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Training Programs Provide Hands-On Experience For Attorneys At All Levels

The Editor interviews Lori L. Pines and Eric C. Lyttle, Weil Gotshal & Manges LLP.

Editor: Please tell us about your professional experience.

Pines: I am a partner in the complex commercial litigation group within the Litigation Department, and I've been at Weil since 1992, making this my 20th year. I have chaired the litigation training program for several years, and I am a member of our firm's Professional Development Committee, or PDC, which oversees all of our training programs.

Lyttle: I originally am a lateral hire to Weil, having joined as a second-year associate in 2004. Since then, I went through Weil's numerous training programs and was elected to the partnership last fall. I am in the Product Liability and Mass Torts Practice Group, and, like Lori, I am also a member of the PDC.

Editor: Why does Weil have a formal training program for litigation?

Pines: Our purpose is to give the best training possible to our attorneys at all levels, which is especially critical to our associates because it helps them develop and sharpen their legal skills. Realistically, law schools can't provide hands-on practical training, and we really wanted our associates to have the benefit of getting to practice in a mock setting first and then to receive feedback. The only way to do that is to have a thorough training program in-house where we can control and reevaluate the content to make sure that it is current.

The program is also important to our clients because it ensures that the attorneys who are assigned to their cases are able to perform at the highest level – that a client is not essentially footing the bill for the training of our associates. We have gotten extremely positive feedback from participants in the



Lori L. Pines



Eric C. Lyttle

program, from clients, and from the partnership about how beneficial this is for everyone involved.

Editor: Do your firm's training programs use its partners as faculty?

Pines: Yes, and in fact our partners find that they learn as much as our associates in these programs. One of the best ways to learn is by teaching a subject – teaching requires you to have a breadth and depth of understanding such that you can articulate the subject in as many ways as you need to reach your audience. It gives you a different perspective. You also become a better practitioner when you take a step back to relearn the basics.

Editor: How many people in the firm are exposed to the training programs?

Pines: All of our associates are exposed in each of our departments, including the corporate departments – which means pretty much everyone. Junior litigation associates, for example, first attend the beginner or intermediate deposition workshop, and later in their careers they participate in advanced training. Other attorneys get training that is specific to their departments. Our corporate training includes an extensive program of lectures and hands-on workshops that are tailored to each of the various practice groups.

Editor: Can you tell us about the content of the litigation training programs?

Pines: Our highly comprehensive litigation training program comprises two components. First is a series of lectures that our partners give on topics ranging from pleadings and removal to due diligence to appeals and oral advocacy. These lectures run over the course of the year.

Second, in conjunction, we have a year-long schedule of hands-on workshops, which begins with intermediate deposition workshops and preliminary programs. Summer associates are exposed to a beginning deposition workshop. We also have advanced workshops in deposition training that cover examining experts and the like. Along the way we have direct and cross-examination workshops, as well as an evidence workshop. For our senior associate litigators who have completed the prerequisites, all of this culminates in a program we host every few years called the Trial Skills Workshop. This is a full weekend-plus of training that concludes on Sunday with a mock trial complete with witnesses and judges. Approximately 100-plus associates and 60-plus faculty members attend Trial Skills weekends, making for an impressive student-to-teacher ratio.

Lyttle: From my perspective, two things about the training programs stand out. One is the hands-on practical aspect of the training. As an associate coming up through these programs, I found the opportunity to get training from partners who actually deal on a daily basis with client demands as well as opposing counsel, judges and juries invaluable – especially after law school, which, as we all know, tends to be more theoretical than practical. The workshops take depositions and trials out of the realm of the abstract and into concrete situations where you can gain practical advice. For example, I had conducted several mock depositions on the firm's dime before I ever actually took my first deposition for a client.

The second is the involvement and engagement of the partnership in our training efforts. While performing in front of the

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firm's partners can be daunting, it is also rewarding and presents opportunities beyond just the training itself. During the various training exercises, I met and interacted with partners whom I never saw on a day-to-day basis. For someone from the DC office, being able to interact with partners in New York and from other offices was a real opportunity to build new relationships. Even associates based in New York get to interact with partners they don't normally see. At the same time, you're getting substantive advice and feedback from these trusted and experienced sources.

Editor: Did you find that mentorship grew organically out of this process?

Lyttle: Yes. For instance, I've never worked on a case with David Yohai, who heads our Professional Development Committee, but he was one of the evaluators for my deposition exercises, where I built a relationship with him. That experience and relationship led in part to my desire to be a part of the PDC.

Pines: We usually host the Trial Skills Workshop at a hotel in Jersey City. People come from our offices all across the country and get the opportunity to develop personal relationships and network.

Editor: We last interviewed your firm on this subject years ago, and since that time e-discovery has had a huge impact on litigation. Have you added this subject to the training program?

Pines: Definitely. We have added lectures on e-discovery to our series and incorporated the topic into already existing lectures in a substantial way. You really can't talk about discovery or due diligence if you don't address e-discovery; it is a critical part of the litigation practice now.

Meanwhile, over time we are always modifying our current programs and adding new programs, for instance the direct and cross-examination workshop. We have also tailored programs on business development and client service issues.

Editor: How much outside preparation is required by the lawyers who attend the programs?

Lyttle: There are many late nights for participants during the weeks leading up to the trial skills weekend program. Part of the goal is to replicate the trial experience, and trials are intense times. The workshops teach associates how to work on the fly – how to change things the night before a witness examination based on what happened the prior day, if need be. It is a significant volume of work, but there is a practical aspect to all of it. For

example, participants, because they are by definition younger and more junior, tend to write out every question for a witness because they wish to have a complete outline in front of them. But this turns out to be helpful to the learning process, as well. By having to write out a non-leading question and then hearing how that question actually reads aloud, associates learn how to prepare to be on their feet at trial and examine a witness effectively.

I also think that because the partners are engaged as critics and judges, associates treat the process very seriously – and ultimately get more from it – because they know the partnership will be evaluating their work, rather than just outside consultants.

Pines: The trial program takes the most preparation, but our other hands-on workshops also require advance work. For the deposition workshop, participants must learn the facts of a case and write deposition questions, which of course takes longer when you're doing it for the first time.

Editor: Would you like to share something concrete that you have learned from the trial program?

Lyttle: One takeaway had to do with how to avoid leading questions. All litigators want to control the way things are said and how evidence comes in so we naturally tend towards leading questions, even on direct examination. The Trial Skills Workshop forced me to concentrate on not asking leading questions on direct examination. That is a surprisingly difficult skill that only comes with practice and experience.

Editor: Do the lawyers for whom the trainees work feel the time allocated to their training has been well spent?

Pines: I have never received negative feedback from our lawyers. They report observing how the training improves participants' work and positively impacts their approach to their cases. They are certainly happy to have their associates go through the deposition training program before ever taking an actual deposition for a case.

Lyttle: Yes. And I'd like to add that the firm has a commitment beyond these core skills. In fact, as you become more senior, the firm becomes more focused on "softer" skills, such as client services, networking and managing teams of associates. These skills do not come naturally to many lawyers. If you are a senior associate contemplating a future at the firm or even elsewhere, these skills will benefit you at the firm or anywhere else you choose to go. I was pleased that Weil's training didn't end with the Trial Skills Workshop.

Editor: Do associates learn about collaboration at these workshops?

Lyttle: At the Trials Skills Workshop and some of the prerequisite workshops, associates are paired up, which creates an opportunity for them to learn with and from their colleagues.

Editor: What type of feedback have the students provided?

Pines: We have an extensive evaluation system, whether it is for a lecture or a workshop. We ask participants to fill out complete surveys anonymously, which they conscientiously do. We take these surveys very seriously, often modifying the programs accordingly.

Editor: To what extent do you have training programs that update the skills of more senior lawyers?

Pines: Our training program is a continuum; no one – whether it be a junior associate in a basic course or a senior partner involved in judging a mock trial – is ever left out of training. Our training program keeps everyone up to date.

Lyttle: Weil's training will benefit you wherever your career path may lead, whether you make partner, go in-house, join a small firm or even leave law altogether. In addition to the formal training, we also have associate development goals in place to ensure young lawyers are on cases which give them the opportunity to expand their skills outside of all the formal training. We check in with the associates every year to make sure they are meeting those goals, and if they aren't, we look for ways to put them on cases and work with partners who can give them learning opportunities.

Editor: Tell us a little more about the PDC if you would.

Pines: The Professional Development Committee focuses on training, and it is also responsible for helping associates meet development goals along the way to make sure they are on track. In addition to the training programs, we have a robust mentoring program, with various types of mentors – including career development partners, for example – for each associate.

The PDC maintains a website that is a source of information to assist our attorneys with their professional development goals. We also help to ensure that our associates are leaders in the community by connecting them with Weil attorneys who serve on nonprofit boards within organizations and bar committees so they can find ways to get involved.