

CLE is Terrible. It can be Better.

By Casey Flaherty

CLE is a horrible timesuck. Busy professionals endure endless droning about some boring topic while trying to concentrate on something else of immediate import. As both a panelist and guilty audience member, I've occupied many rooms where the collective sentiment shifts between apathy and anger at the colossal waste of time. Everyone sits there glued to their smartphone answering client emails or playing Angry Birds 2. As the leading researcher on how humans acquire new skills and information [observes](#), lecture-style info dumps are a "great way to teach, but a terrible way to learn." Lectures are cost-effective but pedagogically unsound.

CLE is essential to the future of the profession. Even if law schools prepared lawyers for the world they were entering, they cannot prepare them for what that world will become. Change is just too rapid. The half-life of a learned skill used to be 30 years. That is, if you graduated law school in 1955, the world would have mostly passed you by 1985 if you had not updated your skill set. Today, [the half-life of learned skill is 5 years](#). Most of the jobs the next generation will be doing do not exist yet. The good news for lawyers is that the fluid nature of the law long ago made us cognizant of the need for continuous learning. The bad news, of course, is that our current approach to CLE is terrible.

Not all CLE is terrible. For imparting big themes, generating interest, and starting a conversation, the traditional lecture can be fantastic if the speaker is good. Moreover, there are a fair number of dynamic, creative, and alternative approaches to CLE that get beyond the info-dump format. But most CLE is an endurance challenge now made easier by the ability to ignore an mp3 while you focus on clients' demands.

Time is a poor proxy for learning. Most lawyers would likely be horrified if admission to our profession merely required someone to sit in a law school class room for a prescribed period of time instead of passing a competence-based assessment. While we require the time, we also require a demonstration of actually having learned something because we know people are quite good at not paying attention. This approach is just not a barrier of entry for membership, it is also the premise of law school. Imagine if, instead of exams or projects, we gave full classroom credit for students who simply let videos play on their computer for the requisite length of time. Yet, that is precisely our approach with bar members. It's as if we believe that the transition to practice completely transforms the person and their attitude toward learning. We have decades of evidence to the contrary.

Since time is a poor proxy for learning, I suggest that we measure learning directly. Computer-mediated competence-based assessments are not just a great way to verify knowledge/skill acquisition on the back end but a fantastic way to identify knowledge/skill acquisition on the front end. While it is a poor proxy for learning, time remains a valuable resource, and it should not be squandered on teaching people things they already know. One of the many problems with the lecture is that the lecturer is forced to assume the pre-existing knowledge level of the audience. The lecturer will always be wrong because the audience is a collection of individuals starting from vastly different baselines.

All of the foregoing is particularly apt when we are thinking about the skills required to work with specific technologies. Sitting through a demonstration of someone doing something new with a piece of software is not only boring, it is useless unless we have an almost immediate opportunity to apply what we see. Again, the lecture can be great for broad themes—e.g., what the software is capable of—but terrible for assimilating the actual skills—e.g., how to do it. For that, we need active learning, which is something that integrates extremely well with computer-mediated competence-based assessments.

You do not need to accept my heresy about competence-based CLE being superior to time-based CLE. We can pair the two. We can add optional competence-based components to our extant CLE offerings without any radical departure from the current arrangement. I'll provide concrete examples of what that might look like in my next column.

About the Author

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