevoise before he got there, however, assessments were not validated. With his psychology degree, Drew

knew how to validate them himself. He only focused on the tests that were going to be used as a basis for hiring, firing, or determining salary, so that the scores could stand up in court if decisions were challenged. He does not worry about validating tests that are only used to identify training needs. He recently restructured the firm's pre-hire screening assessment for secretaries, since it seemed to be nixing people just because they didn't have legal experience. He still wanted to pick up those with aptitude. Recent studies show that intelligence is actually the best guide to future success. But testing that for IQ is not legally allowed.

JW: Kelley Drye's IT and Training departments began thinking about assessments when the firm moved to Office XP. Since they were about to invest a good deal of money in training, they wanted to make sure it was going to be retained. They came up with core competencies - listed skills required: basic, advanced, practice-area-specific. One year later, they introduced the actual skills assessment. Staff then had a year to know what was going to be required of them, which added incentive to attend training and to retain the concepts. There were no rewards offered for attending training - it was considered part of their job.

Question 2. Any horror stories about using assessments?

Marcy, from Wilmer Hale. They use OPAC but HR wanted a legal doc designed, and is now in place. The firm offers Continuing Ed classes, and every year secretaries are required by HR to complete a certain amount of classes per year as per their evaluation. Last year, the Training Department added career counseling to their role - they sit with secretaries to see what they are doing, what do they need to learn, create a plan, take it to the attorneys - they sign off on it, and/or suggest other classes from the catalogue of courses. This year, the firm wanted to figure out if the program is working - are the secretaries using/retaining info? Assessments were needed, and they got buy-in from HR. Put together 4 separate tests on the core competencies in Word. They marketed it, HR announced it, and trainers followed up with their own e-mails, assuring the secretaries that it had nothing to do with evaluations or raises. They were simply trying to find out training needs. At sign up time, 12 secretaries signed up, and there was a waiting list. The first test had 7 written questions, and then hands on exercise. Immediately, the attendees balked. "I didn't know this was going to be a test." Out of the initial 12, 5 had total melt downs! "Oh my god - I have to do a *document*?! What do I do now?" Then that bad press went throughout the entire firm. Panic ensued, and now no one even wanted to come to training. What we learned: **market, market, market** - make sure they ALL truly understand what is expected. Make sure management is on track. Put in terms of NEEDS ANALYSIS, personal approach. We should have called a meeting with all players, explain plan, field questions and address any concerns up front! So everyone has chance to ask what is this for, how does this benefit me, etc.

Drew: Had assessments at the end of each class. Credit was given no matter your score, just used to determine support. Still, assessments scared people. We ended up getting rid of them, we're now dependent on anecdotal evidence

from trainers. Tricky - their consciousness of the assessment - and fear of it - took away from the training experience.

Kathy Allcott, Fried Frank Secretarial Services. Mgr: We recently started assessments. We talked with everyone first. Straight talk - this is the job, this is what you need to know. As a professional, here is what you need to know, whether or not your particular attorney needs it, someone else might need you for that. Gave everyone practice documents first, reviewed the exercises, offered refresher classes. Made clear it was not part of review system!

Question 3. What are the assessments used for? Roberta asked the assembly to raise their hands when appropriate:

- (a) Pre-hireAlmost everyone
- (b) Post-trainingA handful
- (c) Pre-trainingOne or two
- (d) Annual performance reviewA handful

Question 4. Do you use a commercial assessment tool, or something homegrown?

AF: *ProveIt* for pre-hire. Alan runs weekly topics on Word and MacPac. No continuing evaluation after training. Wait until someone complains, then setup training for them.

CD: Homegrown, so we can control details. Last Word assessment, used DocXamine to get granular break down of skills. Secretaries were given real world docs, then given set of instructions as if from attorney. All tests have to be hand marked.

DH: Homegrown, created by Drew. Multiple choice for pre-hires. All the way up to monster 5-hr. doc with all possible skills - just to assess training needs, used post training.

JW: Homegrown. Nothing commercial was applicable. Looked at core competencies, developed questions from that. Work in actual doc. Means manual marking, but best way to get detail.

Allen Scheler, Wilke Farr. Use TutorPro to provide post-training assessment. Score is only provided to the person taking the test, to provide self-assessment. Get them comfortable with seeing scores. Hopefully make it easier to move to formal assessments.

CD: We discovered our tests had been stolen! A few copies had Word 2007 metadata which triggered conversion messages so we had to develop new assessment and scoring keys and disseminate to all offices world wide which was very time consuming.

Leila Sharma, Kaye Scholer: We are currently developing assessments for Legal Assistants.

DH: Used to test incoming secretaries with a DocProd test looking for legal Word experts. But it was not working. Drew's pre-hire test uses Word, but it's really a kind of an IQ test. It ensures they can use Word, but allows for non-legal expertise, and the option for a user to find native Word answers on their own (e.g., even using Word Help). Anyone that fails it, can tell what aspects they got wrong. Helps him identify who is trainable, regardless of score. Why punish new hire for not knowing styles?

Carole Gerber: Noted the difference between aptitude and fluency. Higher importance placed on aptitude. Had a question for the assembly: Does the impetus ever come from business drivers - anyone ever worried about money being lost as a result of low productivity?

Roberta: 2 factors mean someone can learn: computer aptitude (e.g., musicians have aptitude), and motivation. Told story of someone she thought just did not have aptitude. But her determination was such that she got it. Can be hard to tell, following training, how well someone is going to do.

DH: Wants to start using personality & intelligence tests. Professionals say that if you could give one test, intelligence is the one thing that will determine future success! Firms get nervous (can't use MMPI for new hiring), but can get personality tests before hiring decisions, as long as they are validated. Need attorneys to take these tests too - and that will never happen.

Question 5. What are the consequences associated with failing an assessment?

CD: Gave opportunity to retake, and to attend refresher training sessions. If still failed, Secretarial Services focused on fact they made effort, used that as review criteria. Gave exact same test again, and most did well. Those who did not bother to retrain/retest, then HR would include analysis of effort. Still working on how much to take this into consideration.

Karen Kolb: How are they doing when they get back to the desk? Do the attorneys think they are doing a good job? Does secretarial manager think they're doing well? How are they doing after all this? Train, assess, poll attorneys - and what about polling the secy, what work are they getting? Are you using the training?

DH: Use assessments for training paths and to improve skills. Some secretaries are hired for other skills (e.g., foreign language). Drew passes on general info, it's up to manager to determine importance of assessment for your compensation. He also recommends sending surveys to the attorneys to see how they feel about the secretaries technical skills.

KAlcott: The big dilemma - as associates do more and more of the work, how do we get the secys the work? We don't get the large documents.

Comment from the audience It depends on the structure of law firm - assess all you want.
But the nature of beast boils down to the assignments. It's hard to assess core requirements if it varies on type of work of those assignments.

RG: Attorneys typing makes problems worse - they produce corrupt documents, which secretaries must fix. She mentioned an attorney who was so happy with how his secretary handled phone, calendar, cars, admin stuff. Almost no document work was required of her. She'd fail any assessment you gave her but the attorney was happy with her performance. We must consider the person's job description.

JW: So you work for these three people today - but you may be moved tomorrow to another assignment. We need to have well-rounded secretaries. We had a secretary leaving who thanked training for giving her skills to enhance her career, no matter where she goes she'll take that with her.

Scott Cunningham: Secretaries come to Tiger because they know they'll get training, so they won't lose their skills and can remain marketable.

RG: If you don't use the skills, no matter the training or the notes you take, you won't retain the information.

CD: We do heavy emphasis on follow up training and post practice exercises on our intranet with solutions and "how to" references. Users can refresh their skills whenever they need to.

DH: Practice exercises are available on-line. Lots of secretaries are not constantly working have the down-time to practice. Make sure you have resources to review the practices exercises.

AF: Told one secretary who wanted to advance her skills to volunteer with Document Services. Question: any thought of risk to firm or client due to document corruption? Can you use that to get attys to pay attention? I sell new attorneys on the value of word processing and the risk in not respecting it. This will save you time, learn it now, you will use it throughout your career.

RG: And demand that everyone who works on your documents works in this way! I have an old Dupe and Revise story: every month the attorney recreated a document from WordPerfect and Roberta would be called in to clean it up and stabilize it. Roberta would ask to turn it into an automated template and eventually, after 4 months of pleading, the attorney allowed it to happen. If you show them how much easier it is, *some* will do it, others will continue to dupe and revise. If there's no punishment for doing dupe/revise, or any reward for doing it right the work habits will never change.

DH: Attended attorney meetings to start showing Full Authority, DealProof, Cross-referencing. Get them at beginning, show how, when you do it right, it can help them immensely - do things instantly!

Someone from the audience mentioned Roberta Gelb's article on the ROI of styles which showed how much money poorly formatted documents cost the firm.

RG: You can download it with the Excel spreadsheet, put your own numbers in. It's available on Roberta's website (see below). Money saved the client is not motivator. Risk is the motivator - e-discovery, it's becoming even more dangerous. Clients will make the push - demanding clean documents, demanding metadata solutions, demanding to see the *quality* of the documents.

Link to Roberta's article:

http://www.chelseaofficesystems.com/resources/Beware_of_Bad_Formatting.pdf

Link to Roberta's excel file:

http://www.chelseaofficesystems.com/resources/Costs_of_Bad_Formatting.xls

AF: Does anyone assess knowledge of cleaning docs?

CD Yes

Carol Gerber - It's automatic, so don't have to worry

AF: What about comments & track changes?

Helen Blumenthal: Depends - sometimes attorneys want to use it and send it out to clients that way.

AF: We have a problem with some attorneys getting caught when track changes are sent out to co-counsel.

DH: Our firm has a default on the metadata scrubber to remove it upon send.

Consensus from the audience: most firms had the same setting where metadata scrubber would prompt the sender to accept/reject changes.

Roberta thanked everyone on panel and the event committee for putting it together. She suggested putting it on schedule for next year.

Lisa ended the meeting with a public service announcement: April is Autism Awareness Month. There's a lot of media coverage this month on this devastating disease which affects 1 in 166 children. She made an analogy to the AIDS crisis of the 1980s. In 30 years we haven't found a cause or a cure but thanks to education the quality of life has been improved for those affected and prejudice and stigma has been replaced with compassion. Hopefully we can do the same or more for Autism.

Respectfully submitted

Jeff Casper
PLTG Co-Vice President/Secretary