

## Dynamic CLE Panel Sessions

By David Cruickshank

(Presented at the Professional Development Institute, Washington, DC December, 2012)

The continuing legal education (CLE) program item in your hand looks promising: “Panel Discussion of Current Issues in Mergers and Acquisitions Practice.” You attend the 90-minute session. One moderator and three panelists appear. The moderator introduces each in turn. Each delivers a 25 to 30 minute lecture, covering much material you already know. The moderator apologizes. There are just two minutes left for questions and discussion. The burned-out audience has one question and no enthusiasm left. “Discussion” is out of the question.

How many of us have been drawn to the “panel discussion session” and been disappointed like this? The idea of a “panel” promises so much but delivers so little at most CLE sessions and conferences. When presenting a client CLE, the deadly panel can also hurt your firm’s reputation. This dynamic can be changed through the creative and organized leadership of moderators.

The moderator, at the earliest stage of organization, must take control of the planning for a panel session. Make it clear that a panel must be:

- interactive within the panel and with the audience;
- a series of very short responses or comments to a *planned agenda* of issues;
- a forum for generating new ideas, different perspectives, or solutions to problems;
- a time to build on information that may be in the conference or CLE materials, not to repeat that information.

Above all, a panel discussion should *not be a series of lectures*. Granting a three-to-five minute “opening statement” to each panelist is the only exception to this rule.

Let’s review some options for livelier panel sessions.

### Topic-by Topic Panels

The moderator can recruit panelists who are likely to have different views on a series of topics. For example, on Evidence Disclosures, you might recruit the prosecutor, a defence lawyer, a judge, and a representative from a crisis-counseling centre. Next, prepare a list of topics and a few pointed questions under each topic. This can be done in an early conference call with your panelists. My practice is to ask each panelist to send me five to six questions he or she would like to be asked. After the call, I allocate a total time to each topic and a “lead response” person to each question (usually the person who submitted the question). I also build in at least two short periods of audience question time.

With this prepared “questions script” you are ready for the next panelist conference call. This time, the panelists see our timed panel plan and their lead roles. I then ask for secondary commentators on each topic – so long as each can add something new. Finally, I ask for slides to be submitted and I fill in the “slides column” on our plan.

As moderators, your next job is to come prepared to direct traffic. Ideally, you are not there for expertise as much as you are to keep “dynamic and interactive” in the panel session. Keep responses short. Ask for differing views. Call for examples from the experience of the audience. Promote debates between panelists.

### Case Study Panels

In these sessions, the audience and the panelists are all given the facts and data of a case study. The audience is seeing it for the first time, so the moderator may have to present the facts briefly. The panelists should all have something unique to contribute to the case. This method works best with cross-disciplinary panelists.

For example, a panel on Environmental Offences might consist of an investigator, an environmental engineer, a scientific expert, and two opposing lawyers.

The moderator again plans the questions in an early conference call. The order of discussion will be analytical: issues, relevant

facts, application of law, expert data, and likely solutions.

In this method, the moderator can ask the audience how they would apply law to facts or what weight they would give to facts in the case study. The use of overhead diagrams, maps and lists will add visual interest to the session.

### **Demonstration Panels**

For these panels you need to run a parallel live or videotaped demonstration. It works well when you want to dramatize the actions of the judge or lawyers or to demonstrate a skill. A good example might be: Advocacy Skills in Meditated Cases.

Plan a short demonstration that can be divided into at least four segments. The moderator starts and stops the demonstration. At each break, the moderator asks the panelists to comment. Plan to have a "lead respondent" for each segment. Again, turn to the audience for questions like: "What is most difficult about this skill for you?"

The moderator or one panelist should conclude by summarizing the key skills or actions that you expect in a good performance. In my experience, the demonstration-response panel is a most engaging format.

### **Join the Audience**

To liven up any panel session, moderators can join the audience. Put your questions on a clipboard, get a wireless microphone, and start wandering. From the audience you are better positioned to do a number of things: jump in when a panelist is going into overtime; notice which panelist is ready to respond; and call upon audience members for questions and comments. Just being in the audience promotes the interaction that you are looking for.

The next time you are asked to be a panelist or a moderator, make a difference by *planning* an interactive, lively panel. Your audience will learn more, retain more, and come to believe in the promise of dynamic CLE courses.

© 2012 David Cruickshank.