

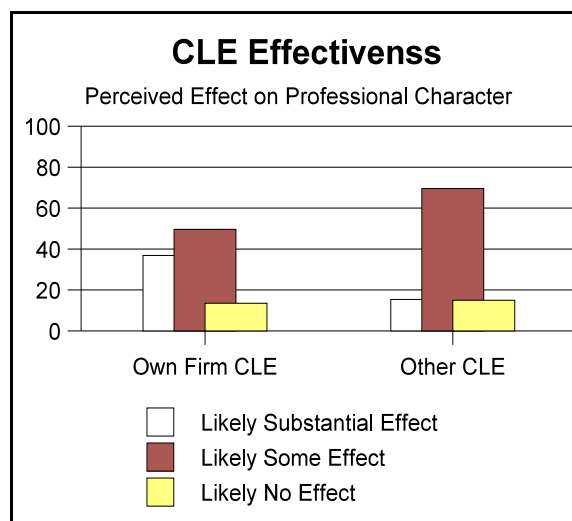
7. PERCEIVED IMPACT OF CLE ON PROFESSIONAL BEHAVIOR

In evaluating the importance of mentoring as a method by which to educate lawyers after law school regarding their professional obligations, it is important also to consider the role of other means of education, such as continuing legal education (CLE) programs. For example, a program of enhanced continuing education could be an integral part of their transition into law initiative. In South Carolina, a seminar completed before bar admission has been one of the most prominent elements in the transition from law student to practicing lawyer.¹ The survey, therefore, sought to measure the perceived impact of continuing legal education programs on the development of a lawyer's professional behavior.

Of those responding to the survey, 93.4% had attended at least one CLE program within the past 3 years in which professionalism was discussed. Even though South Carolina requires a minimum of 2 hours of ethics CLE each year, it does not have a separate professionalism component. However, during the calendar year in which the survey was taken, all South Carolina lawyers were required to retake the oath of office and to attend a one-hour professionalism CLE. Because of that requirement, the percentage reported in the survey of lawyers attending a CLE with a professionalism component is almost certainly higher than might normally have been the case.

When asked specifically about their own experience, most reported that CLEs they

had attended addressing professional behavior had reinforced their own existing behavior (354 of 450, 78.7%). Only 4.4% reported that they had changed their behavior in response to a CLE. (In considering that low number, however, it must be kept in mind that the low report of behavioral change may also be explained by a natural reluctance of some respondents in a survey to admit that their prior behavior had necessitated a change.) Another 16.9% reported that they believed that CLEs had no effect on their behavior.



Lawyers were asked to rate the likely effect of CLEs on a new lawyer's professional character. They were asked both about CLEs offered by the lawyer's own office and CLEs provided by the bar or another organization. Results are shown by percentage of all lawyers responding.

Asked to predict more generally the likely effect of CLEs on professional conduct, a significant majority of those responding

indicated that a CLE is likely to have at least some impact on behavior, without regard to whether the CLE is sponsored by the lawyer's own firm or by another organization.² That last distinction, however, may well affect the significance of the CLE's impact. It is clear that a CLE sponsored by a lawyer's own firm or office is more likely to have a substantial impact on behavior. Asked about the likely impact of CLEs offered by their own law firm or office, 36.9% predicted a likely substantial impact. When asked the same question about CLEs provided by other groups, only 15.4% predicted a substantial impact.

The perceived impact on professional behavior of Bridge the Gap³ continuing education programs is significantly less. Each of the respondents was asked to evaluate the likely impact on professional behavior of a pre-admission Bridge the Gap seminar that attempts to bridge the gap between a law school education and the actual practice of law. Because each of the respondents had been required to complete such a multi-day pre-admission seminar, it is likely that their answers reflected their own experiences with the program. Thus, it is significant that 47.7% found that such a seminar has no beneficial impact on professional conduct. Only 12.1% predicted a substantial impact. The remainder indicated that such a program has some impact, but not a substantial impact. Those responding suggested that they would anticipate some greater benefit from a similar Bridge the Gap seminar, if it were conducted

after admission during the first year of practice. In that case, the number predicting no impact drops to 36.2% and the number predicting a substantial impact rises to 17.6%.

Other survey responses suggest, however, that these general impressions of the effectiveness of Bridge the Gap as a training tool with regard to professional conduct may reflect a bias that understates the actual value of these programs to new lawyers. When later asked to identify specific important sources of guidance as to how they should behave during a deposition, 276 of the 482 respondents cited Bridge the Gap as an important source of information as to appropriate deposition conduct. Asked the same question about trial conduct, 254 of the 482 respondents cited Bridge the Gap as an important source of information.

These results suggest that, although the overall perception of the utility of seminars is mixed, important information can be conveyed to new lawyers through a seminar format. Seminars offered within a law firm are more likely to have a substantial impact on behavior, presumably because, as a practical matter, the expectations of one's own employer carry the greatest persuasive weight for a new lawyer. As part of a transition into practice program, the seminar offers an opportunity to supplement mentoring training and to ensure some measure of control over the content and quality of information conveyed to new lawyers.

ENDNOTES – Part 7

1. About half of the states have some form of special CLE requirement for newly admitted lawyers, most of which include at least a segment on ethics or professionalism. Some states require training in law practice management and others include required courses in substantive practice areas. *See* N.Y. STATE BAR ASSN., COMPARISON OF THE FEATURES OF MANDATORY CONTINUING LEGAL EDUCATION RULES IN EFFECT AS OF JULY 2004, at 88-96 (2004).
2. 86.5% of those responding (410 out of 474) indicated that a CLE offered by their own office or firm would have either some impact or a substantial impact on their behavior. 85 % (408 out of 480) said the same for CLEs offered by other groups, such as a bar association.
3. As its name suggests, a “Bridge the Gap” CLE is one that is designed to provide newly admitted lawyers with information about the practice of law that they may not have obtained during their formal law school education.

