

10 SECRETS

to Creating an Award-Winning Program

BY DALE G. LARRIMORE



Established in 2000, the Villanova Law J. Willard O'Brien American Inn of Court in Philadelphia, Pennsylvania, is relatively new in the American Inns of Court, Villanova Law School's Inn was the recipient of First Place and Third Place Program Awards for the 2008–2009 year, and we were asked to submit an article revealing the “secrets” of our success. The not-so-secret secrets are now public, and we hope that your Inn will grow and flourish with the benefit of our experience. Here they are:

1 Start early, and pick creative and motivated leaders

It all started long before the beginning of the program year. The president of our Inn, Marc Zucker, had “risen through the ranks” as a Team Captain, Program Chair and Counselor, and served until the fall of 2008 as national chair of the American Inns of Court Program Awards committee. Zucker appointed two exceptionally creative and hard-working members of the Inn, Steve Brown and Judge David Strawbridge, as program chairs. Both had served as team captains and had received rave reviews on past programs. The two program chairs, in turn, selected exceptional team captains—all experienced, creative and motivated attorneys and judges—from among the Masters of the Inn. Their initial ideas were fleshed out in a summer meeting of our energetic Executive Committee.



2 Set ambitious goals

Together with the executive committee, Zucker established challenging goals for the year. Rather than just entertaining the members of the Inn, the program chairs and team captains were asked to focus on the goals of the American Inns of Court—including providing guidance and practical skills instruction to young lawyers, and increasing member attendance and participation at the monthly meetings. Doing some critical self-analysis in our executive committee meeting, the officers and program chairs acknowledged that many of our past programs, although enjoyable and informative, had not resulted in a desired level of audience participation. We agreed to work towards enhancing discussion of the instructional points presented each month among all of our Inn members attending the meeting. We recognized that interesting and challenging programs are the heart of the Inn experience, benefiting all membership categories and promoting good attendance. A good program includes lively discussion, facilitated by a leader who involves all members as participants, not observers. The challenge was to provide substance in our presentations, but leave sufficient time for questions and involvement by the Inn members attending.

3 Consider a common fact pattern

Implementing those goals posed another challenge. Our Program Chairs have devised a remedy for the confusion and

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Members of the Villanova Law J. Willard O'Brien AIC in Philadelphia, PA, from left to right, Marc Zucker, Inn President; Dale Larrimore, Team Two Captain; and Hon. Elizabeth Hey, Team one Captain, with their program awards. Judge Sandra Mazer-Moss, right, of the American Inns of Court Board of Trustees made the presentation at the Inn's November 11, 2009 meeting.

wasted time that occur each month while a team introduces the characters and the story line at the start of each program. Each year, we create a common skeletal fact pattern, with common characters that could appear in each program, and whose circumstances could be adapted as necessary to fit the particular month's topic.

Last year, our program chairs created a fictitious law firm that would provide the main cast of characters for our programs throughout the year. Our prestigious "firm" operated out of offices in Villanova, in suburban Philadelphia. The partners of the firm were concerned that it was losing clients by the expansion of Philadelphia firms into the suburbs. The founder of the firm and its leading partner for more than four decades had turned over the management of the firm and the new managing partner had a much different management style. The "Right Business Only" approach, which had made our firm favored in the country club set for years, was seen by the new management team as antiquated. It was time to reorganize the realities of practicing law in the new millennium and to move to a more modern "Profitable Business Only" approach. Attracting and keeping both partners and associates for the firm's continuing success was becoming more costly and the profitable business being attracted to the firm was making demands that the firm was not accustomed to. Cases and clients were now presenting professional challenges for both partners and associates of our Villanova law firm.

While we were allowed to supplement our cast as necessary during the year, our firm provided a core cast of characters:

Managing Partner: a strong leader—driven to keep his eye on the bottom line;

CEO Emeritus: retired founding partner—formal, precise, highly ethical, he wants only the "right kind of business;"

Justice Fitz: newly hired and recently retired from the Supreme Court bench—personable, experienced, and politically savvy;

Sue Senior: 5th year associate—works hard, well regarded in the firm, aspires to become a partner but is unclear as to what the Firm demands to make partner;

Joe Junior: 1st year associate—excelled at Trial Advocacy at Villanova, now just trying to learn to be a lawyer, earnest and hard working.

Throughout the 2008-2009 program year, we found that the law firm cast of characters gave the Inn members a consistent thread to tie the programs together. Teams were able to jump right into the

substance of the programs, without having to spend time introducing the scene and the characters for each program. Although different individuals played the roles of the core characters each month, these core characters developed recognizable personalities that were consistent throughout. Every team found ways to use the core cast of characters and to create other roles to maximize team members' participation in the program.

4 Pick a practical and engaging theme

Establishing the common fact pattern and characters for the programs was only the beginning. Each year our program chairs design a common theme that presents provocative issues (substantive, procedural, or ethical in nature) and practical guidance to the Pupils, Associates, and Barristers, allowing less-experienced attorneys to become more effective advocates and counselors by learning from the more-experienced attorneys and judges in the Inn.

Last year's theme was "Professional Solutions to Difficult Situations in Difficult Times"—in other words, how to deal with difficult people in all phases of litigation—with each team selecting a different category: Difficult Clients, Difficult Partners, Difficult Adversaries, Difficult Judges, and Difficult "Outsiders." We all acknowledged that our programs should present practical and provocative problems, techniques, and ethical considerations that would stimulate in-depth discussions following the presentation. With much groundwork now accomplished, we were finally ready to begin the program year.

The first 2008-2009 meeting of the entire Villanova Law J. Willard O'Brien American Inn of Court was our opening dinner meeting, held in mid-September at the law school. In breakout sessions for each pupillage team following the dinner, the captain of each team presented the common theme for the year and the individual topic that would be the responsibility of that team.

Although the program topic had been assigned over the summer, each pupillage team was able to develop the details of the program for presentation of that topic in our monthly meeting. Team 2's program, "Difficult Adversaries," was discussed in our initial meeting, with a focus on how we might best demonstrate problems that a young associate in a law firm might face regarding a difficult opposing counsel, including discovery motions, oral arguments, arbitrations, and depositions. Our team agreed that we could effectively present this theme through examples of the conduct of opposing

attorneys in depositions, as many team members were able to recall excellent examples from their own cases. Since many newer attorneys participate regularly in depositions, this approach would enable us to advance the Inn's goal of providing guidance and practical skills instructions to young lawyers. Team 2 ended our initial meeting with rough ideas of how we might present our topic. We were only beginning, but we could conceptualize our program idea and how we would proceed.

5 Use available resources

Team 2 searched the program library on the American Inns of Court Web site for ideas and found three that were particularly interesting, involving various issues that arose during depositions. Team members were also asked to copy sections of the transcripts from particularly contentious depositions in their own practices.

The Villanova Law J. Willard O'Brien American Inn of Court has established pupillage team listservs for easy electronic communication among team members, and in the next several months Team 2 communicated regularly about program ideas.

The website of the American Inns of Court provides guidance for gathering substantive materials for creating stimulating programs.

Programs should contain problematic issues intended to generate a reaction from the observers. These provocative issues might be substantive, procedural or ethical in nature. Material for programs can be obtained from actual case files or transcripts, on-line research services, the American Inns of Court's program library, or from prepared problems and cases of other legal organizations

Our team searched the Internet for examples of actual depositions illustrating outrageous behavior by attorneys, and we had little difficulty locating actual transcripts that presented provocative issues that we were confident would generate a reaction from our Inn members. To cover as much problematic conduct as possible, and allow adequate time for audience feedback, we extracted short segments illustrating extreme comments without worrying about the context of the case in which the deposition was taken.

6 Give every member of the team a stake in the outcome

To accomplish the various goals established for the programs, Teams 1 and 2 began their research efforts by delegating responsibility to subcommittees for particular tasks.

Team 1, led by U.S. Magistrate Judge Elizabeth Hey, found it extremely useful to create subgroups within the team as a way to maximize participation in creating the program, and this had the added benefit of providing team members the opportunity to get to know their Inn colleagues much better. The subgroups had at least one member at each level of experience (master, barrister, associate, and student), and each subgroup had the freedom to divide up its research and writing duties as it saw fit.

The subgroups scheduled their own meetings along a timeline set by the team leaders, and the whole team had a total of four meetings to plan and review. The team leaders stayed in close contact with the subgroups throughout the process and remained available if they needed help, and took responsibility for editing the scripts to make them coherent as a single story.

Likewise in Team 2, one committee did research on judicial opinions commenting on deposition conduct and ethical opinions arising out of deposition behavior. Another committee began to compile the various ethical rules and cases that might be part of our program handout. A third committee began working on the script.

7 Refine, revise, and polish through frequent communication

Feeding off of the Inn's theme for the year, Team 2 established the setting of its program as a regular meeting of the partners in the firm for evaluation, critiquing, and training of the firm's young associates. The partners examined in detail how the associates were able to deal with difficult adversaries in deposition transcripts being reviewed. The action would shift back and forth between the partners' meeting on one side, and a re-enactment of the deposition segment on the other side. Following each deposition setting, we shifted back to the partners, who would then comment on the deposition that was just presented.

In a subsequent team meeting Team 2 addressed the issue of increasing audience participation and decided that we would interrupt the script after each snapshot for comments from the Inn members. The conduct of the difficult adversary would be demonstrated by acting out a brief snippet from a deposition. The scene would then shift to the partners to discuss how effectively the young associate handled the situation, and then the Inn members would be asked for comments and for any guidance or suggestions that might be offered to our younger Inn members who might

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have to face such conduct during an actual deposition. We also asked our younger Inn members to ask questions about other situations where they had faced “difficult adversaries.”

After all of this, we were ready to begin drafting our program script, and an initial draft was created and circulated. As the script evolved and improved through team input, a subsequent meeting was held to focus on how to make the presentation as interesting and interactive as possible. Because so many of the Masters and Barristers in the team were comfortable commenting on the deposition conduct, we decided to leave the partnership meetings unscripted. Rather than giving each partner a series of lines to present, we made that portion of the program extemporaneous. Many of the more experienced team members could make any comments that were stimulated by the deposition vignette and we believed that this spontaneous discussion would be more likely to be joined by others in the audience.

8 Keep everyone engaged

The final versions of the scripts for both Team 1 and Team 2 presented practical and provocative problems, techniques, and ethical considerations that the team members were confident would stimulate in-depth and lively discussions.

Team 1’s topic was “The Difficult Client,” a powerful and bossy client who tried to convince the firm to take a number of steps raising different business and ethical challenges (fee caps, assignment of particular lawyers based on their hourly rate or gender, arguing questionable legal positions, and ignoring advice during a deposition). Each of its five scenes was followed by a technique devised to keep the audience engaged. The audience’s materials included five sheets of paper, each with a few questions presented by each scene (e.g., “Would you have filed suit?” “Would you reassign the lawyer?”), and the team took two minutes after each scene to have the audience members answer the questions. Some of the team members were assigned to collect and collate the answers so that the team could announce them right away. In a final scene, the firm’s senior lawyers discussed the various issues raised by their client’s tactics, and the team incorporated the audience’s answers into the discussion. This was of great interest to members of the audience, that were eager to know how their answers compared to their Inn peers. It also was a perfect lead in to open up discussion to the whole group, resulting in a very lively and informed back and forth.

Team 2 likewise focused on engaging the entire Inn. Rather than giving responsibility for involving audience members to only one leader, Team 2 wanted all of the partners discussing the depositions to interact with Inn members that might be able to add constructive comments on the performance of our firm’s young associates. To get the judicial members of the Inn more involved in the discussion, we also decided to seek out opinions from the judges on how they handle discovery disputes arising out of depositions. Our consistent goal was to involve all Inn members as participants, not observers.

9 Create meaningful handouts

To properly fulfill our mission of educating our members, a Team 2 subcommittee compiled and prepared a 55-page handout for distribution to Inn members on the evening of the presentation. We included relevant ethical and procedural rules, the Pennsylvania Code of Civility created by our Disciplinary Board, and two articles from previous issues of *The Bench*. We had five pages in which we included brief descriptions of 18 relevant cases, and we included the full opinion of three very relevant decisions. We also included the links to relevant law review articles, professional articles, and even a link to a YouTube video of particularly outrageous deposition conduct.

10 Create a legacy

Finally, no one will know how great your program was unless they can see it, hear it or, at the very least, read it. Our Inn recognized early on that the way to share our ideas most widely was to create a printed script for future reference and to videotape each and every one of our programs. With the help of the amazing tech crew from Villanova School of Law, we set up a digital camcorder in the back of the room that ran continuously throughout the program, and we used microphones whenever possible. While the acoustics may not always be perfect, the film conveys the energy and enthusiasm of the evening’s presentation. Best of all, the script and DVD can be part of the Program Library for future groups to access. ♦

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