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**CONTINUING PROFESSIONAL DEVELOPMENT IN THE IRISH LEGAL
PROFESSION: AN EXPLORATORY STUDY**

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CONTINUING PROFESSIONAL DEVELOPMENT IN THE IRISH LEGAL PROFESSION: AN EXPLORATORY STUDY

ABSTRACT

This study explores the level and perceived importance of Continuing Professional Development (C.P.D.) among members of the legal profession in Ireland. The paper consists of a brief examination and synthesis of the published literature on the development of knowledge workers in general, the linking of C.P.D. to organisational goals, the professionalisation of industry and responsibility for the provision of C.P.D. It utilises Broudy's career progression framework as an explanatory tool to discuss the linkage between C.P.D. and career development. Data reveals a high level of support for the concept of C.P.D. among legal practitioners, but concern is expressed about the time and monetary expense required in implementation. Results reveal that firm size is an influencing factor on attitudes to C.P.D., the types of training interventions employed and the existence of C.P.D. budgets.

Key words:

Continuing Professional Development (CPD), Irish legal profession, knowledge workers, career development, learning.

Word count: 7,654 words

CONTINUING PROFESSIONAL DEVELOPMENT IN THE IRISH LEGAL PROFESSION: AN EXPLORATORY STUDY

INTRODUCTION

Contemporary management literature tends to view employees as a critical organisational resource and there is interest among academics and practitioners as to how best to optimise human resources. Investment in human resource development is increasingly viewed as a strategy to ensure company growth and productivity. Senge (1990) suggests that the ability of a company to learn faster than its competitors may become the only form of sustainable competitive advantage. In the past, individuals attained their educational credentials and that was considered to be the sum total of their professional development. However, the reliance on employees as a source of competitive advantage in an era of decreasing job security and fewer opportunities for upward mobility suggests that organisations must provide employees with career growth opportunities to ensure their future employability (Chay & Ayree, 1999). Thus the provision of Continuing Professional Development (C.P.D.) opportunities for employees has become an increasingly salient issue for many organisations.

According to Madden & Mitchell (1993) C.P.D. may be defined as the maintenance and enhancement of the knowledge, expertise and competence of professionals throughout their careers. Consequently C.P.D. is particularly important in knowledge-based industries, which rely heavily on their employees' ability to keep up-to-date with frequent changes in the structure and nature of work undertaken within dynamic environments. The speed of change within the legal profession means that practitioners must constantly keep abreast of changes in current laws and the enactment of new laws as well as legal precedents in the courts. The large volume of Regulations and Directives emanating from the EU also increases the regularity with which legal professionals must adapt to working within ever changing legal parameters.

This paper presents the results of an exploratory study of C.P.D. within the legal profession in Ireland. The paper considers the development of knowledge workers and explores ways in which C.P.D. can be linked to organisational goals. A model of career progression is posited, emphasising the importance of C.P.D. at each stage of the individual's career. Finally the results of the research are presented and some implications are discussed.

KNOWLEDGE WORKERS AND C.P.D.

Knowledge is becoming an increasingly valuable organisational commodity. The "new economy" has identified an organisation's human resources as an important source of sustainable differentiation and competitive advantage (Banks 1999; Gupta & Govindarajan 1999; Dierickx & Cool 1989). Several authors have similarly pointed to the importance of leveraging intellectual capital in improving the efficiency of both capital and labour markets (Petty & Guthrie 2000; Bukh *et al.* 1999; OECD 1999). In this context, the development of knowledge workers takes on an added importance.

The Development of Knowledge Workers

There is widespread consensus among management writers that the information age is upon us (O'Donnell *et al.* 2000; Bryans & Smith 2000; Ahmed *et al.* 1999; Boisot 1998; Stewart 1997). The realisation of the increasing importance of intellectual and knowledge capital and the demands of global markets, has forced

firms to develop strategies and policies to recruit, train and retain people in an effective and efficient manner. In this environment, the recruitment and retention of knowledge workers has become a key focus of many firms' HR activities, particularly in the services sectors of the economy. The acquisition and dissemination of timely and accurate information among knowledge workers has become a critical element contributing to the success of such firms. Thus, it is not surprising that much attention has been given to the development of new techniques focusing on the management of information flows to secure and sustain competitive advantage (Nonaka *et al.* 1995) and to the importance of managing the human and intellectual capital of knowledge workers as a key value determinant of knowledge intensive firms (O'Donnell *et al.* 2000).

The high levels of expertise and skill possessed by knowledge workers make them a valuable commodity and a relatively scarce resource within the labour market. This fact, coupled with the realisation that the traditional concept of a 'job for life' is now given less priority by both employers and employees and the associated proliferation of fixed-term and flexible work contracts, allows knowledge workers to enjoy favourable working terms and conditions as well as a high degree of autonomy within their respective firms (Robertson & O'Malley-Hammesley 2000; Germain 1998). In characterising this trend as a shift from "lifelong employment" to "lifelong employability", Kuijpers (2001) argues that the modern employee should be employable for several work activities and jobs. Indeed, opportunities for personal growth, the degree of operational autonomy and levels of task achievement are considered key criteria impacting on job satisfaction and job performance of knowledge workers (Scarborough 1996; Tampoe 1993; Kelley 1990). Moreover, it appears that job autonomy is preferred more than any other job characteristic (Katz *et al.* 1997; Cheney 1984; Goldstein & Rockart 1984). Members of the legal profession represent typical knowledge workers in that they possess a unique and continually expanding body of knowledge and they also value job autonomy and professional independence. Thus, it follows that an outcome of C.P.D. in the legal profession should be linked to the ability of such workers to work with a high degree of autonomy.

Many strategies are available to convey the necessary information and knowledge to professionals to enhance their professional development. There is evidence that organisations are increasingly using modern technologies for the dual purposes of allowing knowledge workers to communicate with each other and to enhance developmental activities (Davenport 1998). It would appear that the high levels of expertise possessed by knowledge workers make them more favourably disposed toward the adoption of modern technologies for the purpose of professional development than other categories of employees. Such technologies enable the provision of a wide range of high speed, low cost training solutions on demand through the media of CD-ROM and the Internet. Apart from cost savings, it offers organisations a high level of flexibility in the scheduling of training courses. While it is argued that the use of multimedia training is more effective than traditional training interventions, simply because it uses more of the trainees senses (Roden 1991; Gupta 1996), there is little empirical evidence to substantiate this claim in practice (Christoph *et al.* 1998).

Despite the growth in the numbers of knowledge workers in the workforce, little research has been conducted on the effectiveness of teams composed of knowledge workers (Janz *et al.* 1997; Beyerlein *et al.* 1995). The move to establish knowledge-based teams has been largely due to the increasingly interdisciplinary

nature of work processes (Mankin *et al.* 1998). This is also likely to be the case in the legal context. While powerful synergies may be expected from knowledge-based teams in the form of increased collaboration and productivity, Cross (2000) argues that the transition to teams requires infrastructure realignment and the development of appropriate cultural values and leadership skills.

Linking C.P.D. to Organisational Goals

Given that career development is generally understood as an individual-oriented activity, as distinct from that of the organisation (Schein 1978), it can nonetheless be packaged in order to be more consistent with corporate needs (Winterton *et al.* 1999). Increasingly, emphasis is being placed on linking development activities and programmes to an organisation's business strategy in order to achieve competitive success (Hall 1995). To achieve internal fit, C.P.D. programmes must also be aligned with competency frameworks and succession planning initiatives. Such linkages are considered vital for the development of a coherent integrative approach to managing knowledge workers.

The development of effective human resource policies must take account of the strategic objectives of the business, the environment within which it operates and the quality of human capital available to it (Beardwell & Holden 1997). It follows that human resource initiatives must be closely aligned to business strategies, if an organisation is to achieve competitive success. The UK Investors in People initiative (1995) provides a national framework for the achievement of strategic business objectives and staff development requirements through the integration of learning and work. It communicates to employers the importance of commitment to training and development and provides clear benchmarks of good practice through which the progress of organisations towards improved business performance can be measured. However, recent research suggests that such initiatives are having a disappointing low impact on addressing the specific needs of the small business sector (Matlay 2001). C.P.D. is perhaps problematic in the context of business linkages. The content of such programmes may in the short term have limited application to the organisational context. Such programmes may espouse ideas and knowledge that are not compatible with current cultural values. This therefore makes the transfer of learning difficult. The content of many C.P.D. activities is located within the affective attitudinal domain and espouses professional values over more organisational ones. Such values advocated include autonomy, independence of action and the prioritising of professional values over organisational ones in times of conflict. These dilemmas may explain why organisations do not invest in C.P.D. for knowledge employees.

Competency frameworks are considered by many to be a useful starting point for the development of C.P.D. It is argued that they allow organisations to match available human resources against the strategic needs of the business. Through the identification of a series of core capabilities, competency frameworks allow an accurate assessment of an individual's developmental potential. Consequently, C.P.D. initiatives can be focused on providing individuals with the skills necessary to meet their specific requirements and allowing them to access promotional opportunities. From an organisational perspective, the use of competency frameworks can help define the range of C.P.D. activities, reward structures and promotional policies (Armstrong 1999). Much of the content of C.P.D. focuses on technical competencies rather than on generic core competencies that are considered relevant to organisational success. Utilising C.P.D. initiatives can significantly enhance technical competencies. However the research evidence showing linkages with organisational

performance is less robust than at the generic/core competency level.

C.P.D. & Career Development

It has long been the case that C.P.D. has been considered a vital component of career growth (Beardwell & Holden 1997). Increasingly, C.P.D. programmes are being viewed by organisations as an integral part of career planning and advancement (Farmer & Campbell 1997; Hughes 1994; Watkins & Drury 1994; SLIL 1993; Peel 1992). Table one presents a five-stage model highlighting the importance of C.P.D. at each stage of a knowledge worker's career. There is no time frame for each stage as progression is largely dependent on an individual's state of knowledge, level of experience and opportunity.

Table 1: A Model of Career Progression

Modes of Knowledge	Acquired through:	Characterised by:	Career Stages
Replication	Formal Courses	Conceptual Knowledge	Student
Socialisation	Induction, Acculturation	Social Knowledge	Apprentice
Application	Mentoring, Coaching, on-the-job training, job rotation	Process Knowledge	Colleague
Interpretation	Action Learning, Peer Learning	Experience, Systems Understanding	Mentor
Association	Specialist Training, Critical Reflection	Intuition	Sponsor

Replication

This stage involves the acquisition of conceptual knowledge through formal learning events. Typically, it is sufficient for the individual to acquire a broad understanding of the important theories and concepts relevant to the professional area at this stage. This stage forms the cornerstone around which future C.P.D. activities are built. The attainment of formal educational qualifications is essential to gain entry into many professions. Formal learning events can also form part of the legal apprenticeship process while students participate in the attainment of their professional qualification. Assessment of learning generally takes a form not unlike the way in which the learning was originally delivered. This is an important stage in knowledge worker career development as it is essential for the individual to acquire a solid conceptual foundation before entering the practical work-based environment. Greenhaus & Callanan (1994) argue that the primary objective of this stage is the formation and refinement of an individual's occupational self-image.

Socialisation

Organisation socialisation represents the process by which a knowledge worker is inculcated with the values, expected behaviours and other important features of the organisation setting and/or the professional context (Harvey & Wiese 1998; Ashford & Taylor 1990; Fisher 1986; Louis 1980). It is the process by which knowledge workers are transformed from outsiders to participating and effective members of both their profession and organisation (Katz & Seifer 1996). This stage involves the acquisition of all information relevant to the professional role and the purpose of learning interventions is to help the employee "learn the ropes" and

provide support to the knowledge worker (Ostroff & Kozlowski 1992). Effective socialisation has been linked to many important organisational outcomes including increased organisational and professional commitment, job involvement, professional role orientation and tenure (Klein & Weaver 2000; Bauer *et al.* 1998; Allen & Meyer 1990; Fisher 1986). The “Devilling” process in the legal profession is considered an important element in the socialisation process where the apprentice, fresh from their studies is introduced to the day-to-day practicalities of legal work

Application

The Application stage provides the individual with an opportunity to utilise the knowledge acquired in the replication and socialisation stages. Application involves more than repetition of learnt knowledge, in that it relates to the manipulation of knowledge in an applied setting (Eraut, 1994). The situations in which this can occur may often differ greatly from those experienced at the replication stage. Mentoring can play an important role in the development of a knowledge worker at this stage. The knowledge worker can benefit from the experience, seniority and organisational ranking that the mentor has acquired in the profession (Beech & Brockbank 1999). Mentoring can also provide a psychosocial dimension where the mentor can act as a friend, counsellor or role model to the knowledge worker.

Interpretation

The application stage of knowledge provides the individual with valuable experience that serves as the basis for the advanced understanding of previously acquired theoretical concepts and ideas. The individual begins to formulate insights at a macro level into the work system. This stage is characterised by the enhanced ability of the individual to “see the big picture” from various perspectives. The benefits associated with peer learning are those of support, confidence building, mutual learning, acquiring different perspectives on issues and friendship (Holbeche, 1996). At this point in a professional’s tenure with the organisation, the individual is often asked to become a mentor to new employees.

Association

At this stage, the individual has already acquired a wealth of practical experience culminating in an enhanced capacity to make value judgements. Critical reflection plays an important role at this stage. Having already gained an understanding of the system and processes involved, critical reflection involves an analysis of power and control and an examination of the “taken-for-granted” world within which the task or problem is situated (Reynolds, 1998). While the individual is aware of the various options available, a professional judgement is made from a balanced perspective. Intuition and tacit knowledge may play a critical role in informing the individual on the appropriateness and feasibility of certain choices within the decision making process.

DELIVERING C.P.D. WITHIN THE LEGAL PROFESSION: SOME ISSUES

There is very little direct literature on C.P.D. as it relates to the legal profession. However, it is possible to draw on the wider C.P.D. literature to identify the potential issues. The major themes to emerge from this literature include the following:

Issues of Professionalisation

The utilisation of the resources of professional bodies for C.P.D. interventions is becoming more frequent. In light of the changing nature of the employment and psychological contract, professional bodies are increasingly tasked with the important role of organising training events for their members and ensuring that members are kept regularly informed of changes occurring within the profession. It is argued that this is of benefit to the profession as a whole, in that it leads to a degree of standardisation of levels of C.P.D. throughout the profession. Watkins *et al.* (1996) argue that professional bodies are in the best position to promote and perhaps manage C.P.D. for their members given the increasing degree of flexibility and mobility in the workforce. Recent research by Lester (1999) states that professional associations are increasingly adopting formal C.P.D. schemes to encourage and compel members to keep up-to-date and enhance their competence. The Institution of Engineers of Ireland, for example, has recently compiled a register of companies who have signed up to their recently launched C.P.D. protocol (see www.iei.ie).

The process of professionalisation broadly requires the acquisition of established workplace competencies through the combination of classroom education and on-the-job exposure leading to certification. The key to a successful professionalisation programme lies in the correct identification of the competencies needed to achieve optimum workplace performance (Raelin 1995). However, problems remain within the competency movement as to whether jobs can be broken down into constituent parts (Garavan & McGuire, 2001). In their treatise on professionalisation processes in the legal profession, Dvorkin *et al.* (1981) argue that legal education providers have doggedly pursued the attainment of legal knowledge to the neglect of a more empathetic client-focused approach. She advocates the adoption of a humanistic approach to legal education, arguing that legal practitioners should be conscious of their identity and social role as much as the litigious needs of their clients.

Structural issues are problematic in the context of the professionalisation process. Professionalisation in most fields is monopolised by one or two associations who restrict numbers and define the requirements for membership of the “club”. While it is arguable that having one association regulating a profession allows for proper controls and adherence to standards, it is also arguable that by virtue of their monopoly status, some associations are now seen as elitist complacent bureaucracies.

Responsibility for C.P.D.

There is much debate in the literature regarding where the ultimate responsibility for C.P.D. rests. The Chartered Institute for Personnel and Development (IPD 1995) suggests that C.P.D. should be owned and driven by the individual and that the responsibility to ensure that C.P.D. takes place rests primarily with the individual. A shift towards greater career self-management, combined with the increasingly transient nature of the employment contract, which is in most instances more transactional than relational in nature, signals the adoption of a less paternalistic approach by employers to the professional development of their employees. Thus in order to remain employable, knowledge workers must take responsibility for their own professional development (Kossek *et al.* 1998; Metz 1998; Arthur & Rousseau 1996). It is argued that the benefits of career self-management to the organisation take the form of greater capacity for flexibility and adaptability (Lankhuijzen *et al.* 2001). Coles (1999), however, argues that this is an abdication of organisational

responsibility and suggests that a partnership approach be adopted by the individual and the organisation. The most potent argument for this model of responsibility for C.P.D. is that both the organisation and the individual reap the benefits from C.P.D. and that both share responsibility for the success of such interventions.

In terms of structuring C.P.D. Caley (1998) suggests that organisations are obliged to put appropriate structures in place to create appropriate knowledge management systems to enable C.P.D. to happen. It is not sufficient that employees are empowered by external professional bodies; they need the support of their managers on focusing on areas where C.P.D. interventions are necessary. Jordan (1998) suggests that the issue of ownership be determined by different organisational or individual circumstances. He raises a number of questions in this regard: What constitutes C.P.D.? Who is responsible for C.P.D.? Who is responsible for monitoring it? Who pays for it? How could a mandatory system, if it were put in place, be made to be meaningful? Is C.P.D. undertaken to serve the needs and interests of the organisation or the individual? Ram (1998) firmly believes that C.P.D. is the sole responsibility of the individual. Adopting an individualist ideology, he argues that C.P.D. is part of an individual's personal drive for enlightenment. Bromfield (1998) proposes a similar perspective and Woodward (1997) makes the observation that a significant shift in thinking is taking place where individuals are increasingly taking ownership of their own C.P.D. encouraged by their employer and professional associations.

Barriers to C.P.D. Delivery

The literature identifies a number of barriers in respect of the provision of C.P.D. Guest (1999) suggests that for some professionals there is a psychological barrier. Some professionals may perceive C.P.D. to be mysterious or intimidating whereas in reality many are in fact participating in it quite naturally.

Geale *et al.* (1995) posit that barriers to participation exist at individual, organisational and professional levels. In the context of the legal profession, the personal level may manifest itself in terms of apathy, business or family pressures. For younger members of the profession, there may be a lack of understanding of the value of C.P.D., a lack of finances to carry it out or a deficiency in other resources such as time or access at an organisational level. A culture of survival may manifest itself. Many legal firms adopt the view that only the most essential and crucial training issues are catered for. This tends to the emergence of a negative learning culture within the organisation and potentially the profession. Campbell (1999a) suggests that many organisations may not place value on the development of human resources and are therefore less likely to invest in C.P.D. Geale *et al.* (1995) suggests that many smaller firms have no training budget and this serves to act as a major barrier to C.P.D. Major (1998) reports results which reveal that many organisations do not sell the benefits of C.P.D. to staff. There is little attempt to link C.P.D. with the needs of the firm and the overall emphasis is on short-term survival issues. A fear may also exist that well developed staff will be poached and that training is essentially a cost rather than an investment. At a professional level, there may be a lack of interest in qualification enhancement and a negative learning culture may operate. This may manifest itself in a revolt against institutional regulation and a lack of priority attaching to C.P.D. by the profession.

Geale *et al.* (1995) and Major (1998) report empirical research which supports the view that many professionals feel significant pressure in fulfilling the demands of their core job roles and therefore that they have difficulty in taking time out for C.P.D.

Sandelands (1998) suggests that in many respects, professional firms are not clear enough in communicating a sufficiently powerful benefits message that gives C.P.D. a higher priority when considered against the immediate deadlines of work and family life.

C.P.D. - Cost or Investment

We have briefly referred to this issue in the previous section, however, it merits some further consideration. While a large volume of literature exists regarding human capital theory and human resource accounting a paucity of literature exists on measuring return on investment in C.P.D. Blackburn (1998) perceives the activities included in C.P.D. to represent a cost to organisations and individuals. Wills (1993) argues that such a perspective is likely to prevail where organisations adopt a short-term return on investment perspective. Blackburn (1998) identifies a number of input cost elements, financial costs and costs related to participation. The direct financial costs include annual registration fees, costs of books and journals, costs of attending events, programme documentation and research. Some less direct costs include time, networking activities, committee membership by legal professionals and other voluntary meetings. Clearly, the cost elements associated with C.P.D. are not simply financial; many non-financed and less easily quantifiable components are included.

Diversity of Learning Strategies

There is evidence of a diversity of C.P.D. strategies in use by organisations. Woodward (1997) argues that C.P.D. can best be accomplished in a workplace rather than a more formalised off the job intervention. Adams (1999) for example is a strong advocate of a work-based learning approach to C.P.D. He posits that the C.P.D. that needs to happen becomes evident in the issues that the professional has to deal with in everyday professional practice, rather than in anything that is removed from experience. Other forms of more informal or personal study include linkages with the professional organisations and the reading of journals and books.

There is evidence that technology is making an impact as a C.P.D. learning strategy. Pincas (1998) argues that new electronic based learning strategies place fewer constraints on learning and knowledge dissemination. She is confident that over time, we will see the demise of the classroom setting as the primary strategy through which professionals access knowledge. Others including Nixon & Helms (1998) and Teare (1998) suggest that new technology will facilitate access to development programmes from more remote locations offering a more independent approach to learning.

Several commentators propose the use of professional networking utilising technology as an option. This can occur both within organisations and between professionals in the wider community. It can also occur in a personal way. Meanwhile, Martiny (1998) points to the benefits associated with learning communities. She argues that, in the case of HP consulting, use of learning communities has led to improved quality of service, increased productivity and a broadening of the tacit knowledge of employees.

Jones *et al.* (1998) focus on mentoring as a strategy to facilitate C.P.D. Fisher (1998) reports positive findings in respect of mentoring processes as an aid to the professional development of librarians. Sandelands (1998) suggests that mentoring is of value regardless of the professional category involved. Christie (1998) suggests that organisations could consider the use of rewards as a strategy to motivate commitment to and participation in C.P.D. He reports evidence which reveals that

where rewards are offered it significantly influences the level of take-up of C.P.D. activities.

Organisational Conditions Conducive to C.P.D.

Sandelands (1998) argues that C.P.D. fits well within an organisational context that is concerned with continuous learning and which is concerned with its competitive edge. Reay (1999) emphasises that C.P.D. is likely to thrive in an organisation that values employee growth as a driver to maintaining organisational competitiveness and it views the “knowledge bank” of its employees as one core to its business. Martiny (1998) takes a somewhat similar perspective. She argues that a common vision, teamwork and shared knowledge are key ingredients of competitive success. In order to facilitate this process, Robinson (1998) suggests key managers must accept responsibility for the C.P.D. of staff. This will require the manager to give attention to the identification of C.P.D. needs and formulating in collaborative fashion C.P.D. plans. This process may in some organisations be incorporated into performance management processes where they exist.

Caley (1998) argues that a deeper understanding of C.P.D. is required. He found that a willingness to facilitate C.P.D. can be inhibited by a lack of understanding of how it is done and the lack of a cascading process of positive reinforcement and encouragement. Small (1998) reveals that most of the C.P.D. undertaken in the organisations she studies was as a result of initiatives by the professional sometimes in conjunction with line managers. There is also evidence that much C.P.D. may take place in an informal context. Jones & Robinson (1998) suggest that professionals often learn in an informal way. However, the extent to which this is possible depends on the structure and culture of the work context. In bureaucratic organisations, for example, or where internal competition is encouraged, the conditions for C.P.D. may not exist. This may be manifest in a lack of space to make mistakes and lack of opportunities to experiment and take risks. The organisational context of C.P.D. is a complex issue and all of the constituent elements are interlinked. A more flexible approach in the form of informal and structured work based learning activities is now recognised as central to the effective delivery of C.P.D. (Browell 2000; Hemmington 1999; Lester 1999).

A SUMMARY OF THE ISSUES

C.P.D. represents an important issue for knowledge workers and in particular those who work within very specialised fields, such as those working within the legal profession. Advocates of C.P.D. argue that it serves a number of important functions; to acquire up-to-date knowledge relevant to professional practice, to develop attitudes and values appropriate to the professional area, to enhance professional commitment and develop positive attitudes to continuous learning. The area of C.P.D. is not without its problems and dilemmas. Four specific issues are pertinent in this context:

- **Individual and Organisational Focus:**
The essential question here is whether the contribution of C.P.D. is enhancement of the individual and/or the organisation. Some commentators argue that the organisational contribution may be difficult to measure.
- **Individual or Organisational Responsibility**
The contemporary thinking is that the individual owns C.P.D. This is an issue in explaining the level of implementation of C.P.D. If it is left to individuals alone, will they possess the necessary motivation and resources to pursue C.P.D. Additionally, is it likely that organisations may abdicate responsibility

to individuals. This will be influenced by the extent to which the organisation is committed to investment in human resource development.

- **Professional or Organisational Values:**
An important dilemma for organisations that invest in C.P.D. relates to issue of values. Many professions take the view that the values of the professional group should prevail where conflicts between professional and organisational values occur. This issue is often not made explicit in C.P.D. activities nor is it often addressed directly in the organisational setting. Organisations are therefore sometimes slow to invest in C.P.D. especially where they place a strong emphasis on the cultural values that they espouse.
- **Organisations or Professional Bodies as Providers:**
This issue manifests itself in the form of a decision of whether it is appropriate to rely on individual firms there should be collective possession within the profession. The former scenario is more likely to lead to a more contextual and organisationally relevant C.P.D. provision whereas the latter benefits the profession and the occupational labour market as a whole in that it can facilitate a standardisation of provision.

These dilemmas are relevant to the profession under investigation in this paper.

METHODOLOGY

Research Question

The study was essentially exploratory. Little research currently exists and therefore many questions about C.P.D. in the Irish legal profession remain unanswered. In the paper, three specific questions are addressed:

- Attitudes of the legal profession to C.P.D.
- Details of the types of interventions that are utilised to facilitate C.P.D.
- Priority C.P.D. issues that currently exist within the legal profession

These questions were considered appropriate for an exploratory study. A questionnaire was considered an appropriate method to use to collect data because of its potential to collect baseline errors, sectoral data and its potential to identify avenues for further research.

Fieldwork

A stratified sample of 150 firms was selected from a sample frame provided by the Law Society of Ireland. The basis of stratification was geographical location and size of firm in terms of employment. The questionnaire consisted of a series of closed and open questions. In order to ascertain the attitudes of respondents to C.P.D. a series of statements utilising a 5-point Likert scaled response was included.

Response Rates

Forty-five questionnaires were returned indicating a response rate of 30 per cent. This response rate is considered significant for a postal survey. The research evidence highlights that a response rate of between 15-20 per cent is the norm for relatively structured questionnaires. It is lower for more open-ended questionnaires. Despite using size as a basis for stratification with the aim of capturing a representative set of responses from both large and small firms, a relatively low percentage of responses were returned from larger legal firms. Indeed, no responses were received from firms employing between eleven to fifteen legally trained employees. It is arguable that the profile of respondents is broadly in line with the

structure of legal firms in Ireland. Data published by the Law Society (Joyce, 2000) indicates that 48 per cent of the legal profession are sole practitioners. Analysis of the responses indicated that 80 per cent of respondent firms employed between one and five legally qualified employees.

Analysis

Three forms of analysis were conducted on the data:

- Descriptive statistics were utilised to calculate means, standard deviations, and coefficients of variation for all of the Likert-type scale items
- Spearman non-parametric tests were conducted to identify relationships between organisational size and provision of and attitudes to C.P.D.
- Content analysis was utilised to identify themes in the qualitative responses of respondents

RESULTS

Descriptive Results

The results presented in Table 2 show a reasonably high level of participation among legal firms in C.P.D. activities. In all cases, where legal firms claimed to partake in C.P.D., senior staff were involved in C.P.D. activities. A preliminary analysis of the data presented in the table appears to suggest that larger firms are more likely to be involved in C.P.D. and are also more likely to organise C.P.D. on a more frequent basis than smaller firms. The influence of organisational size will however, be dealt with in more detail later in this section.

Table 2: The Involvement of Legal Firms in C.P.D. Activities

	Size of Legal Firm		Involvement of firm in CPD		Training Senior Staff within last 12 months			Frequency of C.P.D. Activities			
	n	% of sample	Yes n	No n	Yes n	No n	D. K. n	Monthly	Six Month	Ad-hoc	Not Involved
1 – 5 Employees	36	80	24	12	25	10	1	0	9	15	12
6 – 10 Employees	5	11.1	4	1	4	1	0	1	0	3	1
15 + Employees	4	8.9	4	0	4	0	0	4	0	0	0
Total	45	100%	32	13	33	11	1	5	9	18	13

Amongst non-participants in C.P.D., lack of time was frequently cited as a barrier to involvement in such activities. If one considers the general increase in overtime and unpaid late working hours that legal professionals work combined with the time spent commuting to work, then this has a significant adverse impact of discouraging participation in forms of C.P.D. such as weekend seminars, night classes or simply taking a day off from work.

Attitudes to C.P.D.

A number of items were included in the questionnaire to elicit the attitudes of solicitors to C.P.D. Table three presents a summary of the responses

Table 3: Attitudes to C.P.D. of the Legal Profession

Item	Mean	SD	COV
1. C.P.D. has a high level of relevance to the legal profession	1.4	0.53	0.12
2. There is currently a high level of commitment to C.P.D. in the legal profession	2.6	1.00	0.29
3. C.P.D. has a beneficial impact on your firm	1.6	0.49	0.11
4. C.P.D. plays an important role in the life of the firm	1.6	0.56	0.13

Note: 1 = Strongly Agree; 5 = Strongly Disagree

The responses in general reveal a positive attitude amongst the legal profession to C.P.D. The means are generally clustered towards the positive extreme of the scale. Respondents perceived that C.P.D. has a high level of relevance to the legal profession. This was the most positive attitude represented and was followed in order of magnitude by two other positive attitudes: C.P.D. has a beneficial impact on the legal firm and that C.P.D. plays an important role in the life of the firm. There is in general a neutral response to the fourth attitude: the extent to which there is currently a high commitment to C.P.D. in the legal profession. The mean is very close to the midpoint of the scale and the standard deviation indicates considerable variance in responses. The coefficient of variation (0.29) also indicates significant variation in respondents perceptions of commitment to C.P.D. in the legal profession.

Reasons for and Conditions Conducive to C.P.D.

Respondents were asked a range of open-ended questions related to the reasons they and their firm as a whole would invest in C.P.D. The responses in general focus on human capital type reasons. Table four presents a summary of the types of responses made.

Table 4 : Respondents Perceptions of the Issues Surrounding C.P.D. within the Legal Profession: Individual, Firm & Profession Issues

Stakeholder	Benefits/Costs of Investing in C.P.D.	Costs of Not Investing in C.P.D.
Legal Firms	<ul style="list-style-type: none"> • Essential for legal firms who operate in a fast changing legal environment • Potential loss of staff as individuals develop and are poached • Time individual away from work on C.P.D. activities • Financial Cost of C.P.D. programmes • Limits to the level of C.P.D. from professional journals & books • Costs of programming and disseminating policies & regulations in C.P.D. • Costs of providing profession wide guidance and support facilities 	<ul style="list-style-type: none"> • Lack of motivation by legal firms to invest in C.P.D. • Potential inability to compete in the marketplace against legal firms who invest in C.P.D. • Firms perceive themselves too busy to consider C.P.D. • Loss of staff due to lack of personal development opportunities • Potential liability through legal professionals lacking necessary competence for specific purposes and not in a C.P.D. context
Legal Practitioners or Professionals	<ul style="list-style-type: none"> • Essential for professional practice & personal credibility • Demands professional commitment and time away from the office • Knowledge is fast becoming obsolete – C.P.D. assumes that individual practitioners are up-to date • Lack of individual efficiency & effectiveness • Capacity to take on board new areas of professional practice. 	<ul style="list-style-type: none"> • Under utilised by older members of the profession • Opportunity cost lost of non-investment in C.P.D. • Many journals & books are read under pressure • Potential costs of professional standing • Inability to compete with members of legal profession • Threat of individual negligence claims • Potential to be struck off the registrar
Legal Profession	<ul style="list-style-type: none"> • Profession considers C.P.D. an integral point of practice • Greater level of consistency by profession in monitoring of standards • Enhanced commitment of profession to C.P.D. • Costs of developing novel means of delivery of C.P.D. utilising technology • Costs involved in implementing a compulsory process of C.P.D. 	<ul style="list-style-type: none"> • C.P.D. within the profession perceived as haphazard • Lack of consistency of standards among members • Non-compulsory nature of current system means that it simply does not happen • Lack of access by legal profession to C.P.D. because of poor geographical spread of provision • Small firm structure of profession results in little or no investment in C.P.D.

The responses on the rationale for C.P.D. generally focus on the added value that it can contribute to the legal firm's activities. Respondents also perceived it as a strategy to avoid professional negligence claims and to provide an effective service to clients. The responses also reveal a strong awareness of the difficulties associated with developing C.P.D. within the profession. The responses highlight time, cost, attitude and access constraints. Due to the structure of the legal profession where many are sole operators, they find it difficult to take time out to participate in C.P.D. activities. They also highlighted the need to be personally committed and to personally value C.P.D.

C.P.D. Practices within the Profession

Respondents were provided with a list of activities that could be included in C.P.D. programmes. Table five summarises the responses.

Table 5: Priority Areas where C.P.D. is Required

Item	Mean	SD	COV
Administration Skills	2.4	2.40	0.62
Communications Skills	3.5	1.93	0.55
Time Management Skills	4.7	2.79	0.60
Customer Service Skills	4.8	2.28	0.48
Legal Research Skills	5.3	3.34	0.63

Note: 1 = Highest Priority; 10 = Lowest Priority

The responses are revealing in terms of what they tell us about how the legal professionals conceptualise the content of C.P.D. They do not give any significant priority to specific knowledge areas but instead prioritise more generic skills, though the nature of the responses was quite variable and contingent on the type of legal practice involved. Three management areas were given the highest priority; administration, communication and time skills. The two remaining priority areas focused on customer service issues and one area specific within the profession; legal research skills. The standard deviations and coefficients of variation statistics are significant in all cases, indicating significant variation in responses.

Types of C.P.D. Interventions Utilised

Table six summarises the types of C.P.D. strategies currently utilised within the legal profession.

Table 6: C.P.D. Interventions Utilised

	Small Firms 1 - 5 Emp		Large Firms > 5 Emp	
	N	%	N	%
Books / Journals	26	72	5	56
Conferences	26	72	7	78
Coaching / Mentoring	3	8	6	67
CD Rom	8	22	4	44
Legal Databases	7	19	6	67
Internet	5	14	5	56

The data reveals a number of trends across both categories of firms.

- Conferences are the most commonly used strategy by both small and large firms.
- Professional books and journals are used to a significant degree by both small and large firms with a greater reliance placed on this strategy by smaller legal firms.
- Larger firms are more likely to utilise formal coaching/mentoring relationships as a strategy for C.P.D. than smaller firms are and they are also more likely to make use of the Internet legal databases and CD-ROM's. This suggests a greater understanding by larger firms of the possibilities offered by technology in the C.P.D. field.

Influence of size on Commitment to C.P.D.

The results of the data analysis reveals a statistically significant relationship between the size of the legal firm and the existence of a C.P.D. budget ($R= 0.72$, $P<0.037$). The existence of a C.P.D. budget is generally viewed as a strategic commitment to C.P.D. This finding on the size of firm - existence of a C.P.D. budget relationship is consistent with previous research, indicating that smaller firms are less likely to invest in C.P.D. or training activities in general than larger firms (Westhead & Storey, 1996; Vickerstaff, 1992; Johnson & Gubbins, 1992; Kirby, 1990). The analysis also supports the proposition that larger legal firms are more likely to espouse a positive attitude than smaller firms to C.P.D. ($R=0.62$, $P<0.043$). This finding is well supported by previous research highlighting the negative attitude of small firms in response to training and development; time and resource constraints being generally cited as the primary reasons underlying this attitude (Sargeant, 1966; Hankinson, 1994).

The analysis also reveals a significant relationship between attitudes towards C.P.D. and the perception of the impact of C.P.D. on the individual firm ($R= 0.46$, $P< 0.008$). Thus it appears, that in those legal firms, which have invested in C.P.D., the perception exists that such activities have succeeded in adding value to the firm's activities.

An expected relationship between size of firm and frequency of C.P.D. activities is not supported by the analysis ($P< 0.257$). This suggests that in this case, size was not a predictor of the frequency of investment in C.P.D. This finding generally does not find support in the broader human resource development and training literature which, in general, indicates that larger firms are likely to conduct training and development activities than smaller ones. The relatively small number of respondents who were categorised as large firms may have distorted the relationship.

CONCLUSIONS

C.P.D. is currently an issue of relevance within the legal profession. It is a profession, challenged by a growing body of legal rules, EU Directives and Regulations and the emergence of new legal concepts and crimes. The profession is also impacted by developments in new technology, which present new legal challenges as well as providing a means to deliver C.P.D. activities. C.P.D. as a concept is generally diffuse and it is concerned with these important dimensions; providing the professional with a way to update their technical and professional knowledge, enabling professional values and ethics to be inculcated within the profession and promoting the value of continuous learning within the professional group.

The issue of C.P.D. within the legal profession is under-researched. This exploratory study does establish that there is a high level of interest in and commitment to C.P.D. amongst legal professionals. The extent of commitment and interest is however modified by firm size. Higher levels of commitment are reported for larger than smaller firms. Time and monetary expense are the two main barriers to investment in C.P.D. for many small firms. Larger legal firms are more likely to have the financial resources and time available to fund and encourage C.P.D. initiatives than is the case with sole practitioners or small firms. The data revealed that, in many of the smaller firms, C.P.D. activities were organised in a very and-hoc, reactive fashion, without any attempt to relate them to the strategic priorities of the firm. Such an and-hoc approach was also reported for larger firms. This is somewhat surprising, given that 50% of responding firms with more than five legally trained employees responded that they had a specific budget for C.P.D. activities. The situation in smaller firms is easier to explain. In this case, less than one quarter of responding firms had a specific C.P.D. budget.

There is evidence of a traditional approach in regard to the types of strategies utilised to deliver C.P.D. The responses from both small and large legal firms indicate a strong preference for attendance at conferences or the use of books/journals. Relatively few legal firms have, in place, formalised coaching/mentoring schemes to facilitate C.P.D. nor have they, in general, embraced the use of new technology as a strategy to deliver C.P.D. Technology is more likely to be utilised by the larger legal firms.

Respondents have interesting perceptions of what constitutes C.P.D. The responses in general reveal that C.P.D. is conceptualised in terms of core management and personal skills rather than specific legal knowledge and/or skills. Management skills were prioritised as the most important C.P.D. area, with only one specific legal expertise area ranked in the top five priorities.

The study in general reveals that there is an increasing recognition of the value of C.P.D. amongst the legal profession. This recognition is most likely to be stronger in larger rather than smaller legal firms. There is evidence from the C.P.D. and legal literature that in order for the legal profession to be effective within an increasingly dynamic environment, a recognition of the value of C.P.D. must be coupled with both a monetary and time investment by organisations and individuals in addition to a high level of personal commitment on the part of legal professionals to C.P.D.

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