

# Guidance for providers of continuing professional development activities for lawyers

These guidelines should be read alongside the Lawyers and Conveyancers Act (Lawyers: Ongoing Legal Education – Continuing Professional Development) Rules 2013, and the NZLS Guidelines to the Rules. Continuing professional development (CPD) is a continuous process by which lawyers acquire, maintain and enhance their skills. The aim of the CPD Rules is to maintain and develop an individual lawyer’s ability to practise to a high standard.

The CPD rules are learner-centred, plan-based and build on insights and reflective practices. Each lawyer is responsible for their own CPD requirements. Lawyers need to:

- identify their own learning needs and maintain a CPD plan and records (CPDPR)
- complete and reflect on 10 hours of CPD activities in line with their learning needs and action plan.

The main features of the CPD Rules are A **CPDPR** which includes a description of learning needs, an action plan, an activities record, reflections on outcomes, reflections on future learning needs and documentation verifying attendance

- **CPD activities** which must be verifiable, provide for interaction/feedback, be planned and structured with a stated purpose and outcomes, be related to

identified learning requirements and not be part of the lawyer’s day to day work.

- Of relevance to CPD providers is that the CPD activities may come from participating in courses, seminars, conferences, training, coaching, study groups and distance learning programmes.

## Will any providers be accredited as CPD providers?

The CPD Rules impose no obligations on CPD providers and do not require either providers of CPD or particular courses to be accredited. The CPD Rules are learner centred and it is up to each individual lawyer to decide if an activity meets the definition of a CPD activity, would help them to fulfil their identified learning needs and would best suit their individual learning styles and circumstances. One size does not fit all. The NZLS will therefore not accredit or approve any CPD providers or particular courses.

CPD providers should not imply that any courses or activities they offer have been ‘approved’, ‘recommended’ or ‘accredited’ by the NZLS

## What should CPD providers do?

The CPD Rules impose no obligations on CPD providers. However, as a provider you may wish to provide some guidance to lawyers on how they may claim your course/seminar towards their hours of required CPD activities.

## Providing CPD activities

To help lawyers to identify appropriate activities and activities which fulfil the requirements, CPD providers should consider:

- designing educational activities based on predetermined aims and objectives to meet the needs and demands of anticipated participants;
- structuring educational activities to achieve the anticipated outcomes;
- including details of the aims and objectives and anticipated educational outcomes in advertisements and programmes of activities.
- applying continuous quality improvement processes to their activities

Lawyers will want to undertake activities which will help them to meet their CPD requirements and are likely to study promotional information with this in mind.

See appendix 1 for information on adult learning and writing learning outcomes.

## Can all hours provided be counted?

The onus is on lawyers to decide whether relevant learning has occurred and, if so, to count the time spent towards their required hours of activities. Breaks may not be included. Providers may give an indication of the potential CPD hours on their brochures. While it is up to each individual

participant to decide if a CPD activity is relevant to their identified learning needs, to keep it simple, most providers are stating the (potential) number of CPD hours – “X CPD hours”

## Verifying CPD participation

CPD providers may help lawyers verify their participation in the CPD activities provided by providing course participants with a certificate or other appropriate document which shows they attended and which includes:

- a. the lawyer’s name
- b. name of CPD provider
- c. the title of course with brief description of topics covered
- d. date and location
- e. number of hours excluding time for breaks.

Providers often include this information in participants’ receipts/registration forms. This does not verify attendance, only registration. You could remind participants to keep this documentation and have it countersigned by another participant so that they may verify their participation in CPD activities should they be selected for an audit.

Providers can verify that lawyers completed CPD activities in various ways. Depending on the type of activity these could include completion certificates, signed lists of attendees, attendance records, in-house records and for writers copies of title pages or similar.

## Preparation time

### PRESENTERS

Presenters can usually count a reasonable amount of their preparation time towards their CPD activities. While they will have to

assess the amount of time they can count for themselves, they might ask you for a letter, a copy of the materials or the like to support their assessment.

### PARTICIPANTS

Participants may not count course preparation in most cases. In rare cases preparation might be structured as a distance learning programme. It would need to include exercises requiring interaction and feedback and a mechanism to show that participants actually complete the entire programme. Time spent completing a relevant distance learning programme can be included in a CPDPR.

## Reflections

All lawyers are required to reflect on their CPDPR activities. They should consider what they have learnt, whether they achieved the learning outcomes, what they will do differently as a result of the activity and what else they need to learn about.

Providers could facilitate this process by asking presenters to leave five minutes for this process at the end of a session, and having a discussion to help in the process. You might also provide a form in the course materials for participants to complete.

See appendix 2 for an example.

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# Appendix 1

## Principles of Adult Learning: Andragogy

Modern research and theory have sought to identify how adults approach learning. Four assumptions underlie the theory.

- First, adult learners are self-directed and seek out what they need to know and take responsibility for their learning.
- Second, adult learners have had a variety of experiences and these experiences become the basis upon which new learning is developed.
- Third, the adult learner's readiness to learn is based upon the need to seek answers to a particular issue or the need to acquire new learning in response to professional or life changes.
- Fourth, adult learners need to know why they must learn something. They are motivated by the belief that new learning will help them meet, for example, new demands of a job or changes in the areas of practice in which they engage.

- They are autonomous, goal-oriented, relevancy-oriented and practical.

Thus adult learners function best when they are able to diagnose their own learning needs, articulate their own learning objectives, design and carry out their own learning plans and evaluate whether their learning activities were successful.

## Principles of Deep Learning

The goal of any professional development activity should be deep learning. It occurs when:

- learners retain new knowledge and are able to apply it in different situations and contexts;
- connections can be made between new and prior knowledge;
- new learning prompts critical thinking and analysis that can frequently result in cognitive and/or behavioural changes of benefit to the individual, clients and the firm.

## Setting learning outcomes

The following charts provide examples of action verbs which can be used in setting learning outcomes.

### KEY VERBS: COGNITIVE (THINKING) DOMAIN

					<b>Evaluation</b>
				<b>Synthesis</b>	Appraise
			<b>Analysis</b>	Arrange	Approve
		<b>Application</b>	Analyse	Assemble	Assess
	<b>Comprehension</b>	Adapt	Appraise	Build	Choose
<b>Knowledge</b>	Arrange	Apply	Audit	Combine	Conclude
Cite	Associate	Catalogue	Break down	Compile	Confirm
Choose	Clarify	Chart	Calculate	Compose	Criticise
Define	Classify	Compute	Categorise	Conceive	Critique
Label	Convert	Consolidate	Certify	Construct	Diagnose
List	Describe	Demonstrate	Compare	Create	Evaluate
Locate	Diagram	Develop	Contrast	Design	Justify
Match	Draw	Employ	Correlate	Devise	Prioritise
Name	Discuss	Extend	Criticise	Discover	Prove
Recall	Estimate	Extrapolate	Deduce	Draft	Rank
Recognise	Explain	Generalise	Defend	Formulate	Rate
Record	Express	Illustrate	Detect	Generate	Recommend
Repeat	Identify	Infer	Diagram	Integrate	Research
Select	Locate	Interpolate	Differentiate	Make	Resolve
State	Outline	Interpret	Discriminate	Manage	Revise
Write	Paraphrase	Manipulate	Distinguish	Organise	Rule on
	Report	Modify	Examine	Plan	Select
	Restate	Order	Infer	Predict	Support
	Review	Predict	Inspect	Prepare	Validate
	Sort	Prepare	Investigate	Propose	
	Summarise	Produce	Question	Reorder	
	Transfer	Relate	Reason	Reorganise	
	Translate	Sketch	Separate	Set up	
		Submit	Solve	Structure	
		Tabulate	Survey	Synthesise	
		Transcribe	Test		
		Use	Uncover		
		Utilise	Verify		

Level 1: Recall

Level 2: Interpretation

Level 3: Problem-solving

*Note: Some verbs may be applicable within more than one category: for example, depending on the situation, "calculate may fit under application or analysis.*

## KEY VERBS: ATTITUDINAL OR AFFECTIVE (VALUING) DOMAIN

			<b>Organisation</b>	<b>Characterisation by a value</b>
	<b>Receiving</b>	<b>Responding</b>	<b>Valuing</b>	
	Accept	Agree	Adopt	Anticipate
	Acknowledge	Allow	Aid	Collaborate
	Attend (to)	Answer	Care (for)	Confer
	Follow	Ask	Complete	Consider
	Listen	Assist	Compliment	Consult
	Meet	Attempt	Contribute	Coordinate
	Observe	Choose	Delay	Design
	Receive	Communicate	Encourage	Direct
		Comply	Endorse	Establish
		Conform	Enforce	Facilitate
		Cooperate	Evaluate	Follow through
		Demonstrate	Expedite	Investigate
		Describe	Foster	Judge
		Discuss	Guide	Lead
		Display	Initiate	Manage
		Exhibit	Interact	Modify
		Follow	Join	Organise
		Give	Justify	Oversee
		Help	Maintain	Plan
		Identify	Monitor	Qualify
		Locate	Praise	Recommend
		Notify	Preserve	Revise
		Obey	Propose	Simplify
		Offer	Query	Specify
		Participate (in)	React	Submit
		Practice	Respect	Synthesise
		Present	Seek	Test
		Read	Share	Vary
		Relay	Study	Weigh
		Report	Subscribe	
		Respond	Suggest	
		Select	Support	
		Try	Thank	
			Uphold	
				Act
				Administer
				Advance
				Advocate
				Aid
				Challenge
				Change
				Commit (to)
				Counsel
				Criticise
				Debate
				Defend
				Disagree
				Dispute
				Empathise
				Endeavour
				Enhance
				Excuse
				Forgive
				Influence
				Motivate
				Negotiate
				Object
				Persevere
				Persist
				Praise
				Profess
				Promote
				Question
				Reject
				Resolve
				Seek
				Serve
				Strive
				Solve
				Tolerate
				Volunteer (for)

*The affective domain is concerned with changes (growth) in interests, attitudes, and values. It is divided into five major classes arranged in hierarchical order based on level of involvement (from receiving to characterisation by a value).*

## PREFERRED ORDER WHEN WRITING LEARNING OUTCOMES

There is a preferred order when writing objectives. The condition is usually placed first, followed by the behaviour or verb, and then the criteria. Objectives are written in the future tense. Here are some general examples from the three cognitive (thinking) levels:

- **Recall:** After attending CPD sessions and reading and relevant materials, I will be able **to summarise** 90% of the key provisions of the new legislation when preparing to draft a letter of advice.
- **Interpretation:** After attending CPD sessions and studying the relevant materials, I will be able **to differentiate** between key provisions of the new and old legislation.
- **Problem-solving:** After attending CPD sessions and studying the relevant materials, I will be able **to advise** clients on the impact of the new legislation on their affairs and **take appropriate action**.

## ORDER OF OBJECTIVES

Learning objectives are usually written in the following order:

1. Condition
2. Behavior or verb
3. Criteria

*Adapted from material originally provided by Kathy V. Waller, PhD, CLS(NCA), NAACLS board of directors and available on the National Accrediting Agency for Clinical Laboratory Services website, and adapted from the toolkit of the Northwest Center for Public Health Practice, School of Public Health, University of Washington, in partnership with the Network for Public Health Law.*

