

How to complete your own continuing professional development plan and record — your CPDPR

Introduction

The following material was prepared by Emeritus Professor Neil Gold for the October 2013 NZLS workshop, "The NZLS CPD Rules – a practical guide." Minor adaptations have been made in particular to the introductory sections. Work through it step by step to develop your own CPDPR and to understand the whole planning process and thinking behind it.

What is a CPDPR?

The CPD Rules require all New Zealand lawyers to take personal responsibility for their on-going learning through a personalised tailored-to-need plan of activities supporting their own defined professional learning goals.

Each CPDPR is specific to each lawyer and documents:

- your learning needs and the types of activities you propose to take to fulfill them
- detail of the activities you undertake
- your reflections on these activities
- It will be accompanied by documentation verifying you completed your required CPD hours.

What to do — plan, act, reflect

These worksheets will assist you through the three main stages central to developing and maintaining a CPDPR – planning, acting, and reflecting.

Templates to create your own CPDPR are available on the Law Society website at www.lawsociety.org.nz/cpd in Microsoft Word and Excel format.

However, there is no prescribed format for the CPDPR, and you can use whatever system and format you feel most comfortable with.

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A. Planning

- 1. Identify 2 4 areas of practice in which you are engaged.
- Reflect on your practice in these areas in order to identify what you do well and what needs improvement in terms of your knowledge, skills, practice management and professionalism.
- Identify your practice needs the knowledge, skills, practice management and aspects of professionalism in need of development, updating, etc.
- 4. Assess your personal level of interest in the practice needs identified above.
- 5. Prioritize your needs specify 1–3 important learning needs for the coming year.

- 6. Determine if and how these learning needs will align with your firm's business plan and adjust your plan accordingly.
- 7. Devise learning outcomes that will meet the needs selected.
- 8. Finalize a set of 1–3 outcomes to achieve in the upcoming year.
- Identify a series of activities that that will help you achieve your identified learning requirements/desired outcomes
- 10. Summarise the above and enter it in your CPDPR

Below is a series of example worksheets filled in by an imaginary commercial law practitioner which correspond to the 10 steps listed above. Work through the following points in the blank worksheet, using the example as a guide:

EXAMPLE

1. AREAS OF PRACTICE

- 1. Appearing for clients in commercial arbitrations
- 2. Litigating commercial disputes
- 3. Mediating commercial disputes (new)

1. AREAS OF PRACTICE

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EXAMPLE

2. REFLECTION ON WHAT I DO WELL AND WHAT NEEDS IMPROVEMENT

What I do well:

- 1. Knowledge of commercial law
- 2. Skills drafting, negotiation, trial preparation
- 3. Professionalism/Ethics NZLS rules
- 4. Practice management time management

What needs improvement:

- 5. Knowledge personal property security legislation
- 6. Skills representing clients in the mediation of commercial disputes
- 7. Professionalism mediation and ethics
- 8. Practice management record keeping and billing

2. REFLECTION ON WHAT I DO WELL AND WHAT NEEDS IMPROVEMENT	
What I do well:	
1. Knowledge of	
2. Skills	
3. Professionalism/Ethics	
4. Practice management	
What needs improvement:	
5. Knowledge	
6. Skills	
7. Professionalism	
8. Practice management	

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EXAMPLE

3. PRACTICE NEEDS

- 1. to learn about new personal property security legislation and related new cases
- 2. to acquire skills to represent clients in mediations and know more about special ethical provisions arising in this context
- 3. to improve my record keeping and billing practices to ensure I account fairly and completely for the work I do
- 4. litigation and preparing for trial

3. PRACT	ICE NEED	S			

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EXAMPLE

4. PERSONAL LEVEL OF INTEREST IN IDENTIFIED PRACTICE NEEDS (CHECK AS APPROPRIATE)

Practice area	Low	Medium	High
to learn about new personal property security legislation and related new cases personal property security legislation and related new cases		XXXXXXXXX	
2. to acquire skills to represent clients in mediations and know more about special ethical provisions arising in this context			XXXXXXXXX
3. to improve record-keeping and billing practices			XXXXXXXX
4. litigation and preparing for trial		XXXXXXXX	

YOUR NOTES

4. PERSONAL LEVEL OF INTEREST IN IDENTIFIED PRACTICE NEEDS (CHECK AS APPROPRIATE)

Practice area	Low	Medium	High
1			
2			
2.			
3			
4			

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EXAMPLE

- 5. MOST IMPORTANT LEARNING NEEDS FOR COMING YEAR (1-3)
- 1. mediation skills and ethical rules
- 2. record-keeping and billing practices
- 3. new personal property security regulation

5. MOST IMPORTANT LEARNING NEEDS FOR COMING YEAR (1-3)	
	<u>.</u>

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EXAMPLE

6. ALIGNMENT OF LEARNING NEEDS WITH FIRM'S BUSINESS PLAN

- 1. The firm is aiming to increase revenues through better practice management.
- 2. The firm is seeking to expand practice into new areas such as mediation.
- 3. The firm focuses on commercial transactions and litigation.

6. ALIGNMENT OF LEARNING NEEDS WITH FIRM'S BUSINESS PLAN					

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EXAMPLE

7. LEARNING OUTCOMES THAT MEET THE NEEDS SELECTED ABOVE

- 1. to be able to engage in mediation on behalf of a client and to understand the ethical rules that apply to me as a client's advocate in a mediation.
- 2. to describe the role of a mediator and understand how that role influences the mediation process.
- 3. to acquire a system and the habits that will improve my record keeping and billing practices to ensure I account fairly and completely for the work I do.
- 4. to understand and be able to apply new personal property security legislation.

7. LEARNING OUTCOMES THAT MEET THE NEEDS SELECTED)

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EXAMPLE

8. FINALIZED SET OF 3 LEARNING OUTCOMES FOR UPCOMING YEAR

- 1. to be able to engage in mediation on behalf of a client and to understand the ethical rules that apply to me as a client's advocate in a mediation.
- 2. to describe the role of a mediator and understand how that role influences the mediation process.
- 3. to acquire a system and the habits that will improve my record keeping and billing practices to ensure I account fairly and completely for the work I do.

8. FINALI FOR UF	ZED SET PCOMING	LEARNI	NG OUT	COMES	

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EXAMPLE

9. CPD ACTIVITIES THAT WILL HELP ACHIEVE MY LEARNING OUTCOMES

Activities must be (1) verifiable, (2) provide for interaction/feedback, (3) planned and structured with a stated purpose and outcomes, (4) related to my identified learning requirements, and (5) not part of my daily work:

- 1. Enrol in course that will address representing clients in mediations 10 hour intensive programme offered by LawMed.
- 2. Attend two webinars on practice management that deal with record keeping and billing.
- 3. Form study group in firm to study ethical issues that arise in mediations.

9. CPD ACTIVITIES THAT WILL HELP ACHIEVE MY LEARNING OUTCOMES
Activities must be (1) verifiable, (2) provide for interaction/feedback, (3) planned and structured with a stated purpose and outcomes, (4) related to my identified learning requirements, and (5) not part of my daily work:

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AN EXAMPLE CPDPR PLAN BASED ON THE PRECEDING WORKSHEET

Based on the example worksheet above, the example lawyer's finished CPDPR would look like this:

l coming Noods					Reflect	ions
Learning Needs, Outcomes and Reason for Them	Proposed Actions	Activities & Details	Date	CPD Hours	Outcomes / Evaluation / What I Learned / Will Do differently	Further learning needs
In order to help support my firm's decision to expand our practice into new areas, including mediation, I need to acquire skills to represent clients in mediation. Learning Outcomes: To be able to engage in mediations on behalf of a client. To describe the role of the mediator and understand how that role influences the mediation process.	Attend a 10-hour, skills-based workshop on mediation training that uses role- plays and simulations.	LawMed workshop: Mediating commercial disputes.	1 May 2014	10	I will use "interest- based" negotiation when mediating commercial disputes. I will use active listening when interacting with the mediator and the parties to the mediation. I will use questions properly and strategically in the form suited to the outcomes sought at the time, as the circumstances require during mediations.	I will pursue more advanced mediation training particularly training that deals with mediating complex commercial disputes and acting as a mediator.
In order to meet my professional obligations, I need to know more about ethical issues that might arise in the course of mediation. Learning Outcome: To understand the ethical rules that apply to me as a client's advocate in mediation.	Form study group with lawyers in my firm to examine ethical issues in mediation.	Compile a reading list and schedule monthly meetings to discuss the reading material. Invite academic or speakers in the field to address the issue every other month.	Ongoing	5	I have a working knowledge of (1) conflict of interest requirements when deciding whether to act in a mediation; (2) confidentiality requirements for mediations.	I will continue to participate in monthly meetings with an expanded focus that includes ethical issues in commercial litigation and ethical issues facing mediators.
In order to improve the management of my practice, I need to improve my record keeping and billing practices. Learning Outcome: To acquire a system and the habits that will improve my record keeping and billing practices to ensure that I account fairly and completely for the work that I do.	Attend two webinars on practice management that concentrate on record keeping and billing.	NZLS CPD sessions: Efficient Practice Management: Legislation Governing the Lawyer-Client Relationship - Rendering Accounts. Efficient Practice Management: Keeping Records and Rendering Accounts	20 Oct 2014 28 Nov 2014	6	I will be able to operate my practice more efficiently with my recently purchased practice management software to keep records and bill clients in a timely and informative manner.	I will monitor the success of the new software on my record-keeping and billing practices and make improvements where appropriate. I will continue to monitor developments in the practice management field to further improve my billing practices.
		CPD HOURS REG	UIRED	10		
		CPD HOURS COME	PLETED	21		
	CPD I	OURS CARRIED FOR	RWARD _	5		

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B. Act

Download a CPDPR template from the Law Society website at www.lawsociety.org.nz/cpd. Using your worksheet notes and the example CPDPR above, begin to fill in your own CPDPR. Start by noting your learning needs and proposed actions. As the CPD year progresses, record the details of the activities you undertake in your CPDPR. Use the CPDPR as a guide. Include:

- Name and date of the activity
- Details of organiser

- Learning outcomes
- Number of CPD hours. They must meet the requirements set out in Rule 3.1(b) of the CPD Rules i.e.:
 - 1. Are verifiable
 - 2. Provide for interaction/feedback
 - 3. Are planned and structured with identifiable aims and outcomes related to your CPDPR
 - 4. Are not part of your day to day work

C. Reflect

Complete your reflections on your completed activities in the above template using the above completed CPDPR and the following material as a guide.

IMPLEMENTING THE PLANNING AND REFLECTION CYCLE FOR LEARNING THROUGH CPD

Effective learning might be thought of as a process that incorporates reflection at various stages in the learning process.

Reflection begins when planning your annual CPD program of study as you think about your practice and identify areas that can be improved by engaging in a CPD learning activity.

When engaging in reflection *before* deciding on your course of CPD study consider these questions:

- 1. What are the skills and knowledge that I need to improve?
- 2. Have any ethical issues arisen I need to explore?
- 3. What educational opportunities are available to me that can address my learning needs?

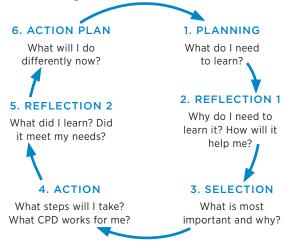
When engaging in reflection after

completing a CPD activity, consider these questions:

- Did this program/course/study group, etc. help me develop the knowledge and/ or the skills needed to improve the area of practice that I identified?
- 2. How can I implement what I learned in the CPD session to improve my practice?
- 3. Has this program helped me meet my learning outcomes? How?

PLANNING AND LEARNING CYCLE

Effective learning incorporates reflection at several stages.



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ASSESSING THE CPD PROGRAM OF ACTIVITIES RETROSPECTIVELY

Each year, upon completion of the CPD program of activities, consider the following questions:

- 1. Have all the learning outcomes identified in my CPD plan been achieved?
- 2. Are there still areas among those outcomes already identified for which further professional development is necessary?
- 3. Has my firm's business plan been altered so as to affect my practice needs?
- 4. Do I need to change the plan this year in light of 1–3, above?
- 5. Am I ready to identify different or expanded needs/outcomes for the following year?