

# **Entertainment, Information or Education? Articulating and Measuring What Matters in CLE Programs and Publications**

By:

Barbara A. Bichelmeyer, Ph.D.  
Indiana University  
Bloomington, Indiana

*Presented at:*  
ACLEA 47<sup>th</sup> Annual Meeting  
July 30 – August 2, 2011  
Boston, Massachusetts

**Barbara A. Bichelmeyer**  
Indiana University  
Bloomington, IN

Barbara A. Bichelmeyer, PhD, is Professor of Instructional Systems Technology at IU-Bloomington, and serves as Associate Vice President for University Academic Planning and Policy and Director of the Office of Online Education for the seven campuses of Indiana University. As administrator, Barbara coordinates planning, policy development, intercampus relations, external relations, and government relations regarding academic affairs at IU. As Professor, Barbara's research, teaching and service focus on human performance effectiveness, design and evaluation of instruction, and integration of technologies in instructional environments. Barbara has served as consultant on design and evaluation of instruction with organizations such as the U.S. Centers for Disease Control, the United States Coast Guard, the National Collegiate Athletic Association, Microsoft, Eli Lilly, Sprint and Procter & Gamble, the Indiana Commission for Continuing Legal Education, and the University of Texas Telecampus system.

## Entertainment, Information or Education? Articulating and Measuring What Matters in CLE Programs and Publications

Barbara A. Bichelmeyer, Ph.D.

*Presented at:  
ACLEA 47<sup>th</sup> Annual Meeting  
July 30 – August 2, 2011  
Boston, MA*



INDIANA UNIVERSITY



INDIANA UNIVERSITY

### ACLEA Speaker Guidelines

#### Determining Your Audience

“ACLEA members share the **common objective of providing quality educational programs, products, and services** to lawyers and related professionals, but they are diverse in their levels of experience, the size and type of organizations they serve, and the ways in which they accomplish the common objective.”



INDIANA UNIVERSITY

## Recognizing Quality Education

“Right now, we ask people ‘how did you like it?’ That can’t be the right question!” Sean Carter

### ***What is the right question?***

(How do we know when a program, product or service is “quality education?”)



INDIANA UNIVERSITY

## Our Common Objective

Can we agree on several *key* features of “quality educational programs?”

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_



INDIANA UNIVERSITY

## My Challenge

“Be provocative – at least one person in the audience should be uncomfortable when you’re finished.”

Here we go...



INDIANA UNIVERSITY

## Which Does the Organization Value?

1. The attorney who knows how to brief a case.
2. The attorney who can search legal databases, can identify legal precedent, can prepare a client for testimony.
3. The attorney who has successfully defended 10 clients, lost 5 cases, has settled out of court in favor of her client 30 times.

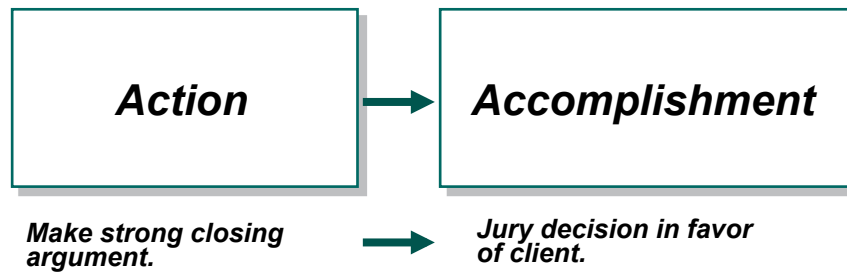
The organization values *competent* performance!



INDIANA UNIVERSITY

## What is “Competence?”

A summary term used to include an ***action*** that results in a valued ***accomplishment***



INDIANA UNIVERSITY

## What is Action?

***The OVERT or COVERT behavior of a performer***

***OVERT***  
***(Mostly Observable)***

- ***Complete time logs***
- ***File documents***
- ***Make copies***

***COVERT***  
***(Mostly Cognitive)***

- ***Develop argument***
- ***Interpret jury disposition***
- ***Identify evidence***



INDIANA UNIVERSITY

## Actions Produce Accomplishments

<b>Actions:</b>	<b>Accomplishment:</b>
<ol style="list-style-type: none"> <li>1. Identify client needs</li> <li>2. Identify needs of other party</li> <li>3. Negotiate</li> <li>4. Develop BATNA</li> </ol>	<b>Dispute resolution</b>
<ol style="list-style-type: none"> <li>1. Establish facts</li> <li>2. Identify legal precedent</li> <li>3. Collect evidence</li> <li>4. Prepare argument</li> </ol>	<b>Successful defense</b>

We teach these

So participants can  
produce these



INDIANA UNIVERSITY

## Actions are NOT Subject Matter

### Action

- Make an argument
- Brief a case
- Develop question set
- Select jurors

### Subject Matter

- Torts
- Contracts
- Rules of evidence
- Court procedures

**Subject Matter:** Collection of facts, laws, generalizations, hypotheses, procedures, observations which are related in some way



INDIANA UNIVERSITY

## The CLE Challenge

We must develop **competence** in our program participants, so they in turn are able to provide value to their organizations.



INDIANA UNIVERSITY

## CL“E” Status Quo - Entertainment

**Entertainment is “escape from reality”**

- *War Stories*
- *Motivation*
- *Humor*
- *Team experiences*

**\* Entertainment has it's own inherent value, but when delivered alone, can not provide participants a “quality education”**





INDIANA UNIVERSITY

## CL“E” Status Quo - Information

Information is “reduction of uncertainty”

- *Facts*
- *Cases*
- *Knowledge*
- *Subject matter*

*\* Information has it's own inherent value, but when presented alone, can not provide participants a “quality education”*



INDIANA UNIVERSITY

## CLE Gold Standard - Education

Education is “increase of competence” – when a person can do something she has not previously been able to do.

Development of competence requires:

- *Practice*
- *Feedback*

*\* These two program elements are uniquely educational and no program can be defined as “quality education” unless both are present*



INDIANA UNIVERSITY

## Our Common Objective

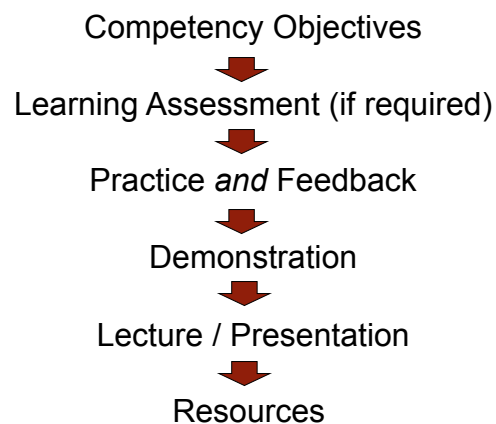
### Features of quality educational programs:

1. Competency-based learning objectives  
(identify actions and accomplishments)
2. Practice that prepares learner to successfully master outcomes
3. Feedback that guides learner to self-correct
4. Instructional elements that prepare learner to be successful in practice  
(Motivation, presentation, demonstration)



INDIANA UNIVERSITY

## The Secret to Competency-based CLE: Reverse Engineering





INDIANA UNIVERSITY

## Your Challenge

Use the worksheet provided in your materials to reverse engineer a CLE experience with the goal of making it (more) competency-based.



INDIANA UNIVERSITY

## Reverse Engineering - Gold Standard CLE

1. Identify competent performance related to the subject of this CLE program.  
*What would successful performance look like at work?*  
*How would a person apply this material at work?*
2. Identify practice activity(ies) to prepare learner for successful performance.  
*How close to "real" can practice be? (Quality)*  
*How much practice is possible? (Quantity)*
3. Identify key factors that impact success in practice, and develop feedback criteria (rubrics) to evaluate learner performance in practice activities.
4. Determine what materials are needed to prepare the learner to be successful in practice.  
*(Motivation, presentation, demonstration)*



INDIANA UNIVERSITY

## Some Help...

If soft term is a:	Clarify by asking:
VERB (action) - coordinate - understand - manage - know	<b>What specific actions or thoughts occur when _____?</b>
NOUN (accomplishment) - insight - appreciation - aspects - culture	<b>What are some examples of _____?</b>
ADJECTIVE - <i>Quality</i> product - A <i>few</i> times	<b>Define more specifically _____?</b>
ADVERB - <i>Quickly</i> return call - Question <i>carefully</i>	



INDIANA UNIVERSITY

## Brief Summary

- Legal expertise always has been and always will be measured by competent performance (which is what our clients value).
- CLE programs foster competent performance by providing learners with practice and feedback activities.
- Only education develops competence, information and entertainment can not.
- Legal content and subject matter are necessary but not sufficient for the development of competent performance.
- Once we articulate competency outcomes for our CLE programs, we can measure whether we've achieved them through practice and feedback activities. (The only difference between practice and a test is the purpose of the activity.)



INDIANA UNIVERSITY

## My Challenge

“Be provocative – at least one person in the audience should be uncomfortable when you’re finished.”

How well did I do?



INDIANA UNIVERSITY

## References

Bichelmeyer, B.A. (2006). Best practices in Adult Education & E-Learning: Leverage Points for Quality & Impact of Continuing Legal Education. *Valparaiso University Law Review*, 40(1), 75-86.

Bichelmeyer, B. & Horvitz, B. (2006). Comprehensive Performance Evaluation: Using logic models to develop a theory-based approach for evaluation of HPT interventions. In J. Pershing, (Ed.) *Handbook of Human Performance Technology*, 3<sup>rd</sup> ed. Washington, DC: ISPI Publications, 1165-1189.

**ACTIVITY #1:**

List three to five *key* features of “quality educational programs.”

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

**ACTIVITY #2:**

In pairs, come to agreement on at least three *key* features of “quality educational programs.”

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

## Gold Standard Continuing Legal Education

### *Reverse Engineering Worksheet*

*To design CLE that links all elements (including motivation, presentation, demonstration, practice and feedback) to facilitate the development of competence performance, begin by identifying what success looks like on the job, and work backward through the design of the CLE experience. Complete the following tasks in order to reverse engineer CLE.*

1. Identify competent performance as it relates to the subject of this CLE program.

*What would successful performance look like at work?*

*How would a person apply this material at work?*

---

---

---

---

---

2. Identify practice activity(ies) to prepare learner for successful performance.

*How close to “real” can practice be? (Quality)*

*How much practice is possible? (Quantity)*

---

---

---

---

---

3. Identify key factors that impact success in practice, and develop feedback criteria (rubrics) to evaluate learner performance in practice activities.

---

---

---

---

---

4. Determine what materials are needed to prepare the learner to be successful in practice. *(Motivation, presentation, demonstration)*

---

---

---

---

---