TITLE: **Use the Down Economy to Build Paralegals' Skills and Confidence**

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It's no secret. Law firms face tough belt-tightening decisions in our current economy, but eliminating training for your paralegal staff should not be one of them. In fact, now is the perfect time to take advantage of reduced workloads to help paralegals improve their skills. Often, when business is booming, no one has time to learn software that would help them be more efficient. Train them now so they're ready when business returns in full force.

A Tale of Two Woodsmen

To overcome winter doldrums, a Northern community sponsors an annual contest between woodsmen. Contestants are presented with large stacks of logs. The one who finishes splitting his logs first wins a trophy and the respect of the townspeople, which translates into additional work over the next several months.

One year, Jacob, a seasoned woodsmen, and a young, brawny newcomer, Nathan, got set to battle it out. Jacob's prowess with an axe was known far and wide, but Nathan was confident he would be the one to bring home the trophy.

The two contestants shook hands, raised their axes, and tackled their respective stacks of logs. Nathan's pace was faster than Jacob's steady rate, so Nathan's stack of split wood grew faster than Jacob's. After an hour of chopping, Jacob stopped and, carrying his axe with him, walked to a nearby barn. Nathan kept on with his chopping. About 20 minutes later, Jacob returned and started once again working on his pile of logs.

This cycle continued for a few hours, with Jacob taking a 20-minute break after each hour of chopping. Late in the competition, Nathan and the crowd were surprised to see that Jacob's stack of split wood had surpassed Nathan's. Soon, Jacob was declared the winner. The two men shook hands and, when their hands locked, Nathan asked quietly, "Jacob, I don't understand. I'm younger than you and stronger and kept up a faster pace. You kept taking breaks, yet you still beat me in the end. How did that happen?"

Jacob smiled and patted Nathan on his tired upper arm. "Son, on all those breaks, I was sharpening my axe."

Fast Pace vs. Sharpening Your Axe

In recent years, law firms moved at a breakneck pace. Business was booming. Clients streamed in the doors. Corporate deal-making was at an all-time high. Billables often exceeded expectations because of the volume of work that had to be done. Timekeepers were, for the most part, too busy to stop and take time for training beyond meeting minimum annual CLE requirements.

Then the 2008-2009 financial tsunami hit. The legal industry, which had not been vulnerable to lay-offs and cutbacks in the past, found itself at a difficult crossroads. The corporate practice -- the deal-making -- slowed to a dribble. Real estate attorneys found themselves with only a few clients who themselves had few clients. Even the litigators, while never completely idle, had more time on their hands. Clients just weren't willing to risk their capital paying for lawsuits.

As a result, many corporate and real estate paralegals faced poor billable reports, lower (or non-existent) bonuses, and an uncertain future. Litigation paralegals found themselves in similar circumstances.

Your paralegals may be in the same position, finding they have some "air" in their schedules that didn't exist before. If that's the case, now is the time for them to follow Jacob's lead.

Take Advantage of the Slowdown to Hone Skills

As a consultant, trainer and trial technologist, I can tell you it's not easy keeping up with ever-shifting technology. Software programs add new features every month, it seems (some good, some not as good) to keep up with competition. With the onslaught of electronic discovery, we are inundated not only with data but with new rules about how to handle the data and new challenges using sometimes baffling technology. Far from simplifying things, electronic discovery adds multiple layers of complexity to the discovery process.

With acknowledged exceptions, lawyers and paralegals, generally, aren't techies. There is, however, growing anecdotal evidence that attorneys and paralegals can no longer hide their heads in the sand. Ralph Losey, an attorney with Akerman Senterfitt, recently wrote in his well-respected blog (http://ralphlosey.wordpress.com): "Some experts believe that attorney incompetence in e-discovery is so widespread that it presents a massive ethical crisis across the entire legal profession." Losey submits, "[T]he vast majority of lawyers and paralegals involved with e-discovery today … do not have the skills and deep knowledge required for economical e-discovery." As Losey states, these "crises of competence" will lead to more and more monetary sanctions against attorneys unwilling to face current technology requirements.

This doesn't mean that the attorneys have to pick up the axe and chop the wood, but they do need a well-trained, knowledgeable and competent team that is prepared to handle the complexities of e-discovery demands. The e-discovery team may consist of attorneys, outside experts and vendors, but also, certainly, paralegals who are well-versed in e-discovery requirements and understand how software can help them manage the review and production of electronic files.

So what better time to sharpen those axes than now, during this "20-minute break" in the action?

Sharpen the Axes without Busting the Budget

Good training costs money. Yes, there are places to get free "training" but more often than not:

FREE SOFTWARE TRAINING = A SALES PITCH

In this case, "free training" usually means a presentation using PowerPoint® slides and a projected version of the software driven by the presenter. In these free sessions, no one in the audience actually has their hands on a computer. People learn most successfully by hearing, seeing and "touching" – actually working with the software to embed the learning. While "free" means you don't write a check, it may translate into lost billable hours and diminished enthusiasm for learning.

Here are some tips on how you can best help your users hone their skills without demolishing your training budget.

- **Determine the participants' skill level before the trainer even gets to the firm.**

  I train several software programs at firms and government agencies around the country. Often, in spite of pre-planning efforts, I'll arrive to face a class comprised of users who share only one thing in common: they're sitting in the same training room. One participant may have significant experience with the software while the person sitting next to her doesn't even know what the software is intended to do, much less how to use even the most basic features. In an effort to save money, the training coordinator may actually be sabotaging the training by combining in one class a hodgepodge of skill sets.

  Have your users take a quick skills assessment test **before** the training. Ask them what they expect to get out of the training and whether there are any questions or areas they specifically want covered. If you don't have access to a skills assessment test for the subject matter or software, ask your trainer for some ideas. Then work with the trainer to develop a training session that spends your training dollars in the best way.

- **Use free on-line training, but use it wisely.**

  Before attending a hands-on software training session, novice users should take advantage of free on-line tutorials offered by many software companies. Once these beginners have dipped their toes in the water, the trainer can teach more than the most basic of concepts. By the way, your users likely will try and skip out of this requirement. Don't let them. Make it a prerequisite to taking the live training course, and stick by your guns. Consider giving them incentives to complete on-line training, maybe a credit towards required hours or a coffeehouse gift card.

- **Partner with the trainer to produce the best bang for your buck**.

  Share the skills assessment results with the instructor so the classes can be customized to the users' needs. By the way, most experienced trainers can identify "fudging" on assessments and adapt the agendas and prerequisites accordingly.

  Years ago, when Windows was new to the legal arena and I was new to training, my clients completed a pre-training questionnaire assessing their familiarity with standard Windows techniques: clicking, double-clicking, right-clicking, etc. On the day of class, one of the name partners of the law firm sat at a computer in the front of the class. He had claimed on the questionnaire that his Windows skills were excellent, but I soon learned we had a problem. When I asked the class to "double-click on the program's icon on the desktop", the partner lifted his mouse off the mouse pad, placed it on the computer monitor screen, and tried "double-clicking" on the icon -- literally. That's when I learned to write better questionnaires, take answers with a few grains of salt, and not trust any "experts".

  Determining the participants' knowledge base is critical to the success of the training. For example, the participants in a Summation class should understand basic e-discovery terminology (native files, metadata, spoliation) and how to navigate files and folders in Windows Explorer. A trainer who knows in advance who she's working with can target the training, perhaps providing handouts in advance of training, allowing her to accomplish more in a limited amount of class time.

- **On-line training works, but not as a first resort**.

  If your trainer offers on-line webinars, you may be able to take advantage of them to save on travel costs, but do **not** use web-based training for first-time users. In a live classroom, a good trainer will watch participants carefully to be sure each person is grasping the concepts along the way. It's important to be able to spot a "deer in the headlights" reaction and address it immediately. In a web-based training environment, where the trainer cannot see the users' expressions of confusion or disinterest, everyone is treated equally. The pro's get bored, the novices get lost, with the result that both groups stop paying attention to the training. Utilize webinar training for troubleshooting, follow-up training to reinforce skills already learned, and on-line "user group meetings" to help your users round that corner from training to day-to-day application.

- **Ask for discounts**.

  Your trainer may offer discounts for multiple training days. If you have enough potential students, it might make sense to bring in the trainer for four or five days in order to train as many people as possible in one trip yet still remain within the trainer's maximum class size restraints.

  This doesn't mean you pick a few poor souls to sit through all four or five days of training. According to education experts, it is unwise to expect adult learners to sit for eight hours a day and actually retain the information. I recommend 4-hour training sessions with a break or two in the middle. If you plan a multi-day training session, you could train eight users for four hours one day, another group of eight for another four hours on the same day, and then bring back both groups the second day for more training in the same 4-hour shifts. This staggered approach is more effective than forcing paralegals to sit through marathon 8-hour training days.

- **Combine training sessions with other firms.**

  Think about polling your colleagues at other local firms who may also need training on the same subject matter or software. Joint training sessions may make sense. This is particularly valuable if you are bringing in a trainer from out-of-town and don't have enough participants to take advantage of multi-day discounts. The participating firms can split the training fees and travel expenses. The firms should handle coordinating the details themselves, but be sure to let your trainer know about your plans. Ask also how the trainer wants to handle the billing. More than likely, the trainer will request that one firm be the responsible party. Of course, all participants should be forewarned not to discuss any cases or clients during the training.

- **Customize the training agenda.**

  Work with your trainer to customize the training agenda to fit your firm's needs, but make sure what you're asking is within the parameters of sound training methods. If the users don't have basic skills, skimping on training time by trying to convince the trainer to cover only advanced skills is a poor choice.

- **Use one seat in training for an in-house support person.**

  Designate one person on the IT or help desk staff who will be the “go to” techie for the new users. Once selected, that person needs to sit through at least one full session of the staff training. This support person may also spend another hour or two with the trainer to learn about backend software-specific support issues. Having this well-trained in-house person available for user questions will minimize new-user frustration and will help you avoid post-training support costs.

- **Set up an in-house users group.**

  Once training is completed, don’t let the ball drop. New users need support. Consider establishing an in-house email group specifically for the people who attended training. Include the in-house support person mentioned above and, if your trainer is open to it, add your trainer to the list as well. When a user bumps into a problem or has a question, an email to the list will often produce a quick response. If not, the trainer can pipe in with the solution. This also helps the trainer understand areas that might not have been well understood by the class.

- **Take advantage of already established on-line user groups.**

  Many software programs provide or participate in free on-line user groups that can be accessed through Yahoo! Groups or LinkedIn, for example. Conduct a search on either site for the software, determine the quality of the advice given on the site and, if it’s up to your standards, provide the information about how to join the group to your users. Your trainer will likely also be able to provide you with information about such groups.

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As with so many bottom-line decisions in today’s economy, spending dollars and billable hours on training may feel like a luxury that must be set aside for better times. But remember Jacob. While taking those breaks to sharpen his axe appeared foolhardy to his competitor and the observers, Jacob came out ahead in the end because he knew keeping his axe sharp was the way to ultimate success.