

Designing Professional Development Programs in the Pandemic and Beyond

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We are pleased to co-author this article for the K & L Update, which outlines silver linings and lessons learned from obligatory virtual training in 2020 and guidance for how to apply those lessons to PD programs mid- and post-pandemic.

Virtual Training: The Upside

Zoom, Teams, and WebEx have helped PD professionals the world over make lemonade out of lemons. We have pivoted amidst the pandemic and offered much needed programs on substantive and professional skills, firm culture and connection, performance and professional growth. In fact, we have found that training in the virtual setting has myriad benefits, including the following:

- Development continuity: certain aspects of the pandemic caused disruption to associate development, so formal training programs took on greater importance.
- Increased connection: virtual meetings have offered a way to connect in an uncertain and perhaps isolating time.
- Increased participation: many have enjoyed the opportunity to participate in non-billable programs without even leaving their desk and, as such, may participate more often.
- Efficiency: virtual meetings enable multi-tasking, which may lead to efficiency.
- Inclusion across offices: the satellite office designation is less relevant when we're all connecting virtually.
- Decreased cost and scheduling ease: virtual programs eliminate the cost and headache of coordinating travel.
- Option to record: while it's not appropriate for all content, recording virtual programs is easy and less intrusive than recording an in-person training

Virtual Training: The Downside

But before you write off in-person training altogether, virtual training programs and meetings have various downsides as well. Of most concern, virtual meetings can be less engaging and less impactful. Three main factors are at play: (1) people are almost always multi-tasking on a virtual meeting, (2) it is more difficult to gauge people's reactions or "read the room" in a virtual setting, and (3) there is no pre- or post-meeting chatter. These factors may lead to less or stilted conversation, less or skewed takeaway understanding, or may void utility altogether. Because of these main factors and others, people are less likely to ask questions or make themselves vulnerable in a virtual meeting, and it is more difficult to build connection and relationships (especially for new people). Additional downsides include, of course, Zoom fatigue and tech troubles.

Many programs can translate successfully or may even be better on a virtual platform, but in each case, it's worth considering the potential upsides and downsides to determine the right format for your program.

Design Questions

Whether your program is in-person or virtual; pre-, mid- or post-pandemic; new or needs to be reimaged, the questions you need to answer as you develop a training program are the same:

1. What is the need? Further, how was that need identified? What underlying motivations or background do you need to learn to make sure you fully understand the need? What core competency does this address?
2. What (if anything) already exists that addresses this need? Why is there need for an additional offering?

3. Who is the target audience? What do you know about them, their workload, their preferences, their appetite for this training, their desire for opportunities to connect, etc.?
4. What is the immediate goal(s)?
5. What is the long-term goal(s)?
6. What else do you hope to accomplish?
7. Specifically, what content do you need to convey?
8. What format will engage attendees, address the need and actually make an impact on the need long after the session?
9. Who is the right person to present, and what budget is available (if any)?
10. From whom do you need to garner “buy-in” on the concept up front (practice heads, firm leaders)?
11. Who can you bring in to vet the program materials or to participate in a small way to ensure relevance and build credibility?
12. Who else needs to be involved?
13. When/how will you communicate this to the attendees and others involved?
14. What will the inevitable naysayers say? How can you plan or message around that?
15. What barriers to success do you face? How can you plan or message around them?
16. What does success look like, and how will you measure it?

A Case Study: Womble Bond Dickinson’s Litigation Training Program Reimagined

Womble Bond Dickinson (US) created its Litigation Training Program many years ago. The foundation for this mandatory training is based on a rigorous competency structure that builds and advances a young associate’s aptitude at each level, culminating with the capstone course - the Mock Trial.

To ensure a realistic experience for the Mock Trial course, Womble Bond Dickinson Partner Ripley Rand, a former North Carolina Superior Court Judge, presides in a courtroom the firm built in its Winston-Salem, N.C. office. The room includes all of the décor and features of an actual courtroom, plus discreet video cameras to record the associates’ performance and an adjacent room with one-way glass for faculty observers/ graders (partners). So, in addition to receiving valuable real-time feedback not only from instructors in the courtroom during the mock trial, but also from Judge Rand and the faculty observers, associates take home a parting gift, a recording of their performance.

Planning for 2020

At the end of 2019, Womble Bond Dickinson Professional Development Manager Tatiana Garcia began curating the list of Litigation Training Programs that would be offered in 2020 (more of an art than you may realize) and identifying the litigation associates eligible to participate. The Mock Trial course was scheduled for June, and of particular note was the fact that both teams - plaintiffs and defendants - would be made up of female senior associates, a first for the firm. But as we all know, any plans made for how things would be in 2020 were thrown out, were scrapped, and were figments of our imagination once COVID-19 had us fully in its grasp. It was Friday, March 13, 2020 when Womble Bond Dickinson attorneys and staff were told to pack their things and prepare to work from home on Monday. The initial thought was that we would be working from home for two weeks, a month at most. What we didn’t know was the extent of the impact of our country’s first pandemic in one hundred years, and just how big of a pivot professional development teams in law firms all across the country would need to make to keep attorneys engaged and learning and skills-building on-track.

The Pandemic Pivot: Silver Linings and Lessons Learned

Tatiana saw the handwriting on the wall after she had to cancel the Negotiations course that was scheduled in April 2020. What she did not want was a domino effect. There were still eight months left in the year and litigation associates whose careers were not stopping. It was time to pivot from delivering the Litigation Training Program course in-person, to delivering it virtually. Tatiana rolled up her sleeves and got to work thinking through what was needed for the remaining 2020 courses. The Mock Trial class, originally scheduled for June 2020, was cancelled and rescheduled for November 2020 to give her time to

pull together a working group to plan, strategize, coordinate resources, and research best practices for delivering a virtual program.

- Unexpected Silver Linings
 - Two of the associates involved in the Mock Trial live on the west coast (they were not on the same team); having a virtual Mock Trial allowed them to prepare, practice, and participate in the course from the comfort of their homes (with family support as an added bonus).
 - Tatiana and members of the Womble Bond Dickinson PD team deepened their bonds with each other and with members of the firm's IT team while strategizing and planning for the firm's first virtual Mock Trial (we made it through this major pivot, we can make it through anything!).
 - Having an experienced instructor, Professor Joseph Kennedy, and an experienced Judge made all the difference in a smooth execution. Tatiana had multiple planning calls with Professor Kennedy and Judge Rand in the months and weeks leading up to the virtual Mock Trial.
 - Tatiana's multiple individual prep/test calls with the attorney teams, the jurors, and the witnesses paid off. Everyone learned the technology platform (Zoom); as a result, technical issues were minimal during the actual course (i.e., technical issues that a user can control; there were a couple of instances of poor internet connectivity). Practice, practice, practice!
 - The Zoom platform allowed Judge Rand to set up a view that worked for a virtual trial; he admitted participants into the Zoom room and sent the jurors to the jury room as needed. He really was masterful at not only presiding, but also controlling the virtual courtroom.
 - Juror volunteers were family members of Womble Bond Dickinson staff (not from the associates' offices to ensure impartiality). Jurors were compensated just like they would have been had the Mock Trial been in-person. Basic demographic info was gathered from the juror pool to make sure the pool was diverse. Paperwork was completed using DocuSign.
 - The trial notebook was mailed to the instructor, faculty observes/graders, Judge and attorney teams to ensure that everyone had both a physical copy of the record and an electronic copy.

- Pandemic-Induced Challenges & Lessons Learned
 - There's so much to learn with each technology platform; don't assume that if you know one platform, you will be able to immediately understand another.
 - Even with clear instructions, some participants in the Mock Trial still had distracting backgrounds and/or background noise issues. Send a private chat or text message (to jurors and/or witnesses; do not disturb the attorney teams unless it's an emergency).
 - The chat feature was turned off for all participants to avoid any mishaps.
 - Typically, the attorney teams get feedback immediately after the in-person Mock Trial. Feedback was delayed a couple of days after the November 2020 virtual Mock Trial because everyone was exhausted. Zoom fatigue is real. Still, very important to make sure feedback is given (Womble Bond Dickinson has a specific form for the Mock Trial).
 - Connectivity issues will happen. Plan for them in case Wi-Fi connections are lost.
 - For example, start several text chains so that you can communicate with trial participants at any time:
 - All instructors (including the Judge and faculty observers)
 - IT
 - Plaintiff's attorneys
 - Defendant's attorneys
 - Jurors
 - Witnesses
 - Two senior associates were on the west coast and their partners were on the east coast. As a result, the Mock Trial started later in the day and ran longer in the day (on the east coast).

- Showing exhibits in a virtual environment may not go as smoothly as at an in-person trial. Encourage attorney teams to think through the use of exhibits carefully and to practice presenting them well before the actual virtual trial.

A Case Study: Bass, Berry & Sims' Collab, Designed for the Time

The Need

Bass, Berry & Sims weathered COVID-19 well overall, but like many firms, we noticed various aspects of the pandemic were negatively impacting associate development, disrupting the tried and true methods of lawyer training. It was quickly clear that our associates craved guidance on how to best serve clients, continue developing critical professional skills, and navigate the current crisis and new expectations and routines while the ground shifted underneath us all.

The Goals

Short term, we desired to offer a sense of calm and connection that was lost in the early days of the pandemic, and we wanted to stymie the training loss that might exist or arise in a remote environment. And, any program we offer needs to align with our overall development philosophy and strategy to advance attorneys' substantive knowledge, professional skills and client service.

The Program

In response, we launched a series of optional, interactive professional development sessions for associates called Collab: an Exchange of Insights in the Age of Crisis. Each 30 minute Zoom session included real-world examples, results from a survey of partners and clients, collaboration, and prompts for application. The attendees participated in short surveys before and after programs to measure effectiveness and ensure the topics were of interest. This program was well-regarded and attended by 185 associates in all.

The Evolution

The specific format of Collab has evolved based on needs and interests, but it is still going strong one year later. Given the circumstances, a virtual setting filled a critical need, and we tapped into many of the benefits of a virtual meeting described above. And yet, this might be the perfect in-person program when we return to the office as people look to build connection and relationships that only go so far on screen. As we have over and over again, we will continue to shift and adjust based on lawyer interest and need and our short and long term goals.

So, should training programs be virtual or in-person in a post-pandemic world? As our lawyers say, "It depends!"

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