Chapter III
Collective CPD: Professional Learning in a Law Firm

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ABSTRACT

Continuing Professional Development (CPD) is usually conceived as a planned and formulated process for individual members of professional associations. This chapter, by contrast, examines professional learning as a collective and distributed process, taking a whole firm, as the unit of analysis. Cultural Historical Activity Theory is used to work with a law firm. The results show inherent tensions and contradiction in a process of knowledge sharing and practice improvement.

INTRODUCTION

Continuing Professional Development (CPD) is usually conceived as a planned and formulated process for individual members of professional associations. Previous researchers in the field have focused on the methods used and issues of implementation (Sadler-Smith et al., 2000; Sadler-Smith and Badger, 1998). One consequence of this perspective is that scant attention is paid to more informal processes, including intuitive and implicit learning (Eraut 2000) and the way this learning is shared with others in local contexts and in turn, the way these local cultural and historical conditions enable or constrain such learning. Recent research by Gold et al. (2007) highlighted a significant number of important ways in which professionals in a law firm frequently learned from key moments of their practice, ‘on-the-run’ so to speak, and the contextual nature of that
learning. In particular, through the twin process of articulation and accumulation, learning was shared and became collective knowledge and understanding within the unit, a group of four employment lawyers within a department. This paper develops our understanding by examining professional learning as a collective and distributed process, one which affects subjects differently working within diverse but overlapping contexts. In this paper we take the whole firm as our unit of analysis and view the firm as an activity system (Engeström 2001). This paper develops our understanding by examining professional learning as a collective and distributed process, one which affects subjects differently working within diverse but overlapping contexts. In this paper we take the whole firm, LawFirm, as our unit of analysis and view the firm as an activity system (Engeström, 2001). The findings are reported from a year-long study with a law firm in the north of England (LawFirm). Access was gained initially with the primary aim to improve the firm’s competitive position. However, once close, we were able explore how learning emanates from practice through key moments with clients and how this learning becomes shared with others within the firm through meetings and other mediation means that cross functional boundaries. It also shows how tensions and difficulties that surfaced could also become a source of new knowledge that lead to changed actions and approach to business. We begin by considering the relationship between CPD and the law firm, and highlight the recent changes that affect the way in which law firms are organised. These changes have provided tensions and contradictions that require resolution and offer the potential for new learning. We then consider the findings from our involvement with LawFirm, and show how through the mediation of new tools which enable dialogue and debate to take place, a more collective approach to CPD is stimulated and developed.

**CPD AND THE LEGAL PROFESSION**

England and Wales has 116000 solicitors\(^b\), all of whom are regulated. They are represented by their professional association, the Law Society. As one of the original three professions, practising solicitors find themselves highly regulated by their professional body in all aspects of their work. Under the Solicitors Act 1974 any solicitor who is employed in the provision of legal services is required to hold a practising certificate and the Society has statutory powers to monitor compliance. There are a range of rules that relate to practice and professional conduct. CPD, since 1985, has been compulsory with solicitors being encouraged to take responsibility for their own professional development. The requirement is for a minimum of 16 hours of CPD per year; of which at least 25 per cent must consist of participation in accredited training courses. CPD operates on an annual cycle with each solicitor returning a completed training record, an example of which is shown at Figure 1.

The Law Society therefore, as with most professional bodies of a similar standing, attempt to ‘manage’ their members’ CPD through a compulsory requirement in a planned and systematic process (Grant et al 1999). The logic and assumptions on which the training takes place and will eventually operate are based on mechanistic assumptions that serve bureaucratic control (Taylor, 1996). Not unsurprisingly, the focus of much CPD is focused on particular inputs of codified knowledge and skills; we notice in particular the way the CPD artefact is called a ‘Training Record’. This inputs focus is also concomitant with the well-known difficulty of application in practice (Cantillon and Jones 1999). Partly in response to such difficulties, some professional associations, including the Law Society, have widened the scope of their schemes to incorporate evidence-based learning through the gathering of portfolios of evidence. However the individualised attribution
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