

Professional Development Core Competencies: Perpetual Learning

By Robert A. Creo

Previous columns have addressed the lawyer's reputation, self-awareness, professional growth and the art of persuasion. Recent columns focused on how lawyers navigate their own emotions, as well as those of clients, opposing counsel, colleagues, staff and the diverse people involved in any representational undertaking. The next installments explore the importance of soft skills and the development of core competencies involved in decision-making, persuasion and human behavior in the context of the legal representation.

You cannot open a book without learning something.

— Confucius

Learning never exhausts the mind.

— Leonardo da Vinci

Tell me and I forget. Teach me and I remember. Involve me and I learn.

— Benjamin Franklin

What Does It Take?

In his book *How Leading Lawyers Think*, attorney Randall Kiser detailed interviews with nearly 80 lawyers identified in earlier research as being experts in accurately predicting the outcome of trials. The goal of the research was to isolate the characteristics, traits and attributes of practitioners that correlated with proven good judgment and outstanding service to clients. Demographic background and formal credentials were examined and generally found not to correlate with predictive ability on trial outcomes.

My interest is in the exploration of the significance of soft skills. Social science of this nature is not able to result in a thesis, equation or formula that constitutes proof of cause and effect. Patterns, however, can be discerned, and special skills and methods affirmed by the empirical results of actual trials.

Expert Counselors and Advisers

Leading lawyers shared many traits, regardless of age, gender, education, law position or experience. Kiser dubs successful lawyers "Perpetual Learners," who, he opines, allow their minds and processing of information to be conducted unconsciously in a context broader than the tradi-

tional narrow confines of the facts and the law. Kiser concludes that expert lawyers are perpetual learners with a "beginner's mind — an attitude of enthusiasm, humility, receptiveness and interest." Their recommendations to clients are formed with curiosity and flexibility, based on their use of deliberate thinking patterns and analytical practices. Kiser notes that these attorneys are engaged in a variety of interests and pursuits and they engage each day and activity as an opportunity to learn.

Perpetual learners seek to have a body of knowledge about how the world works in an ongoing effort to update, supplement and modify their knowledge.

In a recent study of lawyers at Am Law 200 firms, Heather Bock, Lori Berman and Juliet Aiken examined the connections between attorney mindset at work and physical health. The study lasted over a six-year period, wherein the trio surveyed, interviewed and collected performance and promotion data on more than 500 lawyers.

To look at success, they asked lawyers whether they are flourishing at work (their level of satisfaction with their career progression, jobs and developmental opportunities), how quickly they were promoted and how often they got minor ailments such as colds and headaches.

The results showed that lawyers who are sick more often with colds and headaches are also less concerned with continual growth; they are also less learning-oriented and less likely to enjoy difficult tasks. These lawyers tend to be pessimistic and more dependent on others for their self-image. Competency, contentment and effective representation go hand in hand.

What to Learn?

The short answer: Anything!

Research has shown that learning anything new and challenging enhances cognitive processes and abilities. Although there is no scientific consensus on this point, there is a general belief that the brain can be viewed as any other muscle — working it improves its strength and agility. Some studies have indicated that performing puzzles, words games and other mental activities (as senior



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citizens are often encouraged to do) does not have much of a long-term effect. What does help maintain cognitive ability as we age is physical activity and exercise. For example, the elderly are advised to walk and navigate increasingly difficult trails and paths, which requires concentration and balance to maximize mental health. Some studies have shown that exercising the heart and lungs correlates with mental acuteness.

At any age, learning a new skill, hobby or subject has positive mental health benefits. This may be especially applicable to creative and other endeavors that involve innovation or solving problems under conditions of uncertainty. Knowledge and insights are not limited to the content or objective of the course of study. Understanding and growth results from the educational process itself, including in interactions with teachers, students and others involved in the project. There are adult education classes on just about any topic offered at community colleges, universities, private providers and online at little cost.

Data arises from any stimulation. This data may be converted into information that creates new patterns or actions with “stickiness” — the quality of it being mem-

orable and remembered. This is referred to as “connecting the dots” in common parlance. Some of what is retained involves what others believe and their values and expectations. Engaging in educational activities exposes an individual to a wider community and new or different perspectives.

The Science of Adult Learning

Conventional thinking centers on tenets for adult learning as formulated primarily by Malcolm Knowles:

- Adult learning is self-directed/autonomous; adults must want to learn.
- Adult learning utilizes knowledge and life experiences.
- Adult learning is goal-oriented, with a focus on problem-solving.
- Adult learning is relevancy-oriented and adults learn only what they feel they need to know.
- Adult learning highlights practicality; adults learn by doing.
- Adult learning encourages collaboration and consideration as equal partners in the process.
- Adult learning happens best in informal and interactive settings.

The process for effective classroom learning for adults differs from that for children and adolescents.

How to Learn

I like being with people, so my own preference is a classroom setting with a diverse student population. Online courses are not only popular but have demonstrable success. I have purchased a MasterClass subscription and am enjoying hearing from accomplished and highly successful experts about how they learned and practice their crafts. Audio and video are excellent sources that are easily accessed by anyone with a smartphone, computer or vehicle media system. Traditional outlets such as television and radio are rich sources of a steady stream of knowledge. Whole channels are devoted solely to informing and explaining things that you care about or that you never knew existed. I am a big fan and listener of NPR during my drive times. TED seems to be everywhere addressing every topic. I love attending TEDx events. YouTube is better than Woody Guthrie’s famed song “Alice’s Restaurant,” where “you can get anything you want,” and much more you do not want!

Books. It is hard to believe, but reading fiction, fantasy, biographies, history and true or almost-true stories of struggle, failure and triumph teaches you a great deal. You do it at your own pace. You make your own interpretation. You can discuss the

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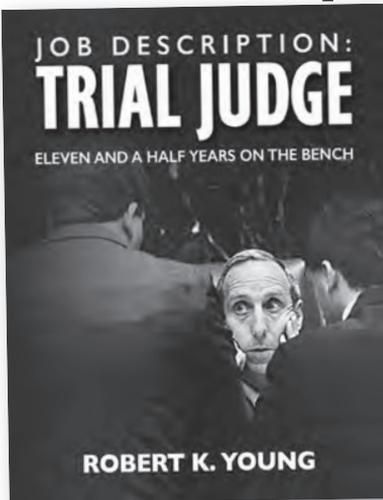
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story with others online or in book clubs. My own observation is that most lawyers love reading and love books themselves. When attending author book series or signings, I am pleased but not surprised by the number of lawyers in attendance. I am heartened by the attachment of lawyers to all forms and manner of stories.

Interestingly, some studies have found that long-term memory is boosted by exercise starting four hours after the teaching session. They also revealed that exercising directly after learning provided no memory boost. The thesis is that exercise helped to consolidate the memories of the learning details. One study stated, “exercise triggers the release of BDNF [brain-derived neurotrophic factor], plasticity-related products (PRPs), noradrenaline, and dopamine, among other substances that promote neural plasticity. Such factors are critical for the consolidation of synaptic potentiation, as proposed in the synaptic tagging and capture (STC) hypothesis, and are also important for later stages of memory consolidation.”

Exercise is clearly linked to cognitive functioning, but perhaps in ways far too complex for us to understand and master at this point in the scientific journey.

Continuing Legal Education and Professional Development

I have always liked the concept of annual mandatory educational requirements for professionals. Attending a CLE is a positive event and usually results in gaining knowledge or having your own conventional wisdom challenged. CLEs alone, however, are not sufficient to bring mastery to a subject matter and certainly not broad enough, fo-

cused enough or taught in such a manner as to ingrain the core competencies encompassed in the soft skills that are required to navigate daily law practice. Although the traditional CLE format of a panel of talking heads imparts useful information and is valuable, it does not result in mastery of a subject or soft skill. More structure and individual attention is necessary for the development of the subjective and judgmental aspects of practice. This requires mentoring, workshops, peer-to-peer communication, independent study, tutoring, coaching and other personal touches to boost learning and professional development. For professional development to be most effective, the principles of adult learning must be respected.

Perpetual Learning as a Habit

I believe that to be the best lawyer you can be, you must make a habit of continuous learning. Years ago I naturally gravitated to reading, watching and taking classes, although I usually focused on subjects directly related to being a lawyer. I took acting and writing classes and subscribed to author and theater series. Recently, I have taken improvisation and stand-up comedy classes, both involving performing in public shows as the capstone project. At the time I am writing this column, I am enrolled in a comedy-writing workshop. The goal is to write a three- to five-minute sketch suitable for filming or being performed on “Saturday Night Live.” From each of these courses I have enhanced my knowledge of communication, persuasion, decision-making and human behavior. Plus, I am having fun! ☞

TAKEAWAYS

- Critical thinking relies upon what you know.
- Learning is cross-disciplinary.
- Stretch yourself into new fields and endeavors unrelated to the law.
- Curiosity about all things expands cognitive abilities, knowledge and insight.
- Human behavior is the bread and butter of daily law practice.

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Pittsburgh attorney Robert A. Creo has practiced as an in-house corporate lawyer and a solo and small firm general practitioner before focusing on being a neutral. He has mediated and arbitrated thousands of cases, including as a salary arbitrator for Major League Baseball, a grievance arbitrator for the National Football League and a hearing officer for

the U.S. Senate Select Committee on Ethics Office of Fair Employment Practices. Since 1996, he has been on the mediator roster of the Court of Arbitration for Sports in Lausanne, Switzerland, which provides ADR services for international sports, including the Olympics. Since 1991, he has served as an adjunct professor at Duquesne University School of Law and the University of Pittsburgh School of Law. He has a passion for storytelling and is a frequent presenter at The Moth in Pittsburgh, New York City and elsewhere. He is the principal of Happy! Effective Lawyer LLC (<https://happyeffectivelawyer.org/>) and author of The Effective Lawyer blog, www.effectivelawyer.lawyer. His website is www.robertcreo.com. He is the 2018 recipient of a PBA ADR Committee Sir Francis Bacon Alternative Dispute Resolution Award.

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