

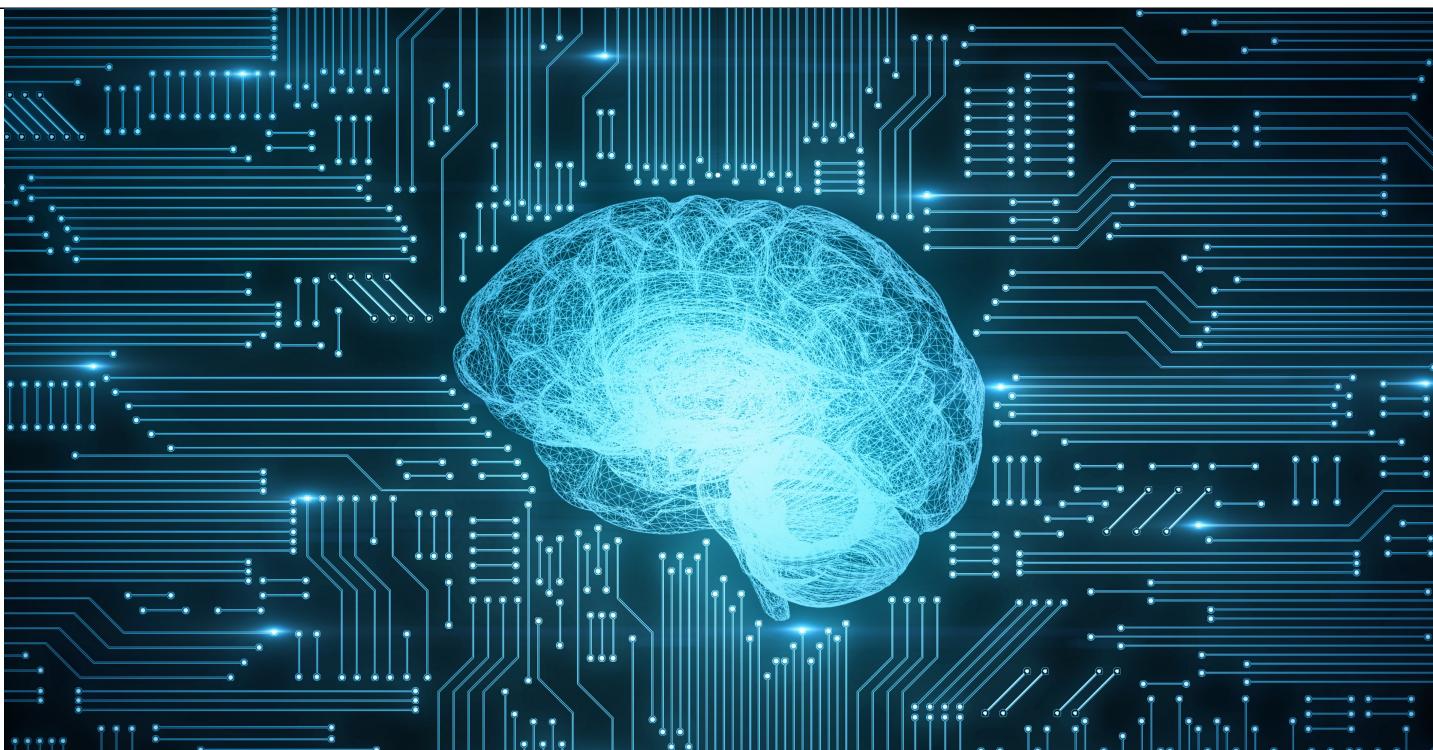
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# DOCKET

*INFORMED. INDISPENSABLE. IN-HOUSE.*

## Training Daze

Technology, Privacy, and eCommerce



Gathering people in a room to talk at them is a sub-optimal way to convey information. It is an even worse way to teach new skills. The Socratic method employed in law schools makes the audience active participants in the pedagogical process. Experiential learning, like clinics, introduces another degree of interactivity. Even the most didactic methods of law school instruction are supplemented by competence-based assessments meant to ensure engagement. Bad instructors mean that law students study harder for finals or the bar. While there is a debate about whether law school is focused on the right subjects and skills, there is broad recognition that young lawyers have been through an intensive knowledge- and skill-acquisition process. It is too bad that, after graduation, we revert to using time as a proxy for learning.

It has always been important for lawyers to be lifetime learners. Laws, regulations and the judicial interpretations thereof are always changing. But the accelerating returns of technology mean that change occurs at a cascading rate. The radio needed 38 years to reach 50 million users. Television reached that number in 13 years. The Internet surpassed the threshold in four years. And now, a game like Angry Birds can have 50 million users in 35 days.

While the times are changing rapidly, the response remains unaltered: train, learn, grow, adapt. We have to do more of it on much shorter cycles. I've previously mentioned studies from MIT finding that it takes five to seven years to see the full benefits in new technology because, for every dollar invested in the technology, organizations must invest an additional ten dollars (i.e., 10x) in complementary training and process redesign.<sup>1</sup> Given the increasing importance of technology training, it is a shame that our traditional approach to introducing new technology tools in the enterprise environment is so ineffective.

Time is easy to measure. We know whether someone spent a prescribed period of time in a room or, more recently, playing a video. For ease of tracking we, too often, measure training by how much

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time someone spent in a passive posture. We have no idea how engaged they were with the material. To take an example familiar to lawyers, how many mandatory CLE classes have been completed tuned out by lawyers answering work emails or playing Angry Birds?

The organization does not know whether the training costs — in direct costs, opportunity costs and lost work time — are worthwhile. The instructor cannot measure (1) the pre-existing knowledge base of her audience, (2) the rate at which they are absorb information, or (3) how much information they retain. Even if she could, the instructor must still choose between catering to the quickest learners with the largest knowledge base and the slowest learners with the lowest baseline.

The better alternative, which technology is now making possible, is competence-based assessments. Competence-based assessments are great for validating the effectiveness of training. But, what is often overlooked is how useful competence-based assessments can be at the front end of training. Trainees have the opportunity to test out of training they do not need. Trainers get to tailor their efforts to identified deficiencies. Total training time is drastically reduced and training effectiveness is enhanced, as can be empirically validated by the successful completion of a second competence-based assessment.

With respect to the acquisition of technology skills, competence-based assessments can be augmented even further by synchronous, active learning. Synchronous in the sense of immediate feedback — *you did that right/wrong* — paired with an opportunity to get instant training: a help button linked to task-specific instruction. Active in the sense that the trainee is working directly with the actual technology both in the initial attempt and following the synchronous training, if any is needed. Synchronous, active learning permits the trainee to learn on their own at their pace. They only need to bring in on the trainer to help them on skills that continue to elude them — further maximizing the use of trainer time.

Technology training will only continue to increase in importance. Time should not be used as a surrogate for learning when we can measure learning directly. Technology can help us deliver training in a more effective, tailored fashion.

1 E . Brynjolfsson and L. M. Hitt, “Computing Productivity: Firm-level Evidence,” *Review of Economics and Statistics* 8, no. 4 (2003): 793–808; Timothy F. Bresnahan, Erik Brynjolfsson, and Lorin M. Hitt, “Information Technology, Workplace Organization, and the Demand for Skilled Labor: Firm-Level Evidence,” *Quarterly Journal of Economics* 117, no. 1 (2002): 339–76, doi: 10.1162/003355302753399526.

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