

In Practice

Ethics School for Lawyers

Mentioning the word "ethics" and "lawyer" in the same breath at a dinner party might earn you a lot of chuckles. Lawyers are probably used to such abuse. But to be fair, many are ethical and uphold the standards of the profession. Stop your snickering; it's true.

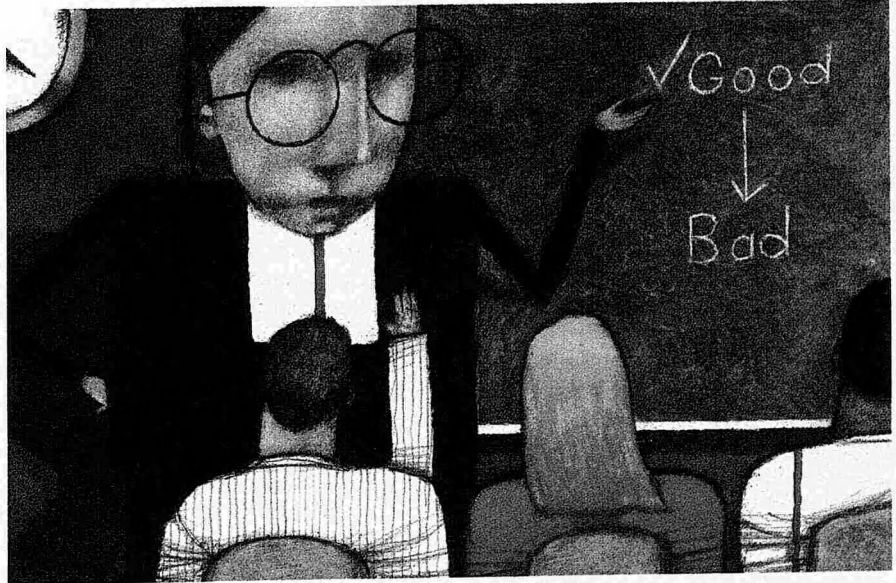
In fact, a group of lawyers who serve on the Board of Governors for the Florida Bar Association are so concerned that their colleagues uphold ethical standards that they are implementing an ethics school for those accused of minor misconduct. Minor misconduct could include neglecting a client's case (for instance, not returning a client's calls) or not working on a client's case in a timely fashion. It could also include violations of record keeping or a lack of preparation for a legal proceeding.

Thomas Ervin, a lawyer who until recently chaired the Florida bar's special committee on evaluation of disciplinary enforcement, helped come up with the concept of an ethics school. He said the Florida bar gets about 9,000 complaints a year concerning the performance of lawyers from former clients, other lawyers, and others who have had dealings with the lawyers.

Most of the complaints aren't valid, says Ervin. "Many times the bar receives complaints such as a man complaining that his ex-wife's lawyer was rude during their divorce proceedings," he says. "Those kind of complaints aren't in violation of any rules."

Staff from the Florida Bar Association reviews and investigates the complaints to determine whether the allegations are in violation of the bar's discipline rules.

Under the new ethics school program, lawyers who the bar deter-



Ted Pitts

mines are guilty of minor misconduct will be asked to take the ethics course. Lawyers will enter the program voluntarily. Those who attend the school will have the charges against them "administratively dismissed" by the Florida bar. "There would be no finding of misconduct," says Ervin. "They would be trading off the charges with some self-improvement and education in ethics."

The Florida bar is working out the details of what will be included in the ethics school's curriculum. It hopes to have it running by the middle of next year. The class will cover such topics as office management, accounting procedures, and client relations, according to Ervin.

Ervin says that the lawyers will be instructed by other lawyers from the bar who volunteer to teach the two- or three-day ethics classes. He says people who specialize in ethics training could also be enlisted to train the lawyers.

The ethics class may not be

Some Florida lawyers will be asked to return to school for an ethics refresher. We also look ahead to next month's presidential election, with candidates George Bush and Bill Clinton discussing HRD-related issues.

Desperately Seeking Two Candidates' Views

Because this is a presidential election year in the United States, we thought it would be a good idea to ask presidential candidates—President George Bush and Governor Bill Clinton of Arkansas—their views on training issues.

Knowing that President Bush and Governor Clinton are both extremely busy and would find it hard to return our calls, we called the candidates' staff members who handle such requests. Both said they would be glad to get the answers to our questions and emphasized that they understood the need to meet deadlines.

Great. We sent them the questions and we waited.

We wanted to know the following:

- ▶ What financial incentives can the federal government provide to encourage workplace training?
- ▶ What commitment should the federal government make to a nationwide system linking education and training from school to the workplace?
- ▶ What is your commitment to guaranteeing training, retraining, and upgrading skills in the workplace?
- ▶ What would be the most appropriate role for the federal government in collecting and disseminating best-practice information for training?

The deadline passed and we called the two staff members to see what had happened. Both sides apologized, said they had been extremely busy, and agreed to get the candidates' answers to us in a couple of days. Several days later, we called again. Messages were taken and not returned, promises made and broken. (Is it too late to get Ross Perot on the telephone?)

We persisted. Then we saw a shimmer of hope. In the mail we received an envelope from the Bush-Quayle camp. Inside was a photograph of the president, which we had requested to run with his response. In the picture, the president is leaning against his White House desk, arms folded, and is smiling—thinking of how to respond to our questions, no doubt. Nothing else was in the envelope but a piece

of cardboard to protect the photograph. (Surely Pat Buchanan appreciates publishing deadlines.)

Then we received an envelope from the Bill Clinton for President Committee. Our hearts fluttered—for a moment—and then sank. The envelope hadn't been sealed. It was empty. Alas, foiled again. (Do you think Paul Tsongas is out of the pool and can come to the phone?)

We called both staffs again. We left more messages. We urged them to call us. (Does anyone remember the 800 number for Jerry Brown?)

The next morning we called again and made contact with both staff members. Both admitted they still hadn't gotten around to answering our questions, and both—without any prompting—offered to send us fact sheets on their candidates' views on training. (Had they been talking to each other and devised a strategy to get us off their backs?)

Persistence finally paid off. Sort of. Both candidates' staff members sent us information that we will now pass on to you to help you make an (informed?) choice.

From President Bush's staff, we received an excerpt from the "1993 Budget of the U.S. Government," in which the president's Job Training 2000 program is outlined. The proposed program expands the role of private industry councils, which are groups consisting of local business, labor, and government representatives. The program gives the councils new strategic planning and management functions so that they can coordinate initiatives outlined in the program, and incentive grants for meeting new performance standards for conducting training.

The proposed program creates new skills centers to help prospective trainees discover the services that are available from various federal agencies and to help steer them toward the ones they need.

The program establishes a new certification system for federal vocational training. It also calls for demonstration projects under which states would be given funds and would be allowed to contract out job

training and placement services. And it also offers new youth-apprenticeship programs for students in grades 11 and 12.

The information from the Bush campaign says that the program is designed to "serve the needs of those who want vocational training," especially the following groups:

- ▶ displaced workers or workers returning to the workforce after extended absences
- ▶ new labor-force entrants who need job training
- ▶ low-income, low-skilled adults who need high-quality training opportunities.

We also received a copy of a speech in which Bush extols the importance of education and literacy and discusses his America 2000 program, which Bush says is a crusade to "revolutionize American education." To improve education he recommends four core ideas.

One is to set world-class standards in core subjects and to establish a series of voluntary achievement tests to measure students' progress.

Bush also says, the government must grant states and local school districts relief from federal regulations to give teachers and administrators flexibility to establish programs that work in their schools.

Third, the president suggests that the government create in each congressional district a school that would be a laboratory of learning.

Finally, Bush says we must create an incentive to improve education by promoting school choice. He says that competition is needed for creating better schools and that parents should be able to choose the schools that are best for their children.

From Clinton's staff, we received a two-page fact sheet. In it we find that Clinton has proposed a national Youth Opportunity Corps to give teenagers a chance to develop self-discipline and skills.

He has also proposed a National Apprenticeship Program that will offer non-college-bound students training in valuable skills by pooling the talents of business, labor, and education leaders. "Bill Clinton will fund his

national apprenticeship program at five times the level of the Bush program," says the fact sheet.

Clinton has another plan for converting to a post-cold-war economy that includes retraining military personnel for civilian professions.

And the fact sheet says that Clinton will require businesses to spend 1.5 percent of payroll on training for all workers, not just executives. Businesses with fewer than 50 employees will be exempt.

The sheet continues by listing some of Clinton's accomplishments as governor of Arkansas: "With Governor Clinton's support and guidance, Arkansas has become one of the first three states to create apprenticeship programs."

In 1983, Clinton established a dislocated-worker task force that "identifies plant closings and layoffs as early as possible, develops an appropriate plan with business, labor, and community leaders, and offers retraining, placement, and other support services." The sheet says that the task force provides tuition grants for people who plan to enter occupations that are in demand and coordinates the work of state agencies, unions, and employers, as well as local, civic, and political leaders.

Finally, the sheet says that Clinton gave vocational schools in Arkansas the choice and the funding to convert to technical colleges, technical institutes, or comprehensive lifelong learning centers. He also signed legislation to overhaul vocational education, including the Arkansas Tech Prep program, which integrates academic and vocational instruction. **We hope** this has been helpful. If you need more information, you can try contacting the candidates' campaign offices. But you'd better hurry. It could take six to eight weeks for delivery.

Better yet, turn to page 45 and read "What Training Means in an Election Year," by Anthony P. Carnevale. In his article, Carnevale interprets and compares the training strategies of Bush, Clinton, and Perot.

enough to solve a particular lawyer's problem. Sometimes, says Ervin, a lawyer's poor performance may be caused by a lack of knowledge in some area of the law. If so, the bar may ask the lawyer to take a continuing education course that covers that area.

Ervin says that alcohol abuse sometimes contributes to poor performance. "In this case," says Ervin, "the bar might insist that the lawyer participate in a substance-abuse counseling program we have, called Florida Lawyers."

It's encouraging to see attorneys doing something about the misconduct of lawyers. Now if we can just get them to offer a course on how to lower their fees.

ADA Compliance Tips

The Americans With Disabilities Act has caused many people to cheer and many companies to fear—fear potential lawsuits for failing to comply with the law.

That fear is justified—failure to comply could mean paying hefty settlements. A recent issue of *Info-Line*, "The Americans With Disabilities Act: Techniques for Accommodation," published by the American Society for Training and Development, suggests a way for companies to be sure they comply with the law.

The publication suggests hiring an outside consultant to conduct an annual program review that would document an organization's intent to adhere to the law. Such a review, says the publication, would provide valuable information to help improve the performance of the program and confirm ongoing successful efforts.

The publication says the review should focus on the following aspects of a company's ADA compliance efforts:

- ▶ general policies, procedures, and practices
- ▶ participant assessment tools
- ▶ management awareness of ADA, disabilities, and so on
- ▶ trainer awareness of ADA, disabilities, and so on
- ▶ specific curricula
- ▶ skill evaluation tools
- ▶ marketing and outreach

- ▶ training improvements
- ▶ record keeping
- ▶ course planning
- ▶ specialized courses for people with disabilities
- ▶ accommodation options
- ▶ internal and external support resources.

The review should suggest items that need immediate attention, those that should be addressed within a year, and areas in which the organization should continue already successful efforts, says the publication.

Info-Line also suggests that companies selling training materials should have outside consultants review their products or services. "Simple changes can often lower legal risks associated with ADA and make such material more accessible and marketable," says the publication. (To order *Info-Line*, call 703/683-8129.)

Calm Those Sweaty Palms

When you get ready to give a presentation, do your palms begin to sweat, does your heart flutter faster than a hummingbird's wings, and does your stomach begin to churn?

Some stress is good and can add energy to your presentation. The key is to control that stress before it overcomes you, says Marjorie Brody, president of Brody Communications, specializing in communications skills training. She offers the following tips on how to control the stress that often accompanies presentations.

- ▶ Know your subject. Not only will it make you feel more comfortable, but it will also make you more flexible and spontaneous in your presentation.
- ▶ Remember your PAL. *P* stands for purpose. What do you want to accomplish with your speech? *A* refers to audience. Who is in the audience? How should these people be spoken to? *L* is for logistics. How much time do you have, how much time do you need, and who else will be speaking with you?
- ▶ Make sure the data in your presentation are current, relevant, accountable, and acceptable to your audience. Organize them logically and try to make your presentation as visual as possible. Use examples and stories.

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▶ Practice. Simulate the actual speaking environment (will you be sitting, standing at a podium, or grouped around a table?), and say your presentation out loud three to six times.

▶ Arrive early. Give yourself time to check the room arrangement and any audiovisual equipment you might use. Spend the extra minutes

greeting members of your audience. It will help you relax and expend some excess energy.

▶ Exercise. Take a last-minute walk down the hall, shrug your shoulders, and stretch your neck to help relieve tension.

▶ Visualize. Picture yourself in front of the audience doing a spectacular job.

▶ Give yourself a pep talk. Think, "I'm glad I'm here, I'm glad you're here, and I know my topic." Repeat, "I know my topic." The goal is to feel inwardly cocky and outwardly confident.

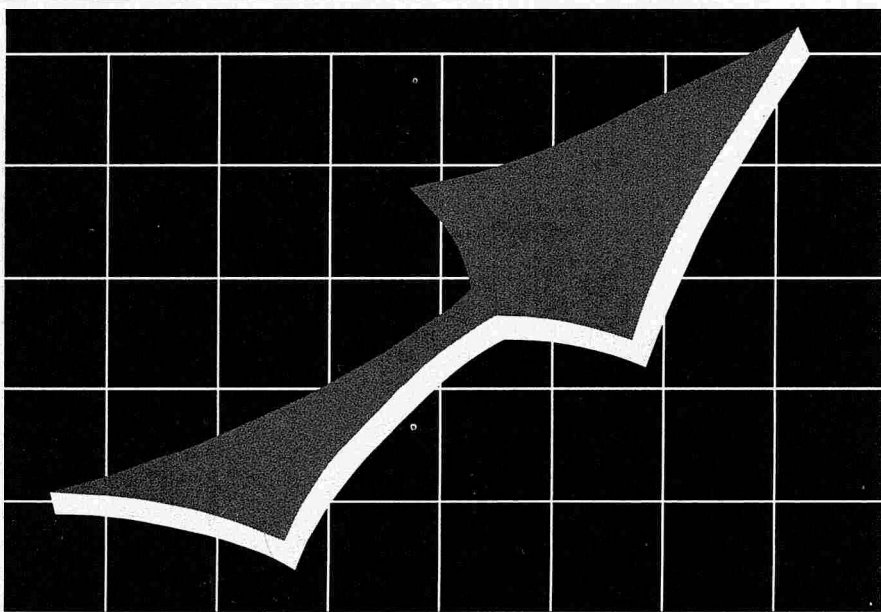
▶ Breathe deeply and slowly. It will help decrease your heart rate. An elevated heart rate is what causes most physical symptoms of nervousness.

▶ Speak often. Take advantage of every opportunity to practice your presentation skills. The more you use them, the more they will improve.

▶ Keep things in perspective. We all want to do well, but giving a speech is not a life-or-death situation. Think, "This too will pass."

▶ Move around. Taking a few steps or gesturing with your hands as you speak will help you get rid of nervous energy and make your presentation more dynamic.

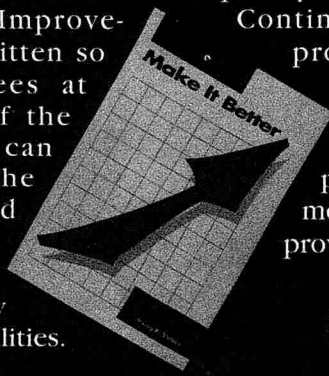
▶ Add humor to your comments. Humor and the laughter it generates can establish rapport with an audience and help relax the speaker. The best humor comes not from jokes, but from personal stories and examples.



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Russian Training Kneads

When you go to a U.S. store to pick up a loaf of bread, you probably don't think much about how it was packaged. You probably take for granted that the bread will be fresh and available. But for many people living in Russia, buying bread that is as hard as a rock or green with mold is par for the course.

Bread in Russia is often stale before it even reaches shops, because bakers don't know how to package it and because the delivery systems are slowed by excessive paperwork and bureaucracy. The public demand for bread does not match the supply, because manufacturers and shop owners don't communicate.

To try to change that situation, Andersen Consulting has been working with four British bread manufacturers and retailers to introduce bread-packaging and Western management techniques to the Moscow bread industry.

The group developed three demonstration projects to show how

Western practices can be transferred to Russia. One of those projects included training about 30 private shop and bakery managers in such fundamentals as accounting, staff management, and supplier and customer relations.

The British group also introduced packaging techniques to one of the 62 state-owned bread factories. Packaging has been a problem for Russian bread makers. Russians tried packaging 10 years ago but abandoned the concept because the bread turned green—a problem that Russian bakers could have avoided had they known that bread needs to be cooled before packaging. The group showed bread manufacturers how to cool bread before packaging, extending the bread's shelf life to 48 hours.

Good packaging techniques require Russian bread makers to retool their factories. According to Mark Aston, an Andersen Consulting partner in charge of the project, the manufacturing equipment still in use dates back to 1929.

Multicultural Training Techniques

You're about to give a training session that will involve people from countries other than the United States. Have you forgotten anything? The meeting room is ready. You've got your notes and visuals. The microphone is working.

Did you design your presentation to accommodate the people coming to your training session who have language and cultural backgrounds different from yours? If not, you could be in for a day of blank stares.

What you should have done is taken a few steps to accommodate your non-U.S. trainees. One way to help such trainees learn is to modify the language you use when training. Someone learning English from a book is likely to know only the most simple and unadorned expressions. If you have doubts about the English-speaking proficiency and understanding of your listeners, select expressions that are the most standard and noncolloquial.

When expressing an idea to participants who are not fluent in English, choose grammatical structures that are short, direct, and simple. Compare the following two examples:

▶ "Unless you don't have any idea what it is you should do, in which case you should ask, don't be afraid to guess."

▶ What should you do? Either you can ask or you can guess.

The first example is full of linguistic pitfalls, such as negative expressions ("unless," "don't have," and "don't be afraid"), complex structures within one sentence, and too many subordinating ideas.

In the second example, the speaker is presenting choices like an algorithm (do this or do that). This example has several road signs to help the listener: a direct question ("What?"), parallel construction ("you can ask" and "you can guess"), and the words "either...or." Try to include road signs whenever possible.

Many people think that speaking slowly helps the listener. It helps, but good pronunciation is more important. U.S. natives tend to compress sentences or phrases. For example, they might say, "Wudjuh do?" instead of "What did you do?"

Be sure that your audience understands references you make to people, events, fads, media, and laws that are part of U.S. culture. Does your audience know about Donald Trump, parking spaces for the handicapped, or Saturday Night Live? Choose your references carefully.

Don't let trainees sit in the dark, assuming that they have missed an important point, when you only meant to lighten the moment or stress a point with an anecdote. Preface remarks by saying such things as such as "I want to tell you a joke," or "I have an example of such a situation in the media."

In the United States, trainees tend to enjoy fun and lightheartedness and believe that it is appropriate to include them in educational settings to foster relaxation and inventiveness. In some cultures, this behavior is considered childish and unsuitable for education. Save yourself and your trainees some discomfort by doing some research, and modify your training to fit your audience.

Be careful when using humor. Some jokes might hit a nerve rather than a funny bone in some cultures. Your joke or anecdote may bomb if it pokes fun at or makes light of, for instance, authority figures (such as bosses, police, or politicians), family relationships, the disadvantaged or the advantaged, or the sanctity of marriage.

That doesn't mean you shouldn't try to make your trainees laugh. But be prepared for a puzzled or stunned silence if you tell a joke that is meaningless or that seems to show disrespect to an honored entity or institution.

The world is getting smaller. Your next training assignment may be in Spain. Or Abu Dhabi. Or the session may be in Omaha, but with trainees from Spain and Abu Dhabi. The more skills you acquire for training the multicultural audience, the more effective you become as a trainer.

— Susan Ware

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A Loyalty Check

How loyal are you? No, we're not talking about marital fidelity or patriotism. We're talking allegiance to your company.

The reason we ask is that some HR professionals' loyalty has decreased in the last two years, according to a Roper Organization survey commissioned by the Society for Human Resource Management. Thirty-seven percent of the HR professionals said that their loyalty to their employers is not as strong as it was two years ago. Slightly more feel that their employers' loyalty to them has decreased.

This is in contrast to the survey's findings about other employees. In general, employees claim that their loyalty for their employers has not changed over the last two years—despite a recession and the prevalence of mergers, acquisitions, and layoffs.

SHRM President Michael Losey speculates that being positioned on

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In Practice

the front lines and charged with carrying out corporate restructuring and downsizing strategies may produce symptoms of battle fatigue among HR professionals long before those symptoms reach other employees. He says that discontent in the HR department today could mean "larger problems on the horizon."

A Move Toward Nintendo

A new term is beginning to hit the corporate world as organizations become flatter: "pinball cultures." In such corporate environments of the future, good performance will not be rewarded by promotions to higher levels. Instead, high achievers will be given opportunities to "play."

So says Christopher Avery, president of Partnerwerks in Austin, Texas. The new reward systems will give high performers the chance to "play" with bigger and better projects. And with better projects will come higher visibility, pay, and status.

If the term catches on, stellar employees may soon be referred to as pinball wizards.

Heard in Passing

According to Patricia McLagan, the chief executive of the firm, McLagan International, in St. Paul, Minnesota:

"An organization that says it is customer-responsive cannot operate as though the boss is the customer. Yet as people move to the top of the organization, they behave more and more like customers. You can tell when you look at how many hours people lower in the organization spend preparing fancy presentations for the boss. Wouldn't it be nice if some of that energy could go to the customer *out there*?"

"We're going to hear a lot more about the concept of 'servant leadership' [throughout] the decade."

"In Practice" is edited and written by **Craig Steinburg**. Send items of interest to "In Practice," Training & Development, 1640 King Street, Box 1443, Alexandria, VA 22313-2043.