

Continuing to Educate

ICLE keeps pace with legal changes through diverse offerings

By Naseem Stecker

LAWS change. And sometimes, lawyers have to change the way they practice right along with these developments. For instance, last summer when rules were adopted that authorized Michigan trial judges to order general civil cases into an alternative dispute resolution process (ADR), it became clear that the need for qualified, court-appointed mediators would grow. To meet this need, the Institute of Continuing Legal Education, ICLE, responded quickly by being the first to offer a 40-hour general civil case mediation training. The course, which includes lectures, demonstrations, realistic role playing with expert faculty, and materials has been so well received that ICLE expects to offer it indefinitely.

Having their ear to the ground, anticipating what might be coming along, surveying lawyers, and planning ahead has allowed this nonprofit educational institution to not only survive but to grow and become an indispensable part of the educational scene for those in the legal profession.

"We put a very strong emphasis on anything that's new—new legal developments, legislative changes, those are always at the top of our list," said Lynn Chard, ICLE director. "Our main goal is to make sure that Michigan lawyers have the best continuing legal education resources available to them."

Chard joined the organization as publications director in 1981 and has been responsible for bringing a customer focus to the publications program, which is the largest segment of the institute. "I began to survey lawyers about which titles they wanted and would take the top ten subjects that they were most interested in and go out and recruit authors to develop those books," she said. "The other thing that I did that had not been done before was to update the books annually—to provide annual supplements very regularly and reliably to our books so that almost every book in our collection is up to date within the last year."

The 42-year-old institute is well known for the courses and seminars it organizes. The probate and estate planning seminar, as well as the labor and health law programs are favorites with hundreds of lawyers who attend each year.

Bloomfield Hills attorney Larry Weingarden takes between 15 and 25 courses per year. "I find the courses very valuable because they keep me up to date on changes in the law and in the practice of law. In addition, it gives me the opportunity, as a sole practitioner, to network with experts and to have future contacts, if and when needed," Weingarden said.

Southfield attorney Tracy Lee Allen has been an instructor for ICLE seminars for over 15 years. "There is comfort in attending a seminar or reading a publication and realizing you already know and agree with most of what is in it. Many good discussions occur in ICLE seminars and it is also comforting when the speaker and audience admit struggling with or having no answers for certain issues," Allen said. "It is important to keep growing and learning as a lawyer. Sometimes we get stuck in a rut doing something a certain way. ICLE seminars and form books provide the opportunity to hear and read how others do some of the same tasks. In essence, ICLE provides an opportunity for us to learn what we know and what we don't know."

Allen, who is also a key trainer for mediation added that society is demanding a change in the legal system and the delivery of legal services. "Astute litigators in Michigan have used mediation and other forms of ADR for years. They see it as an

effective, flexible tool. Lawyers unwilling to incorporate it into their practices will be dinosaurs and ultimately, clients will go elsewhere. We are training elementary school children in conflict resolution. Third graders are resolving their own play ground disputes. It is only a matter of time before our client base will age and the clients who will come to us 10 years from now will have been trained in an education system designed to avoid the courtroom. Lawyers need to wake up to this reality and learn the art of effective advocacy in mediation and ADR in general."



Lynn Chard, ICLE director

The institute is also working hard on the technology front to “become the source that Michigan lawyers turn to first for online resources.” The institute’s Internet and technology attorney, Jeffrey Kirkey says that the ICLE partnership program (which lawyers have to pay for and sign up for) is very low cost and combines both seminar attendance and unlimited access to online resources. These include fully searchable and downloadable course materials, drafted forms and checklists, approved court forms, toolkits and practice aids, legal updates, and e-mail alerts, as well as the full text of all Michigan Court Rules.



ICLE seminar attendees

The increasing use of technology in the practice of law does sometimes present a challenge to instructors like Kirkey. “The challenge of technology breaks down by age, it breaks down by firm size,” Kirkey said. “It can be most difficult for small firms and solo practitioners simply because there are so many options out there and it’s hard for them, especially solo practitioners, who are not only practicing law but are also trying to run their office . . . but for those who master it—and there are numerous solo and small firm lawyers who have mastered this—it really gives them the opportunity to keep up with the big firms and to compete with them if they have efficiently used technology in their practices.”

Although the Bar continues to grow, lawyer’s attendance at ICLE seminars has not kept pace. Continuing legal education is not mandatory in Michigan. According to Chard, about 4,500 individual attorneys attend courses each year, many attending more than one seminar. On average, the institute gets between 11,000 to 13,000 registrations in a year. “The more new legislation in a year, the higher the registrations,” Chard observed.

To increase participation in continuing legal education, Chard expects future training online to be more interactive. “We don’t just want to take what is in a book or in a course and put it online. Instead we’re looking to use the interactivity of the Internet to develop a type of educational and informational product that’s even more useful and that has some unique characteristics to it.” One example is the clause bank—which lawyers can access, retrieve the particular clause they need, and plug it into their document.

ICLE Serves Michigan’s Bench and Bar

For over 40 years, the nonprofit Institute of Continuing Legal Education has served the needs of the Michigan bench and bar. The University of Michigan Law School, Wayne State University Law School, and the State Bar of Michigan founded the Institute in 1959. In 1981, the Thomas M. Cooley Law School and the Detroit College of Law joined as cosponsors. An executive committee, made up of representatives of the six cosponsoring organizations, governs ICLE.

Most institute courses are scheduled three years in advance. However, whenever major legal developments occur, courses can be presented on very short notice. Most courses consist of lectures or panel discussions with volunteer instructors, which are followed by question-and-answer periods. These live courses are held in Troy, Ann Arbor, and Grand Rapids. Courses are also presented on videotape at locations in Grand Rapids, Lansing, Traverse City, Marquette, Kalamazoo, Flint, and Saginaw.

At every seminar, registrants receive course materials to complement lectures and discussions. Course materials are also posted on line for ICLE partners. Check out www.icle.org. Some ICLE courses are also available on audiocassette tapes and CDs. In addition, ICLE publishes textbooks, practice handbooks, form books and legal assistant manuals on a wide range of legal topics. Annual fees to join the ICLE partnership range from \$299 for solo practitioners to \$5,925 for a firm with over 100 lawyers. For more details call toll free (877) 229 4350.

Shel Stark, who is responsible for planning, overseeing, and administering ICLE programs, has been working on expanding offerings in various areas and especially in alternative dispute resolution and mediation training. “Alternative dispute resolution is becoming a very, very significant interest in the Bar and [is] important to lawyers and how they practice. I’m working with the ADR section in the State Bar of Michigan, planning the first ADR statewide institute next year that will hopefully then be put on every year for lawyers. They can get better acquainted with ADR, learn techniques, and get advanced training as mediators.”

Stark is also working on a statewide institute for real estate and real property lawyers. “Lawyers can network, come together, meet people of diverse backgrounds—architects, construction, finance—and not just the law,” he said. Another project on the horizon is “business boot camp,” which is being planned with the Young Lawyers Section of the State Bar. Since in-house training and mentoring in big firms is on the decline, Stark said this program would fill the need to train young associates in the basics of how to be a corporate or business lawyer. The institute is also working on ways to reach lawyers who are too busy to leave their offices. Telephone seminars, video on line, and programs on DVDs are some options being considered. “We’re making a concerted effort to find out what lawyers want and need in the way of education,” Stark added. ♦

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