

Exploratory survey research of providers' use of continuing professional education methods in  
accredited Illinois minimum continuing legal education

by

Michael Joseph Fisher

B.S., United States Military Academy, 1985

M.B.A., University of Chicago, 1994

AN ABSTRACT OF A DISSERTATION

submitted in partial fulfillment of the requirements for the degree

DOCTOR OF PHILOSOPHY

Department of Educational Leadership  
College of Education

KANSAS STATE UNIVERSITY  
Manhattan, Kansas

2021

## **Abstract**

This study explored continuing professional education (CPE) methods used by continuing legal education (CLE) providers to meet accreditation standards of the Minimum Continuing Legal Education Board of the Supreme Court of Illinois and recommended standards to expand provider use of CPE methods. The researcher and regulator sent a 21-question survey to 1,872 CLE providers, of which 438 (23%) answered specific questions addressing the overarching research questions: 1) “Are providers using CPE methods to meet the standards?”, 2) “What CPE methods beyond those required by the standards do providers use?”, and 3) “Which provider demographics are predictive of CPE methods used?”

Findings from the quantitative analysis showed providers generally used CPE methods adhering to accreditation standards. The statistical analysis indicated larger, commercial providers’ more frequent use of advanced CPE methods including technological program delivery and online interactivity among learners and experts. Employers, when planning and evaluating in-house programs, more frequently used business objectives, developmental benchmarks, competency models, on-the-job observations or attorney performance ratings. Professional associations more frequently used members’ feedback for program improvements.

A prior study by Fisher (2017) used a similar version of the survey instrument with another state’s regulator, and had similar recommendations, including how further research may influence the profession to adopt more advanced CPE methods in its standards, shifting from traditions of in-person lecture, and moving beyond a focus on attorney compliance. The legal profession is influential in government, policy, regulation, and societal conduct. With greater awareness of CPE methods, the bar may enhance its practices, while also advancing adoption of CPE methods through regulation of other professions.

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Approved by:

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Dr. Jeffrey Zacharakis

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**Note. Opinions expressed in this dissertation should not be construed to represent the opinion or position of the Minimum Continuing Legal Education Board of the Supreme Court of Illinois.**

## **Dedication**

I would like to dedicate this dissertation to my wife, Dr. Holly Fisher. Without her guidance and patience, I could not have accomplished this research.

Thank you also to my parents Roy and Lucille Fisher who have encouraged me from my earliest childhood days in every aspect of my education, driving my underlying desire to achieve this milestone. I hope this work is similar inspiration to my daughter Katrina to achieve her potential in life including in her education. My deeply heartfelt thanks to Holly, Roy, Lucy and Katrina for their understanding over the last four years as I spent time on this effort that normally otherwise would have been spent with them. They share the joy.

It is appropriate to submit this dissertation in memory of the late Dr. W. Franklin Spikes who, in the spirit of the best of adult education professionals, gently guided me as the learner in this doctoral program through the foundations of this profession and expertly influenced the Board's acceptance to become our research partner.



## **Chapter 1 - Introduction**

Chapter 1 provides information about continuing legal education (CLE) as one form of standards in the legal profession intended to protecting the public and the profession. The chapter also reviews prior research about CLE, the rules used by regulators to accredit CLE programs, how these rules were developed based on adult education continuing professional education (CPE) methods, and the specific CLE rules established by one of these regulators, the Supreme Court of Illinois (“Court”). As the 43rd state to implement a CLE program, the Court looked to other states’ CLE experiences. For states with regulated CLE programs, there had been little empirical research to validate accredited CLE programs’ implementation of CPE methods. Therefore, the purpose of this research is (a) to provide an evidence-based, context-specific, quantitative survey study to explore whether CPE methods used in the delivery of CLE programs meet the standards set by the Court (2020) in its Minimum CLE (MCLE) Rules (“Rules”) and (b) to identify opportunities to enhance use of CPE methods in the delivery of CLE programs through proposals to revise the Rules (Supreme Court of Illinois, 2020). The Court oversees one of the most advanced CLE programs in the country according to the American Bar Association (ABA) (2018, March 28). Therefore, changes in the Rules may lead to important enhancements in the use of CPE methods by other states’ CLE programs. This research is also important to the field of adult education, as there is limited prior research of CPE methods used in the delivery of CLE. The legal profession is influential in government, policy, regulation, and conduct in society. Therefore, with greater awareness of CPE methods, the bar may influence greater use of CPE methods through regulation of other professions and through education policy elsewhere in society.

## **Background: Professions**

Professionals play an essential role in our society, using their specialized knowledge in matters of great human importance which society, in turn, recognizes with titles indicating licensed authority (Moran, 2019; Schön, 1987). For example, lawyers are often granted the historically significant honorific title of Esquire, Juris Doctor, or Attorney-at-Law, each of which indicate licensed authority to practice law after being admitted to the bar.

Furthermore, Posner (1995) explained professions “have an intellectual structure and system, such as theology, or the law” (p. 37). In the United States, each state controls entry into professions through governmental regulation, requiring specialized schooling, and qualifying tests to prove novices have mastered the foundational intellectual content in the professional body of knowledge (Cervero & Daley, 2016; Van Loo & Rocco, 2006). For example, in the modern American legal profession, most states have mandated completion of an ABA-accredited law school program and passage of a bar examination to prove the intellectual foundation was learned in law school before novices are admitted to the bar (Barton, 2001; Daley, 1999). Also, state regulators further have protected professional systems by only allowing professionals to keep licenses active if they abide by ethical rules and demonstrate competence in practice. For instance, although rare, an attorney who has committed egregious ethical violations or received repeated malpractice complaints would face sanctions such as suspension from the bar, contempt of court, or disbarment. These controls by state regulators have had the effect of protecting society from bad actors in the legal profession.

States also advanced the intellectual system of professions beyond novice admission by mandating the completion of CPE as an important condition for maintaining an active professional license and to improve practice (Cervero, Dimmock, & Rottet, 1986). Houle (1980) stated “continuing education may be used to raise the quality of service provided and aid the

professionalization process” (p. 10), emphasizing the importance of CPE to professions. CPE includes courses, workshops, self-directed study, online activities, workplace education, and university offerings (Cervero & Daley, 2016). CPE topics have included knowledge updates, new professional practice techniques, and ethical practice standards (Adelson, 1990; Azzaretto, 1990; Bierema, 2016; Houle, 1980; Kenny, 1985; Nowlen, 1988; Schön, 1983). CLE is the term used by the legal profession to describe its CPE programs. Since the 1970s, 46 states have established mandatory CLE (MCLE) programs (CLE Regulators Association, n.d.). Periodic completion of a minimum number of CLE hours is required for attorneys to continue legally practicing and to avoid sanctions. The ABA published the *Model Rule for MCLE* (ABA House of Delegates, 2017) to recommend MCLE standards for implementation by state regulators, intended to improve the practice of attorneys (Harris, 2006 Spring).

Employers of attorneys (e.g., law firms, corporations, government entities), local membership organizations (e.g., bar associations and legal professional organizations), non-legal membership organizations (e.g., industry trade groups), education businesses (legal and non-legal), non-profit (e.g., legal aid, advocacy), and law schools are adult education providers which, as part of their business or activities, have specialized in the delivery of accredited CLE programs to attorneys. This quantitative survey study specifically explored CPE methods used by CLE providers accredited by the Court according to its Rules.

### **Conceptual Framework: Professionalization**

This section describes a conceptual framework for how the legal profession has evolved as a self-regulated organization, integrating rules of professionalism through MCLE standards based on adult education CPE methods. The framework is used later in this chapter to describe state MCLE regulators’ evolving role in accrediting providers’ programs to meet standards based

on CPE methods. The framework is then used to describe the Court's accreditation Rules for providers.

The conceptual framework for this research study is the professionalization of the organized bar. In any profession, professionalization includes setting standards, implementing the standards for the credentialing of members, and expending capital to integrate the standards across the profession's members and other constituents.

First, professions are a form of organization or institution (Bourdieu, 1991; Morgan, 2006). As organizations, members of a profession are expected to freely use their expertise to apply independent judgment in practice, according to the common structure of language, symbols, knowledge, skills, rules, and codes of conduct (Bourdieu, 1991; McDonald, 2014; Morgan, 2006). Morgan (2006) explained, "standardization and integration are achieved through professional training and the acceptance of key operating norms rather than through more direct forms of control" (p. 50). These standards become integrated into the profession, determining members' access and retention of credentials. A single attorney's bad actions can impact the reputation and diminish the profession's influence. CLE periodically reminds attorneys about the importance of ethical practice. Disbarment is the highest level of control the legal profession uses to permanently sanction an attorney previously admitted to the profession and later needing to be removed due to bad conduct.

According to Bourdieu (1991), the credential conferred by a profession becomes a cultural symbol in society to "signify to someone what he is and how he should conduct himself" (p. 120). Furthermore, political, symbolic, and cultural capital are concentrated in institutions granting credentials to professionals (Bourdieu, 1991). Power is accumulated by organizations as they use capital to gain influence over their membership and other constituents (Banfield, 1961). The legal profession in the United States has organized itself into the bar, which along with the

courts, regulates professional licensing, and if necessary sanctions attorneys. The evolving professionalization of the bar has resulted in acquiring capital through the influence of attorneys in government, commerce, and society. The bar has expended capital with its members and other constituents to integrate ever more sophisticated professional standards for novice education and ethical practices. These standards are designed to preserve the bar's reputation of providing the best possible legal representation for clients, citizens, corporations, and society, thus building more capital for the profession's position in society. The history of the organized bar's evolving professionalization provides background explaining the establishment of standards, including influence over the MCLE provider constituency through accreditation, and further societal influences leading to the current state of MCLE standards integration (Banfield, 1961; Bourdieu, 1991; McDonald, 2014; Morgan, 2006).

### **The Organized Bar as Self-Regulated Integrator of Professional Standards**

During the era of the American Revolution, attorneys and the profession independently began to earn social influence from their role as "Founding Fathers" who created the culture of the United States' democratic experiment (Moran, 2019).

Tocqueville understood that many lawyers shared their countrymen's aversion to formality and tradition. But their common training, craft habits, inherited lore, and need for predictability made the group in the aggregate a steadying force. It was of no importance to his theory that American lawyers had never envisioned themselves in this role. To Tocqueville, it was enough that they filled a niche in the political ecology of a fledgling nation embarked on a brave but risky experiment. (Glendon, 1994, p. 282)

As the country was founded, courts were established as an equal branch of government under the Constitution of the United States of America to exercise autonomy as a form of political capital

(Banfield, 1961). Following the evolving norms of the profession, the courts expected lawyers to use independent judgment consistent with Aristotelian logic and, as Jefferson recommended in Federalist No. 78, to apply it ethically to advance pluralistic ideals (ABA Section of Legal Education and Admission to the Bar, 1992; Barton, 2001). Attorneys in this era were local professional advisors, who often represented citizens in the courts, yet also comprised the large majority of legislators, judges, and leaders in the executive branches (Shestack, 1998). Lawyers in the legislatures and the courts operated the framework of the new democratic culture in America, which is still taken seriously today as the profession's role to maintain "independence from government domination. . .an important force in preserving government under the law, standing ready to challenge the abuse of authority" (ABA Section of Legal Education and Admission to the Bar, 1992, p. 119), particularly from an overly powerful ruling chief executive. Thus, the profession accumulated power and capital in its role of building the new nation's democratic culture and, in its next phase of development, exercised its increasing influence over admission to and retention in the organized bar.

"By late colonial times, apprenticeships were considered mandatory" (ABA Section of Legal Education and Admission to the Bar, 1992, p. 103). During the populist era of President Andrew Jackson in the 1820s, state legislatures further "reduced barriers to law practice as a way to diminish practitioners' privilege" (Moran, 2019, p. 461), thus encouraging more to enter the profession. However, throughout the remainder of the first half of the 19th century, with the nation growing both in population and commerce beyond the capacity of the apprenticeship model, some leading attorneys found a need to defend the profession against practitioners insufficiently trained as apprentices in ethics and knowledge of the law. These leaders sought to establish new forms of control over access to the profession and to advance professionalism (Barton, 2001; Shestack, 1998). The Association of the Bar of the City of New York formed in

1870 to pursue “a movement to raise standards and promote a sense of profession” (Garvey & Zinkin, 2009, p. 104). By 1880, seven more cities and 12 states had formed bar associations (ABA Section of Legal Education and Admission to the Bar, 1992). These nascent bars began “to address professional discipline and standards for legal education” (Shestack, 1998, p. 2). The ABA was formed as a national consortium in 1878, and one of its first acts at its organizational meeting was to shift “from unregulated apprenticeships to standardized formal training” (Moran, 2019, p. 464). Today, clients of all types see their lawyers as problem solvers and defenders of rational, balanced, and fair self-interest. “Society has shifted from a static understanding of professional competence as memorized knowledge to a dynamic conception of lawyers adding value through judgment and their ability to manage and solve complex problems” (New York State Bar Association Task Force on the Future of the Legal Profession, 2011, p. 38). For its first 100 years and beyond, the organized bar (through the ABA and local associations) expended capital to influence integrated continual refinement of standards for formal novice education and ethical practices and to protect the public perception of the profession against the bad acts of few.

### **Novice Education Standards**

An example of this influence and expenditure of capital is evident in the path the ABA took to establish itself as the exclusive accreditation agent for law schools in 1952. During its first 75 years, the ABA focused on novice, pre-apprenticeship training by endorsing law schools in the late-1800s, forming the ABA Section of Legal Education and Admission to the Bar in 1893, forming the American Association of Law Schools in 1900, and establishing law school standards in 1921 (ABA, n.d.-b; G. J. Clark, 2012; Moran, 2019). The ABA then sought to “persuade state licensing authorities to adopt its entry standards. . . education before entering law school and a law degree before sitting for the bar examination. The ABA’s persistence paid off”

(Dzienkowski, 1989, p. 461). Forty-three state regulators now require completion of an ABA-accredited program to admit novice attorneys to the bar, controlling access to the profession. (ABA Section of Legal Education and Admission to the Bar, 1992; Barton, 2001; G. J. Clark, 2012). “An ability to influence the outcomes of decision-making processes is a well-recognized source of power” (Morgan, 2006, p. 171). The local and national bar have achieved nearly complete integration of entry-level education requirements and, therefore, power over entry into the profession, all without outside regulatory influence (Bernabe, 2018; Burger, 1973; G. J. Clark, 2012; Dzienkowski, 1989, 2014; Glendon, 1994; Shestack, 1998; Simon, 2003). (An important note: this study did not include analysis of adult education methods used in law school. Based on traditions of lecture and case method in law school delivery, a worthy topic for future study, as this method continues to dominate CLE).

### **Ethics Standards**

In 1908, the ABA published a *Canon of Ethics* which found its roots in a similar code the Alabama State Bar had established 20 years earlier (ABA Section of Legal Education and Admission to the Bar, 1992). In the late 1920s, sensing strain on the reputation of the profession, U.S. Supreme Court Justice Cardozo warned the profession “it needed to punish violation of its rules; otherwise ‘strangers,’ that is, the legislature or an administrative board, would end up doing the task” (Bernabe, 2018, p. 80). “A professionalizing occupation should be concerned with the continuing refinement of the ethical standards that characterize its work” (Houle, 1980, p. 27). Forty-five more years passed until the Watergate scandal presented the bar with the type of profound crisis in public confidence Cardozo feared. “The Watergate scandal harmed the bar’s reputation when President Nixon’s prestigious lawyers committed crimes that subverted government authority” (G. J. Clark, 2012, p. 1011). Nixon himself was disbarred as a result of



his involvement in the scandal (Remus, 2014, p. 1263), the first of two U.S. Presidents ever disbarred, just about the same time the nation celebrated its bicentennial.

As one form of response to the scandal, in 1977 the ABA appointed the Commission on Evaluation of Professional Standards. The commission drafted and attained adoption of the *Model Rules of Professional Conduct* by the ABA House of Delegates in 1983. The ABA Standing Committee on Ethics and Professional Responsibility also established in 1983, has since updated the rules 14 times (ABA, n.d.-a; Freedman, 1980). Forty-nine state regulators have adopted the model rule, including formal sanctions for attorney ethical misconduct. In this way, the bar has sought to strongly influence its members and the opinion of its public constituency through fully integrated ethical standards consistent with concepts from Foucault (1982) who wrote, “Exercise of power consists in guiding the possibility of conduct and putting in order the possible outcome” (p. 789). The organized bar expended some of its accumulated capital to protect the public reputation of the profession, with increasingly integrated enforcement of ethical violations, to avoid threats of regulatory influence from other branches of government based on the actions of a few bad actors in the profession.

### **Standards Integration**

The Tenth Amendment to the Constitution of the United States of America provides inherent powers for the states to establish and enforce laws protecting the public, including the regulation of commerce and professions (Legal Information Institute, n.d.). Nevertheless, although the ABA initiates the recommended standards, state-level adoption is not obligatory; therefore, it can be fragmented. Yet Simon (2003) noted standards have evolved to be increasingly consistent nationwide in at least one example, “Ethics rules adopted by our many jurisdictions are quite similar” (p. 641). The most advanced and consistent integration of professional rules requires law school education for novice attorneys to be admitted to the bar

and ethics adherence to maintain their licensure. Over its nearly 150 years of existence, the bar has earned the power to set standards; and as a matter of routine, it spends capital to integrate those standards through standing committees publishing model rules as recommendations for state regulators to adopt. (See *Figure 1* for a timeline of the organized bar's evolving professionalization showing full integration of novice education and ethics standards and further standards being integrated for diversity, attorney well-being, and MCLE.

Timeline of the formation of bar associations and advancements of key professionalism programs (by decade, 1870 to the present):																
	1870	1880	1890	1900	1910	1920	1930	1940	1950	1960	1970	1980	1990	2000	2010	Present
Bar associations and leaders	ABA	12 state bar associations	Women admitted to the ABA					African Americans admitted to the ABA						Women and people of color as ABA Presidents		
Law school education	ABA Standing Committee		State standards		Curriculum standards				ABA as accreditation authority			Glass Ceilings report		50% of students women, people of color		
Ethics rules			Code of Ethics						ABA Standing Committee			Model Code	2nd US President Disbarred			
Continuing education							Veterans' Courses		MacCrate Report				Model Rule		CPE Best Practices in CLE	
Mandated CLE											First 2 states		50% of states		46 states	
Ethics education												Introduced		Model Rule to Mandate		
Diversity education													Introduced		Model Rule	
Substance abuse education														Introduced		Model Rule

Adapted from information on website pages titled *Timeline*, *Model rule implementation resources*, and *A legislative history*, by the American Bar Association, n.d., Chicago, IL: American Bar Association. Copyright n.d. American Bar Association.

Figure 1. Organized Bar Standards Integration Timeline.

## **MCLE Standards Integration**

MCLE resulted from more than 70 years of continuously evolving standards development and state adoption. CLE programs were first formally implemented by the ABA after World War II as refresher training for attorneys returning from overseas service and years' long lapses in the law's daily practice (Harris, 2006 Spring). With keynote addresses by past, present, and future U.S. Supreme Court Justices, standing committees conducted conferences throughout the 1950s and 1960s, attempting to implement profession-wide CLE through law schools. Building on successes with standardizing law school novice education programs, the ABA expected law schools could easily plan, design, deliver, and evaluate CLE. These plans were never realized, for to this day, law schools only provide a small percentage of MCLE programs. As an example, law schools represent approximately 2% of all providers of accredited by the Court to deliver MCLE to Illinois attorneys (see Table 4).

The ABA Standing Committee on Continuing Legal Education, which integrates standards for non-novice, post-apprenticeship education, was formed by the ABA in 1947 to provide CLE and help other entities to provide CLE (ALI-ABA and ACLEA Continuing Professional Education Association for Continuing Legal Education, 2009). After more than 10 years of experience in attempting to achieve standards integration for CLE, the committee held Arden House conferences in 1958, 1963, and 1987 to assess the state of CLE and to determine its future course (ALI-ABA Committee on Continuing Professional Education, 1987; ALI-ABA Joint Committee on Continuing Legal Education, 1959, 1963, 1964). The Arden House conferences established "CLE's dual role of increasing professional competence and making an attorney better qualified to meet professional responsibilities to clients and the public" (Harris, 2006 Spring, p. 10). The recommendations from the Arden House I and II conferences resulted in the ABA House of Delegates adopting the committee's recommended inaugural *ABA Model*

*Rule for MCLE* in 1986 (ABA Standing Committee on Continuing Legal Education, 1989), with later amendments in 1996 and 2004. By the time the *ABA Model Rule for MCLE* was published in June 1989, 30 states had independently chosen to adopt some form of MCLE.

The Arden House III Conference (ALI-ABA Committee on Continuing Professional Education, 1987) and its Quality of CLE Commission recommended providers publish materials in advance of course sessions and conduct course evaluations. The Arden House III Conference and its ALI-ABA Committee on Continuing Professional Education (1987) recommended “adult education experts should be consulted with respect to the techniques utilized in CLE programs” (p. 20), and the Quality of CLE Commission recommended studies about providers’ application of CPE methods to CLE be presented at future conferences.

The ALI-ABA Committee on Continuing Professional Education’s (1990) work continued with the CLE Quality Evaluation Methods and Standards Project which presented studies about adult education and CPE methods and in which the committee referred to adult education experts: S. Brookfield then Professor of Higher and Adult Education at Columbia University of New York, R. Cervero then Professor in the College of Education at the University of Georgia, C. Houle then with the W.K. Kellogg Foundation and Professor Emeritus at the University of Chicago, M. Knowles then Professor Emeritus at North Carolina State University, A. Knox then Professor of Continuing Education at the University of Wisconsin, and P. Nowlen then Executive Director of Continuing Education at the University of Chicago. Nowlen (1988, as cited in ALI-ABA Committee on Continuing Professional Education, 1990) described money and business interests of those educating the professions being influenced by regulatory CPE mandates in various professions. Nowlen also explained the impact of the CPE performance model on professional practice. Cervero (1985, as cited in ALI-ABA Committee on Continuing Professional Education, 1990) noted CPE has no single framework, making its application to

CLE ambiguous, (1988, as cited in ALI-ABA Committee on Continuing Professional Education, 1990) discussed growth in CPE teaching methods, (1990, as cited in ALI-ABA Committee on Continuing Professional Education, 1990) promoted ethics being a key topic for education of the professions, and (1985, 1988, as cited in ALI-ABA Committee on Continuing Professional Education, 1990) advocated continual program evaluation leading to improvements. Knowles (1984, as cited in ALI-ABA Committee on Continuing Professional Education, 1990) described the adult education profession had reached some agreement on how adults learn. Knox (1986, as cited in ALI-ABA Committee on Continuing Professional Education, 1990) wrote about inclusive needs assessment, learner derived objectives for proficiency, qualified faculty, faculty development, alignment of teaching delivery methods with objectives including group learning activities, the importance of written materials being available during content delivery, and effective evaluation techniques. Brookfield (1986, as cited in ALI-ABA Committee on Continuing Professional Education, 1990) and Houle (1980, as cited in ALI-ABA Committee on Continuing Professional Education, 1990) offered lists of teaching methods, and Brookfield listed instructor qualifications.

The ABA resumed its work to improve CLE in 1992 when former ABA President MacCrate led a task force on “an ambitious effort to redefine legal education and restore professionalism to the practicing bar” (Lilly, 1997, p. 754). The ABA Section of Legal Education and Admission to the Bar (1992) identified 10 lawyering skills and four professional values. The ABA Standing Committee on Continuing Legal Education reconvened in 2009 for a Critical Issues Summit focused on many topics, including modern technological delivery methods. Key findings were included in the new *ABA Model Rule for MCLE* (ABA House of Delegates, 2017). By 2017, 46 states had adopted MCLE (CLE Regulators Association, n.d.; Grigg, 1998). (See Table 1 for years each state adopted MCLE and the regulators in each state).

Table 1

*Year Mandatory Continuing Legal Education Rules Were Adopted and Regulator (by state)*

State	MCLE adoption	Court, bar or both as regulator	State	MCLE adoption	Court, bar or both as regulator
Alabama	3/20/81	Court	Montana	1/1/82	Court
Alaska	1/1/08	Bar	Nebraska	1/1/09	Court
Arizona	7/1/89	Bar	Nevada	2/1/82	Court
Arkansas	7/15/88	Court	New Hampshire	12/23/91	Court
California	8/12/90	Bar	New Jersey	1/1/10	Court
Colorado	1/1/79	Court	New Mexico	1/1/90	Bar
Connecticut	1/1/17	Court	New York	12/31/98	Court
Delaware	7/1/86	Court	North Carolina	10/7/87	Bar
Florida	10/1/88	Bar	North Dakota	1/1/77	Bar
Georgia	1/1/84	Court and Bar	Ohio	1/1/89	Court
Hawaii	7/15/09	Bar	Oklahoma	1/1/86	Bar
Idaho	1/1/79	Court and Bar	Oregon	1/1/88	Court and Bar
Illinois	9/29/05	Court	Pennsylvania	7/1/92	Court
Indiana	10/1/86	Court	Rhode Island	1/7/94	Court
Iowa	9/4/75	Court	South Carolina	9/1/79	Court
Kansas	1/7/85	Court	South Dakota		
Kentucky	7/1/84	Court and Bar	Tennessee	1/1/87	Court
Louisiana	1/1/88	Court	Texas	1/11/85	Bar
Maine	1/1/01	Bar	Utah	1/1/90	Court
Maryland			Vermont	6/28/84	Court
Massachusetts			Virginia	7/1/86	Bar
Michigan			Washington	1/1/76	Bar
Minnesota	4/2/75	Court	West Virginia	7/1/86	Court and Bar
Mississippi	1/1/85	Court	Wisconsin	3/31/08	Bar
Missouri	12/3/86	Bar	Wyoming	12/6/77	Court

*Note.* Adapted from *The Official MCLE Guide*, by the CLE Regulators Association, n.d., Indianapolis, IN: CLE Regulators Association. Copyright n.d. CLE Regulators Association.

The ABA House of Delegates (2017) introduced the replacement *ABA Model Rule for MCLE* with an explicit purpose statement about public confidence and self-regulatory obligations.

To maintain public confidence in the legal profession and the rule of law, and promote the fair administration of justice, it is essential that lawyers be competent regarding the law, legal and practice-oriented skills, the standards and ethical obligations of the profession, and the management of their practices. (p. 1)

These sentiments about competent and ethical practice were consistent with themes from the ABA's inception 140 years earlier.

The *ABA Model Rule for MCLE* (ABA House of Delegates, 2017) had five sections plus definitions. In Section 2, the ABA House of Delegates (2017) recommended states establish an MCLE commission to administer state MCLE rules for attorneys and providers. In Section 3, the ABA House of Delegates recommended commissions administer reporting requirements of attorneys' mandatory hours of coursework as well as penalties, fees, exemptions, and appeals related to non-compliance. Furthermore, the ABA House of Delegates specifically recommended content completion requirements in ethics and professionalism, diversity and inclusion, and mental health and substance abuse disorders.

In Sections 3 and 5, the ABA House of Delegates (2017) recommended commissions establish a provider accreditation process to approve programs' compliance with CPE methods required by state rules. In Section 4, the ABA House of Delegates specifically recommended CPE methods be used in providers' MCLE programs:

1. Increase lawyer professional competence in legal subjects or subjects integrated with the practice of law (Sections 4A and 4B).



2. Deliver “Moderated Programming or Non-Moderated Programming with interactivity” (Section 4C) (p. 8).
3. Distribute thorough, high-quality written materials, in advance of or during instruction (Section 4D).
4. Select presenters with “academic or practical experience” (Section 4E) (p. 8).

In Section 6, the ABA House of Delegates (2017) recommended commissions allow credit for other activities, including teaching, writing, and mentoring. With the *ABA Model Rule*, the ABA House of Delegates set enforceable standards for all MCLE constituents: attorneys, providers, regulators, and the courts. More than 70 years of committee work and 20 years’ worth of revisions to the *ABA Model Rule for MCLE* have demonstrated the bar’s increasing professionalization of MCLE using its routine standards integration structures similar to the progress achieved with novice education and ethics standards.

### **The Illinois Supreme Court as Strong Starter and Innovation Leader**

With technology options more readily available for attorneys to participate in MCLE courses and activities, Illinois joined the ranks of MCLE states in 2005. In establishing its MCLE program, the Court established Rules consistent with the *ABA Model Rule for MCLE* in effect at that time and also established other Rules that later proved consistent with the model rules the ABA House of Delegates would adopt as much as a dozen years later (ABA House of Delegates, 2017; ABA Standing Committee on Continuing Legal Education, 1989). In one such Rule, the Court established The Minimum Continuing Legal Education Board of the Supreme Court of Illinois (“Board”) to supervise administration of the MCLE program. By then, 42 other states had implemented MCLE (Harris, 2006 Spring). However, the Court and its Board have proven to be fast change agents, as the only state MCLE regulator having adopted all 12 aspects of the current

*ABA Model Rule for MCLE*, unlike any of the other 45 states with programs today (ABA House of Delegates, 2017; ABA, 2017, July 1).

## **The Board**

The Board began operations in 2006, taking accredited provider and course applications in the fall of 2006. During its first full year in 2007, the Board reviewed more than 2,600 course applications, accredited more than 240 MCLE providers, and reviewed more than 150 annual accreditation reports from course providers (Minimum Continuing Legal Education Board of the Supreme Court of Illinois, 2007). By 2008, the Board oversaw the first ever of its two-year attorney MCLE reporting cycles comprising course completion reports from more than 60,000 attorneys. By the end of 2008, over 98 percent of those attorneys were compliant with the Rules (Board, 2009).

In July 2010, the Board implemented a database portal to increase time devoted to reviewing and accrediting courses. Use of the portal by providers and Board staff accelerated the administrative processing of course accreditation applications and providers' annual accreditation reports. The portal also accelerated Board staff approval of Illinois attorneys' requests to be granted MCLE credit for courses accredited by other states' MCLE regulators. In 2019, the Board reported 2,400 accredited MCLE providers, served more than 125,000 Illinois attorneys, and maintained its tenth consecutive year of better than 99% attorney MCLE compliance (Board, 2020). Throughout the program's life, attorneys have been able to earn MCLE credit in Illinois by participating in online courses for up to 100% of the required hours.

The Board has also committed to involving professionals with expertise in adult education and CPE methods to guide its MCLE program and partner closely with providers seeking accreditation. Like some other states' commissions, the Board has had an adult learning professional as a member for many years. Currently Dr. Catherine Marienau, a non-attorney

Board member, Professor Emerita at DePaul University's School for New Learning, provides adult education and CPE method subject matter expertise. The Board also chose to hire professionals experienced in practicing law and adult education. The Board's director, Karen Litscher Johnson, beyond starting her legal career practicing as an attorney, had more than eight years' experience planning bar association educational programs and over six years as the U.S. director of professional development at a multi-national law firm. She currently serves as president of the CLE Regulators Association (CLEREG), whose members are administrators of states' MCLE regulatory entities and who engage in best practice sharing. The Board's deputy director, Richard Palmer, also has a background in law practice and in leading attorney education at a large law firm. On staff, the Board has routinely employed at least one other attorney to aid in the program's attorney learner focus. These Board staff attorneys help further a practical approach to course and provider accreditation review and aid in communications with attorneys and course providers. Other staff members include CPE experts with backgrounds in physicians' and pharmacists' continuing education and advanced degrees in organizational psychology.

### **The Rules**

In adopting Rule 792 in 2005, the Court (2005) established the Board to administer the MCLE program and described its makeup, member terms, and responsibilities. The Board's responsibilities include the administration of attorneys' requirements and course and provider accreditation. The *ABA Model Rule for MCLE* reflects this same structure the Court established in 2005 (ABA House of Delegates, 2017; ABA Standing Committee on Continuing Legal Education, 1989). Just as the *ABA Model Rule* was revised between 1989 and 2017, the Rules have also changed between 2005 and the present day.

In Rule 794(a) the Court (2005) established MCLE requirements for all attorneys. Rule 793 established specific requirements for those attorneys considered newly admitted.

Experienced attorneys on active status must complete 30 hours of Illinois-accredited MCLE every two years. As part of the 30 hours in Rule 794(d), the Court (2005) required six of the 30 hours to be focused on content in “professionalism, diversity issues, mental illness and addiction issues, civility, or legal ethics” (2005). This requirement for professional responsibility content was eventually included 12 years later in the new *ABA Model Rule for MCLE*, Section 3(A)(2) (ABA House of Delegates, 2017). Effective July 1, 2017, the Court (2020) further required each attorney to earn one hour each of content in diversity and inclusion, and mental health and substance abuse among the six professional responsibility credits. These changes by the Court in 2017 reflected nearly instant standards integration, just five months after the new *ABA Model Rule for MCLE*, Section 3(A)(2) proposed the same required specialty credits (ABA House of Delegates, 2017).

When originally published by the Court (2005) in 2005, Rule 794(c) permitted the carryover of 10 MCLE hours from prior reporting periods. Nearly 12 years later, the new *ABA Model Rule for MCLE*, Section 3(A)(3) added carryover of credit hours from the “immediate prior reporting period” (ABA House of Delegates, 2017, p. 5).

Rules 795(d)(5-7) as adopted by the Court (2005) permitted attorneys to earn MCLE credit defined as non-traditional, including from the teaching of CLE courses, part-time teaching of law school courses, or writing published legal scholarly works. The *ABA Model Rule for MCLE* reflects this same structure for non-traditional credit the Court established in 2005 and has maintained since (ABA House of Delegates, 2017; ABA Standing Committee on Continuing Legal Education, 1989).

Looking at Rule 791 when adopted by the Court (2005), it specified reasons for lawyers’ exemption from the MCLE requirements, consistent with the *ABA Model Rule for MCLE* (ABA House of Delegates, 2017; ABA Standing Committee on Continuing Legal Education, 1989).

To secure accreditation from the Board, providers had to demonstrate their programs conformed to standards in Rule 795 (Court, 2005). Rule 795(b) when adopted by the Court (2005) included a provision for Accredited CLE Providers (ACLEP). ACLEP would have to apply for, and be granted, this status based on their experience in offering CLE courses. ACLEP status includes the privilege of presumptive approval of the provider's courses, consistent with the *ABA Model Rule for MCLE* (ABA House of Delegates, 2017; ABA Standing Committee on Continuing Legal Education, 1989). As adopted by the Court (2005), Rule 795(d)(1) clarifies accreditation criteria for "In-House" Programs provided by employers, consistent with the *ABA Model Rule for MCLE* (ABA House of Delegates, 2017; ABA Standing Committee on Continuing Legal Education, 1989). Rule 795(c)(5) allows attorneys to self-apply with the Board for credit to be earned from completion of qualifying MCLE programs accredited by another state, consistent with the new *ABA Model Rule for MCLE* Section 5(D) (ABA House of Delegates, 2017; Supreme Court of Illinois, 2020).

Under the accreditation standards in Court's (2020) Rules 795(a and d) and generally reflective of recommendations in the *ABA Model Rule for MCLE*, accreditation is granted only if providers' courses and activities (ABA House of Delegates, 2017; ABA Standing Committee on Continuing Legal Education, 1989; Court, 2005; Court, 2020):

1. Increase each participant's professional competence in matters primarily related to the practice of law, including specified subjects of professionalism, diversity and inclusion, mental health and substance abuse, civility, legal ethics, providing pro bono services, and matters of law practice management and associated technology (Rules 795(a)(1,2) and (d)(3, 4, and 8)).
2. Are planned by individuals with legal or educational experience (Rule 795(a)3)).

3. Are conducted by those qualified with practical or academic experience (Rule 795(a)(4)).
4. Provide written materials to participants before the course or at the time a course is conducted (Rule 795(a)(5)).
5. Have high quality written MCLE materials that are thorough, readable, and carefully prepared (Rule 795(a)(5)).
6. Are delivered live or via recording, with interactivity as a key component (Rule 795(a)(7)).
7. Are conducted in a physical setting conducive to learning, if delivered *live-by-faculty-in-the-room with participants* (Rule 795(a)(6)).
8. Are no less than one-half hour of instruction (Rule 795(a)(8)).

As one of the most advanced MCLE programs among the states, the Court expects the use of adult education and CPE methods by providers as specified in these accreditation Rules. The Court's Rules exceed recommendations in Section 4 of the new *ABA Model Rule for MCLE* and have shown rapidly developing professional standards integration in the Illinois MCLE program in relation to peer state commissions (ABA House of Delegates, 2017).

### **CPE Methods Expected in the Rules**

Throughout the Rules, expected provider practices are grounded in adult education and CPE methods. This section ties each Rule to references in CPE literature. As Rules or the *ABA Model Rule for MCLE* might have been influenced by certain authors and CPE methods, this section shows where ABA standards integration activities might have cited these influences.

In Rule 794(d), the Court (2020) described the content topic areas required for professional responsibility. The ALI-ABA Committee on Continuing Professional Education (1990) recommended similar requirements eventually included in the current *ABA Model Rule*

for *MCLE*, Section 3(A)(2) (ABA House of Delegates, 2017). Bierema (2016) spoke of the importance of cultural knowledge of expected behaviors in a profession. Legal ethics, civility, diversity and inclusion, mental health or substance abuse are professional responsibility content topic areas with required MCLE hours according to Rule 794(d) and based on attorney behaviors described throughout other Rules published by Court (2020) beyond MCLE in Article VII – Rules on Admission and Discipline of Attorneys and Article VIII – Illinois Rules of Professional Conduct. Nowlen (1988) described CLE required topic areas as fitting the “update model” (p. 122). Therefore, changes in professional responsibility behaviors described by the Court (2020) in Articles VII and VIII would likely result in changes in Rule 794(d) to fit the update model (Nowlen, 1988; Court, 2020). Changes in substantive law also fit the update model.

Nowlen (1988) also discussed a broader approach to determining content topic areas using the competency and performance models. Nowlen’s performance model expected new content topics could be driven by “new research, technology, and societal developments” (p. 122). In Rules 795(a)(1, 2) the Court (2020) allowed credit to be earned by attorneys for completion of accredited courses in content topic areas pertinent to performance and competency of practice, such as handling stress, law practice technology, and management of a law practice. These Rules are consistent with recommendations in the *ABA Model Rule for MCLE*, Section 4(B) (ABA House of Delegates, 2017).

The ALI-ABA Committee on Continuing Professional Education (1990) claimed, “adult education texts have failed to define the capable instructor” (p. 32). However, Houle (1980) described a facilitator whom a CPE provider employed as a fully qualified occupational professional. Knox (2016) further described expert presenters as able to interpret contextual queues from learners specific to a professional field including culture, trends, norms, issues, threats and opportunities. As established by the Court (2020) in Rule 795(a)(4), qualified

presenters must possess practical or academic experience, consistent with recommendations in the *ABA Model Rule for MCLE* (ABA House of Delegates, 2017; ABA Standing Committee on Continuing Legal Education, 1989).

In Rule 795(a)(7) the Court (2020) required interactivity during course delivery, consistent with recommendations in the *ABA Model Rule for MCLE* (ABA House of Delegates, 2017; ABA Standing Committee on Continuing Legal Education, 1989). The Rules also set no limitations on delivery methods, also consistent with the model rules. Biggs (1990) explained programs “should routinely supplement traditional lecture format with methods that encourage active, mindful involvement” (p. 418). A variety of adult education and CPE methods, including case studies, discussion, demonstrations, hands-on activities, practical exercises, and simulations such as mock trials would meet the definition of interactivity in the Rules (Bichelmeyer, 2006; Biggs, 1990; Brookfield, 2015; Daley & Cervero, 2016; Murphy & Schwen, 2006; Queeney, 2000). In comparing interactivity between live-online and live-in-classroom adult education modalities, Brookfield (2015) said “My online keynotes are usually far more interactive than my face-to-face ones. Poll questions produce immediate responses and there is a constant stream of comments” (p. 171). This Brookfield (2015) anecdote illustrated the opportunities for Illinois MCLE online and classroom providers to deepen adoption of adult education methods which overcome bias in the bar for pure lecture format rooted in the comfort of attorneys’ inaugural law school professional learning experiences (Fisher, 2017; Lawner, 1987a). Many law schools now expect students to participate in experiential learning such as internships or pro bono work to learn in settings beyond pure lecture. When considering the requirement to ensure time for interactivity within an MCLE session, Brookfield’s (2015) adult education method of 10-to-15-minute chunks of content delivery supported the Court (2020) expecting segments of no less than



30 minutes in Rule 795(a)(8). No such time element has ever been recommended in any iteration of the *ABA Model Rule for MCLE*.

Queeney (2000) said program developers and designers should understand practice in the profession. In Rule 795(a)(3), the Court (2020) required qualified program planners with legal or educational experience. In this Rule, the Court (2020) “establishes regulations” for “faculty credentials” as later recommended in the new *ABA Model Rule for MCLE*, Section 5(A)(1) (ABA House of Delegates, 2017, p. 10). Describing the importance of educational experience, Kasworm, Rose and Ross-Gordon (2010, as cited in Knox, 2016) and Peters and Jarvis (1991, as cited in Knox, 2016) considered it an adult education and CPE best practice when program coordinators “exemplify concepts similar to those of people who help adults learn in other settings” (p. 112). Knox’s (2016) discussion of these authors’ beliefs appears to have supported the Rule in which planners could achieve qualified status with educational experience.

In Rule 795(a)(5), the Court (2020) expected thorough, readable, and carefully prepared written materials, consistent with recommendations in the *ABA Model Rule for MCLE* (ABA House of Delegates, 2017; ABA Standing Committee on Continuing Legal Education, 1989). Knox (1986, as cited in ALI-ABA Committee on Continuing Professional Education, 1990) listed various types of materials such as annotated case outlines, boilerplate forms, practice books, and procedural guides as having lasting value as practical references used in the practice of law. Brookfield (2015) recommended providing handouts for scaffolding a lecture.

Many of the adult education and CPE methods in the Rules originated in adult education and CPE literature. The professional standards established in the inaugural *ABA Model Rule for MCLE* in 1986 as well as those recommended in the new *ABA Model Rule for MCLE* in 2017 are reflected in the Court’s MCLE Rules. The organized bar continues to increase awareness of and recommend CPE methods providers practice not yet in the *ABA Model Rule for MCLE*. The

Court and Board have the most advanced form of MCLE integration in the nationwide profession, including Rules beyond those the ABA recommends and many that preceded the current model rule. With a strong appetite for continuous program improvement, the Court and Board expect more advancements, including through insights from this scientific research.

### **Prior Research about MCLE**

Prior survey research on CPE methods used by MCLE providers was minimal. It might be expected previous research would be limited, given the modest advancement of standards integration in the bar's professionalization of MCLE. Simon (2003) explained,

The bar's rules have been premised for centuries on empirical assumptions...but there is almost no research on any of them. The American Bar Association supports an excellent research institution. . .but it has never done any research on the factual premises of the profession's core commitments. (pp. 641-642)

Lawner (1987a, 1987b) conducted two studies. In the first study, Lawner's (1987a) findings from over 9,000 respondents to a 50-question survey included CPE methods used, such as course evaluations, written materials, and planning to keep program content current. Attorneys reported preferences for practitioners as presenters and for using the familiar and traditional law school lecture delivery method. Recommendations included (a) CLE providers planning from course objectives, (b) CLE presenters being trained on teaching skills, (c) interactive presentation methods beyond lecture, and (d) materials being distributed in advance of program delivery. In the second study, Lawner (1987b) conducted a 13-question survey completed by 114 law school faculty respondents, with objectives to research (a) law school CLE program offerings, (b) responsibility for program management, and (c) course evaluation methods. Lawner did not present any verbatim comments, findings, or recommendations. Tabulations indicated more than 60% of responding law schools used course evaluations in their CLE programs and one-third had

CLE program administrators who performed quality assurance observations. The other questions in this survey appeared to collect demographic information. Lawner's second study has limited applicability, for Lawner looked only at one of many provider-types delivering MCLE. Beyond demographics Lawner asked questions only about evaluation methods and provided no recommendations.

Fisher (2017) conducted a mixed-methods study with 260 MCLE provider survey respondents and 22 MCLE provider focus group participants. Fisher collected data about Kansas MCLE providers' use of CPE methods. "In the review of the literature, the researcher found a dearth of recent empirical research on the subject of CLE" (p. 16). Fisher's (2017) literature review also revealed no further studies related to MCLE provider use of CPE methods. Fisher's findings indicated most Kansas MCLE providers (a) keep program content current, (b) rely on traditional lecture delivery, and (c) use course evaluation forms. Fisher provided evidence some MCLE providers use CPE methods such as (a) collaborative program design with attorney learners and their employers, (b) interactive course delivery methods, and (c) post-course surveys to confirm the application of course content learnings in attendees' practice of the law. Fisher recognized the fragmented landscape of MCLE constituents--including employers, attorneys, other providers, and the Kansas CLE Commission. Without unified decision making, Fisher recognized full implementation of CPE methods in planning, design, delivery, and evaluation in MCLE is impeded. Fisher recommended further exploration of this topic in other states.

Importantly, in relation to this research, the duties assigned to the Board by the Court (2020) under Rules 792c(1 and 5) were to evaluate the quality of MCLE courses, the effectiveness of the Rules, and recommend changes to the Court. In 2016, as part of its transformation roadmap, the Board (2017) created the Innovations Working Group (IWG) to "enhance the educational value of courses" (p. 5). In 2017, the IWG sponsored its first provider

conference. Learning of the research Fisher (2017) had conducted with the Kansas CLE Commission, the IWG recommended the Board conduct the proposed study of CPE methods used by MCLE providers accredited in Illinois. The Board (2017) agreed with the IWG recommendation at its September 2017 meeting.

The Board allowed this researcher to distribute a survey to nearly 1,900 active, accredited organizations providing MCLE. The Board welcomed this researcher into its organization to learn about its plans, study its results, and plan this scientific, academic research about provider use of CPE methods in non-novice, post-apprenticeship MCLE.

### **Problem Statement**

The ABA has established the *ABA Model Rule for MCLE*, various states have implemented those recommendations as their rules, and the Court has established Rules exceeding the model rule recommendations. The Board has anecdotally determined its accredited MCLE providers could further improve their use of adult education and CPE methods. Even with accreditation according to the Rules, the Board did not have empirical research to validate whether its accredited MCLE providers were implementing those Rules. Even more important to the Board was to better understand which provider types were more consistently implementing adult education and CPE methods, particularly those not mandated by accreditation Rules, so as to deepen use of those practices.

### **Purpose of the Study**

Therefore, the purpose of this research was (a) to provide an evidence-based, context-specific study to explore whether CPE methods used by MCLE providers meet the accreditation standards in the Rules and (b) to identify opportunities to enhance MCLE provider use of CPE methods through recommendations for new or changed Rules.

## **Research Questions**

The research design answered the following research questions:

1. Are providers using CPE methods to meet the Rules?
2. What CPE methods beyond those required by the Rules do providers use?
3. Which provider demographics are predictive of CPE methods used?

Quantitative analysis of these research questions statistically validated providers' reported use of adult education and CPE methods and identified provider demographic strata with more concentrated use of those methods.

## **Significance of the Study**

The findings of the study describe additional adult education and CPE methods Illinois MCLE providers use and could be recommended as Rules the Board may consider presenting to the Court as part of a plan to enhance providers' practices. The results of this research will aid the Board in its duty under Rules 792(c)(1, 5) "To submit an annual report to the Court evaluating the effectiveness of MCLE Rules and the quality of MCLE, and presenting the Board's recommendations, if any, for changes in Rules or their implementation" (Court, 2020). Additionally, the findings of the study described adult education and CPE methods the Illinois Court and Board might propose as amendments to the *ABA Model Rule for MCLE*. "The needs of society require that every professionalizing occupation become better than it is, and at least part of the effort it must exert is the improvement of its patterns of lifelong learning" (Houle, 1980, p. 30). In describing the legal profession and the advancement of its research, Simon (2003) indicated little prior empirical research had been conducted on MCLE or MCLE providers to guide improvement efforts. Fisher (2017) in her study with the Kansas CLE Commission, suggested similar research be conducted in another state. Little other research other than in

Kansas, has been conducted with MCLE providers; therefore, further exploration of this topic could create new insights (Charmaz, 2014).

The topic was of sufficient interest or breadth because of (a) the 90,000 or more attorneys who are licensed in Illinois, (b) Illinois' Rules for licensed attorneys to complete MCLE consistent with the *ABA Model Rule for MCLE*, (c) the nearly 1,900 organizations Illinois has authorized to provide MCLE to Illinois attorneys, and (d) the potential application of this topic to 44 other states beyond Illinois and Kansas with MCLE programs. The willingness of the Illinois state regulator to partner with scholars, to use scientific research methods, and to generate insights on improvements to its program, provided the impetus to conduct another exploratory study to discover more about MCLE provider use of adult education and CPE methods.

Although the Board accreditation data confirm provider programs use methods the Court requires in its Rules, self-reported provider feedback in this survey revealed some pockets of non-conformance. The research will help the Board fill gaps in their knowledge of adult education and CPE methods used by various providers. This study builds on the 70 years of committee work, 20 years' worth of rule adoption, and the few other surveys of providers' practices in the continuing standards integration of MCLE. By advancing use and awareness of CPE methods in the bar, lessons may be applied through education regulation or policy advanced by members of this influential profession.

## **Limitations of the Study**

Limitations included:

1. Approximately 65% of Illinois MCLE providers completing the survey were not direct employers of attorneys and provided MCLE as a third party. Therefore, these third-party MCLE providers were unable to factually report the effectiveness of their programs, as they do not directly measure post-program performance improvement of the attorneys attending their programs.
2. Like with all surveys, it was unclear whether the 23% response rate from providers was optimal. The Board's sponsorship of having delivered this survey instrument in their name and with their collaboration as a research partner made this study easy to conduct with direct access to an engaged, relevant population of respondents and with few objections from prospective respondents (Gliner & Morgan, 2000).
3. Providers might have had some bias in their reported use of CPE methods since the regulator sponsored the survey. As an example, for-profit, third-party providers, which comprise close to one-third of Illinois MCLE providers, might have been conflicted in sharing any known limitations in their use of CPE methods or program effectiveness of their programs as contradicting their marketing messages, thereby risking degradation of their profitability. This limitation was mitigated by publication of the survey by the researcher from a survey tool operated by Kansas State University (KSU). Further, the survey email notification and the first page of the survey contained disclosures advising potential respondents of anonymity protections for the respondent and the provider organization. Lastly, the disclosures described confidentiality maintained by the researcher which precluded the Board from attributing responses to a particular provider or respondent.

4. Attorney learners did not directly provide information in this research from their post-course evaluations or from survey data collection.
5. Applicability of this research might be limited outside of Illinois. The Board was a willing research partner having actively participated in refining the research survey instrument to be optimally relevant to providers accredited by Board under the Illinois Court's Rules. The use of the instrument for this focused group of potential respondents, may have made the results less applicable to providers and regulators in other states.
6. With the Court's (2020) Rule 797, the Board had to abide by strict confidentiality to disclose its files, records, and proceedings. Rule 797 protects attorneys who may have been sanctioned for MCLE non-compliance and later remediated their licensure. This was mitigated by a non-disclosure agreement between the researcher and the Board, which allowed the researcher controlled access to important confidential records for this research.

### **Definitions**

**Adult education institutions.** This is the logical grouping of law schools and colleges the Board has authorized to provide MCLE to Illinois attorneys.

**ABA Model Rule.** Recommendations from the national legal professional organization on standards for implementation by state regulators.

**Employers of attorney learners.** This is a logical grouping of providers the Board has authorized, including organizations such as law firms, corporate legal departments, and government agencies providing MCLE content directly to their own employee attorneys.



**Legal related businesses.** This is a logical grouping of commercial organizations whose primary business activity is to provide MCLE content to Illinois attorneys as authorized by the Board.

**Legal membership organizations.** This is a logical grouping of bar associations and legal trade organizations the Board has authorized to provide MCLE to Illinois attorneys.

**Non-legal related businesses.** This is a logical grouping of commercial companies outside of the legal profession such as accounting firms, banks, title companies or healthcare consultancies, the Board has authorized to provide MCLE to Illinois attorneys, including cross-disciplinary MCLE programs related to the laws impacting other professions.

**Non-legal membership organizations.** This is a logical grouping of trade organizations outside of the legal profession such as accountancy or medicine, the Board has authorized to provide MCLE to Illinois attorneys, including cross-disciplinary MCLE programs related to the laws impacting other professions.

### **Acronym List**

**ABA** – American Bar Association

**ACLEA** – Association for Continuing Legal Education

**ACLEP** – Accredited CLE Provider

**ALI** – American Law Institute

**ANOVA** – Analysis of Variance

**CLE** – Continuing Legal Education

**CLEREG** – CLE Regulators Association

**CPE** – Continuing Professional Education

**KSC** – Kansas Supreme Court

**KSU** – Kansas State University

**MCLE** – Mandatory or Minimum CLE

**PCAM** – Provider Course Accreditation Management

**SME** – Subject Matter Expert

## **Chapter 2 - Literature Review**

This chapter presents a review of academic literature about the adult education and CPE methods recommended in the Rules and past research studies about adult education and CPE methods used in MCLE.

### **Literature About CPE Methods Used In MCLE**

After 70 years of professional standards integration efforts, the bar has identified and recommended specific CPE methods it expects MCLE providers use. Committees have conducted conferences, published conference papers, and adopted the *ABA Model Rule for MCLE*. Commissions and Boards have implemented state regulations like the Rules.

The next sections of this chapter discuss the academic literature covering the adult education and CPE methods the Court expects accredited MCLE providers use as stated in the Rules. This section also reviews academic literature covering other related CPE methods which are more expansive than the accreditation standards in the Rules.

### **Planning and Needs Analysis**

This section describes literature about adult education and CPE planning methods required by the Rules including administration, ethical program content, competency models, content needs, learner motivations, and planner qualifications. This section also covers literature about additional CPE needs analysis methods based on objectives developed by stakeholders.

Authors of adult education and CPE method literature indicated the importance of administration structures to oversee learning programs' planning. Scanlan (1985) described a "mechanism designed to assure professionals' competence. . .evident in hundreds of state statutes now linking a professional's right to practice with mandated participation in continuing education activities" (p. 11). The Council on the Continuing Education Unit (1984) established similar principles of good practice for associations and societies across the professions, while

Azzaretto (1990), Houle (1980), and Nowlen (1990) also describe central planning and control by regulatory agencies like MCLE commissions. In the *ABA Model Rule for MCLE*, the ABA House of Delegates (2017) recommended states establish regulatory commissions to oversee the administration of MCLE programs. In the accompanying MCLE Model Rule Project section of the model rule document, the ABA House of Delegates (2017) also recommended commissions develop “additional rules and regulations to address administrative decisions” (p. 3), which implied planning within a regulatory framework for the “development, presentation, measurement, and reporting of CPE programs” (National Association of State Boards of Accountancy and the American Institute of Certified Public Accountants, 2016, p. v). In Rule 792, the Court (2020) established the Board as the program’s regulatory administrator, with the duty to publish an annual report with future plans.

Authors of adult education and CPE literature stressed the importance of planning content to address ethical practice. Nowlen (1988) states: “The praiseworthy concern of professions for ethical practice is centered upon the development of profession-specific standards, codes, and rules” (p. 199). Adelson (1990), Azzaretto (1990), Bierema (2016), Houle (1980), and Schön (1983) all described the importance of ethics education in the professions as a method to build adherence to cultural norms and public trust. In Rule 794d, the Court (2020) requires attorneys to complete MCLE ethics content. In this way, the bar has invested its capital in maintaining public confidence by implementing ethical standards and complementary requirements for training about those standards.

In Rules 795(a)(1, 2) and (c)(3, 4), the Court (2020) assumed dynamic changes in the law and the legal profession would determine new technical MCLE content on substantive law, matters of practice, and cross-disciplinary topics. CPE literature authors described the prominence of programs planned to update professionals’ knowledge. Nowlen (1988) suggested

moving beyond technical “knowledge updates” (p. 23). which dominate CPE programs. Update program sessions present new information to passive professionals listening to lectures. Professionals feel “most professional” (p. 25) when applying new techniques using problem-solving skills. Furthermore, Daley and Cervero (2016) described how professionals “incorporate new knowledge into the context of practice” (p. 20) by “initially acquiring information and change their understanding of that information based on experience” (p. 23). Queeney (2000) said CPE “must go beyond simply providing information and teaching technical procedures; it must help professionals build their collaborative, judgmental, reflective, and integrative capabilities” (p. 379). Houle (1980) described the accomplishment of extending knowledge through the use of skills. Kenny (1985) suggested the content should be relevant to professional practice as approved by an accrediting agency.

Beyond substantive law changes and ethical standards, the bar determined additional MCLE content topics based on competency models. An example of additional MCLE content is the Court’s authorization of MCLE programs on the use of technology in law practice management. Authors of CPE methods literature expressed the value of using competencies to plan program content. In the MacCrate Report, the ABA Section of Legal Education and Admission to the Bar (1992) identified ten lawyering skills and four professional values attorneys develop as proficiencies. In an example consistent with ethical content requirements one of the lawyering skills in the MacCrate Report is “recognizing and resolving ethical dilemmas” (p. 140) and one of the values is “justice, fairness and morality” (ABA Section of Legal Education and Admission to the Bar, 1992, p. 140). These are both consistent with Rule 794d (Court, 2020). Another of the lawyering skills is the “organization and management of legal work” (ABA Section of Legal Education and Admission to the Bar, 1992, p. 140). This skill is consistent with the *ABA Model Rule for MCLE*, Sections 4B(2, 5, 6) and Rule 795d(3)

(ABA House of Delegates, 2017; Court, 2020). Nowlen (1988) defined competence as “sufficient aptitude, skill, strength, judgment, or knowledge” (p. 31). Nowlen’s (1990) competency model used a process called job functions analysis to identify skills and values, like the lawyering skills documented in the MacCrate Report required for complex problem solving and success in the legal profession’s culture. Bierema (2016) expanded on this concept with the T-shaped competency model, including depth of technical knowledge and ability to adaptively problem solve within the systems of the profession while demonstrating interpersonal and organizational skills.

While attorney learners are motivated by acquiring new knowledge and putting it into practice, program plans can offer these opportunities for attorneys to serve in various stakeholder roles in MCLE programs. “The main influences on motivation and learning are within the participants themselves” (Knox, 1986, p. 127). In Rules 795(d)(5-8, 11), the Court (2020) grants MCLE credit to attorneys for mentoring, teaching, writing, or acquiring knowledge about the provision of pro bono services. CPE authors stressed the value of engaging “with colleagues with similar interests in teaching and learning in a community of practice” (Tisdell, Wojnar, & Sinz, 2016, p. 70) or the “critical reflection and critical co-constructing of knowledge,” such as through a mentor program (Hansman, 2016, p. 35). Eraut (2004) suggested mentoring can be for any learner competency level pair, not just new hires, with the casual relationship generating even greater potential for knowledge creation.

For those attorneys not having completed MCLE, the Board has the authority to direct the Court’s registration and disciplinary entity to remove attorneys’ names from the master roll of attorneys, thereby interrupting their ability to practice law with their Illinois licenses (Court, 2020). Therefore, attorneys are motivated to complete MCLE in order to maintain their prestigious standing and the ability to earn income (Grotelueschen, September 1985).

Authors of CPE methods literature recommended involving multiple stakeholders with the proper knowledge of the work that professionals perform. Queeney (2000) stated: “Program developers, instructional designers, and those delivering the educational activities must incorporate an understanding of the practice setting” (p. 383). Knox (2016) also described the importance of planners’ knowledge of occupational performance to “guide creative professional learning efforts” (p. 25). In Rule 795(a)(3), the Court (2020) requires MCLE provider program planners have legal or educational experience. Stakeholders consider objectives to select content such as professional skills, values, or technical knowledge and to focus program plans on outcomes (Cervero et al., 1986; Knox, 2016). Knowles (1980) described “mutual planning” (p. 226), which involves all stakeholders, including experts in the profession with expert adult educators. Phillips and Phillips (2007), Tisdell et al. (2016), and the Council on the Continuing Education Unit (1984) described how specific objectives determined through a needs assessment motivate stakeholders to design and deliver the planned program value.

### **Design and Delivery**

This section describes literature about adult education and CPE design methods required by the Rules including presenter qualifications, the written materials, and delivery methods, including interactivity, setting, and segment time duration. The section also covers literature about additional delivery methods including in-session adjustments and technology.

The ALI-ABA Committee on Continuing Professional Education (1990) claimed, “Even adult education texts have failed to define the capable instructor” (p. 32). However, Biggs (1990), Houle (1980), Knox (2016), Queeney (2000), and the Council on the Continuing Education Unit (1984) all described qualified presenters as experts in the profession or educational experts in adult education and CPE methods, and these experts create trust, encouragement, mastery, and new knowledge. In Rule 795(a)(4), the Court (2020) expects the

same qualifications. Knox (1986) warned “A too-expert instructor may tend to introduce very advance topics” (p. 41) and recommended a presenter be flexible to fit learner characteristics during program sessions. Even though non-novice, post-apprenticeship MCLE assumes proficient or highly experienced attorney learners at a program session, any attendee may have unique learning gaps (Queeney, 2000). Knowles (1970) described a proficient adult educator using learning techniques going beyond transmitting knowledge and “helping his clients achieve their full potential” (p. 34). Biggs (1990) and the Council on the Continuing Education Unit (1984) further recommended instructors be trained to conduct learning experiences, and the ALI-ABA and ACLEA Continuing Professional Education Association for Continuing Legal Education (2009) recommended training MCLE facilitators in teaching skills.

The Council on the Continuing Education Unit (1984) recommended written materials be designed to meet quality and timeliness needed to meet program outcomes, similar to the Court’s (2020) Rule 795(a)(5). Brookfield (2015) and the ALI-ABA and ACLEA Continuing Professional Education Association for Continuing Legal Education (2009) recommended additional methods to deliver written materials beyond the traditional printed or electronic Power Point slides and using 21<sup>st</sup>-century technology including bookmarked content, video clips, iPad loadable written content, wiki pages, and listservs. Knox (1986) suggested a similar variety of media used for instructional material, consistent with the technology at the time, described relevance and flexibility as a key quality criterion, and recommended sending materials in advance. Knox (1986) and E. Clark, Draper, and Rogers (2015) described types of program materials to deepen experiential learning such as case studies, reading lists, and study guides, and again emphasized the instructor should adapt use of them to the context of the learners in the program session.



The authors of adult education and CPE methods literature discussed the results of using case studies, role play, simulations, or what attorneys may also call mock trials, as reflection-in-action, a practice if modeled in the program session can be repeated by the learner in real-life cases, mentor interactions, or networking conversations (Biggs, 1990; Phillips & Phillips, 2007; Schön, 1983). Daley and Cervero (2016) described journals and logs of practice events as yet another form of knowledge-creating reflection. Bierema (2016) described how inquiry groups reframe problems, ideas, and actions to generate new meaning or knowledge. The dynamic nature of real-life professional problem solving requires applying adaptive professional competencies, like lawyering skills, and often results in new insights (Bierema, 2016).

Case studies and resulting reflective learning are some of the many forms of interactivity authors of the adult education and CPE methods literature described. The Council on the Continuing Education Unit (1984) suggested active learner participation via “doing, reacting, and experiencing” (p. 15) and “interaction with the learner group” (p. 17) by the instructor, while Queeney (2000) recommended “hands on activities” (p. 383). Some additional interactive methods MCLE facilitators can use in program sessions include individual coaching, questions, brainstorming, interviews, discussion groups, group projects, communities of learners, and networking (ALI-ABA and ACLEA Continuing Professional Education Association for Continuing Legal Education, 2009; Bierema, 2016; Biggs, 1990; Clark et al., 2015; Houle, 1980; Knox, 1986, 2016; Taylor, Marienau, & Fiddler, 2000). Marienau (2000), who serves as the academic member of the Board, described a reflective learning technique:

Typically, I ask learners first to recall and recount an experience, prompted by question(s) I pose connected to a concept we’ll be considering. It’s interesting how hearing about someone else’s experience can jog a learner’s memory, so that she might revise or embellish her own story. Then we add into the mix the relevant

theories or concepts, which prompt learners to reexamine their experiences from new perspectives---some will help illuminate an individual's interpretation of her experience, while others will be at odds and stimulate questions about the "fit." Going through this process helps learners examine their experiences more fully, interpret them more meaningfully, and recognize that their script is pretty much always open to revision. (Taylor et al., p. 29)

Some of these methods may be enabled by technology such as asynchronous conversations via wikis and discussion boards (Brookfield, 2015). The ALI-ABA and ACLEA Continuing Professional Education Association for Continuing Legal Education (2009) recommended (much as had past published bar committee recommendations) breaking the law school tradition of lecture as the preferred MCLE session content delivery method, by examining options with stakeholders.

Clark et al. (2015), Knox (1986) and the Council on the Continuing Education Unit (1984) all suggested a physical setting for live program session delivery being conducive to learning, including being comfortable. This is consistent with Rule 795(a)(6) (Court, 2020). The National Association of State Boards of Accountancy and the American Institute of Certified Public Accountants (2016) described "CPE credit for nanolearning programs" (p. 22) of 10 minutes to earn 0.2 hours' credit in its Standard No. 18, and Brookfield (2015) recommended program leaders "break lectures into well-paced 10 to 15 minute chunks that deal with separate ideas" (pp. 76-77), prior to reflective silence or interactivity. Both of these recommendations were consistent with the 30-minute minimum in Rule 795(a)(8) (Court, 2020). To optimally fit session delivery to learner styles, beyond physical setting and time periods, Knox (1986) suggested instructors be flexible, change pacing, and structure "individualization you can plan for, such as alternative content, methods, materials, and subgroups that participants can choose"

(p. 159). The ALI-ABA and ACLEA Continuing Professional Education Association for Continuing Legal Education (2009) even suggested instructors plan to fit session delivery to meet generational styles.

## **Evaluation**

This section describes literature about the expectation of improved competency in the Rules. The section also covers literature about additional CPE evaluation methods including learner assessments and evaluation models.

The Council on the Continuing Education Unit (1984) expected learning could be applied beyond the learning environment, much like the Court's (2020) expected improved attorney competency from attendance at MCLE required in Rules 795(a)(1, 2) and (d)(3, 4, 8). Knox (2016) suggested a learner's "self-assessment, combined with at least one additional source, can provide a sufficient estimate" (p. 6) of learner competency. Houle (1980) and Knox (September 1985) further discussed the voluntary, confidential inventories used to self-assess proficiency. The Council on the Continuing Education Unit (1984) expected "assessments of learner achievement" (p. 26) as part of program quality control, while the ALI-ABA and ACLEA Continuing Professional Education Association for Continuing Legal Education (2009) recommended measuring learning outcomes. Mandated attorney self-assessments, particularly after the most sensitive MCLE content such as ethics, could softly introduce testing, possibly privately and online.

The Council on the Continuing Education Unit (1984) and ALI-ABA and ACLEA Continuing Professional Education Association for Continuing Legal Education (2009) both recommended broader evaluations of program effectiveness and outcomes. Cervero and Rottet (1984) and Cervero et al. (1986) described how the evaluation of four components is necessary to analyze behavior change or learning outcomes. While the CPE program itself can influence

learning outcomes, the learner's characteristics, the relevancy of the proposed outcomes, and culture of the profession have stronger influences over changes in competency resulting from CPE. MCLE effectiveness may increase if attorney motivations for completion of MCLE went beyond meeting a mandatory hours requirement and the culture of the organized bar were about learning, rather than simply meeting mandates.

Kirkpatrick (1994) proposed evaluating adult education or CPE programs on four levels. Level one evaluated reaction or learner satisfaction with a program session, typically in a post-course survey. Level two measured skill development, such as in the self-assessments discussed above and other forms of proficiency testing. Level three evaluated behavior, through improving demonstration of skills in professional practice, often assessed by others such as clients or employer managers. Level four measured improvements in quality, productivity, or investment returns, for which factual proof being purely attributable to adult education or CPE programs can be elusive. Phillips and Phillips (2007) attempted to improve on Kirkpatrick's evaluation model with two additional levels to create a "chain of impact" (p. 16). They introduced upfront measurement before any participation in an adult education or CPE program and quantitative demonstration of post-program return on investment. The ALI-ABA and ACLEA Continuing Professional Education Association for Continuing Legal Education (2009) established aspirational goals for MCLE regulators and CLE providers to measure program effectiveness and efficiency, beyond feedback in post-course evaluation forms and meeting mandatory hours. The joint committee aspired to measure outcomes for all stakeholders including attorneys, regulators, planners, faculty, employers, and the public.

### **Conclusion - Literature About CPE Methods Used In MCLE**

The authors and their literature about CPE methods proved applicable to MCLE, as the literature is cited in the published recommendations by the organized bar. In fact, some of the

recommendations from the literature have become part of the *ABA Model Rule for MCLE*, recommended for implementation by state regulators, and part of the Rules. The literature about CPE methods is directly tied to the Rules being researched in this study. (See Table 2 for a summary of CPE methods recommended for MCLE, academic literature covering those CPE methods, and references in bar committee conference proceedings and papers).

Table 2

*Adult Education and Continuing Professional Education Methods, Cross-Referenced to Short Descriptions of the Methods, Academic References, Bar Committee References, and Court Rules, by Program Stage*

Adult Education and CPE program stage	Adult Education or CPE method	Most Applicable Court (2020) Rule(s)	Most recent bar committee references to the Adult Education or CPE method	Short description(s) of the Adult Education or CPE method, academic references and application to MCLE
Planning and needs analysis	Administration	792	<i>ABA Model Rule for MCLE</i> , Section 3 (ABA House of Delegates, 2017)	Regulators centrally control CPE planning (Azzaretto, 1990; Houle, 1980; Nowlen, 1990; Scanlan, 1985).  CPE planning framework (National Association of State Boards of Accountancy and the American Institute of Certified Public Accountants, 2016, p. v).  Planners publicly described program mission (Council on the Continuing Education Unit, 1984).  MCLE commissions or boards administer programs for the court.
	Ethics content	794(d) and 795(d)(3)	<i>ABA Model Rule for MCLE</i> , Section 3A(2)(a) (ABA House of Delegates, 2017)	The bar along with other professions required program content on ethics standards to protect the public (Adelson, 1990; Azzaretto, 1990; Bierema, 2016; Houle, 1980; Nowlen, 1988; Schön, 1983).  Required MCLE content about ethical standards is a method to maintain public confidence in the legal profession.
	New developments in the profession	795(d)(3, 4)	<i>ABA Model Rule for MCLE</i> , Section 4B (ABA House of Delegates, 2017)	Update model focuses on closing technical practice knowledge gaps (Kenny, 1985; Nowlen, 1988).  Some MCLE content is determined by changes in substantive law and cross disciplinary topics.

Adult Education and CPE program stage	Adult Education or CPE method	Most Applicable Court (2020) Rule(s)	Most recent bar committee references to the Adult Education or CPE method	Short description(s) of the Adult Education or CPE method, academic references and application to MCLE
Planning and needs analysis (continued)	Competency models	795(a)(1,2) and 795(d)(3, 4, 8)	<i>ABA Model Rule for MCLE</i> , Sections 4A and 4B and MCLE Model Rule Review Project (ABA House of Delegates, 2017)	<p>Competency models go beyond the update model to develop profession-specific aptitudes and content (Bierema, 2016; Nowlen, 1988, 1990).</p> <p>MacCrate Report - 10 lawyering skills and 4 values (ABA Section of Legal Education and Admission to the Bar, 1992).</p> <p>Use of professional competencies expands knowledge and skills abilities (Bierema, 2016; Daley &amp; Cervero, 2016; Houle, 1980; Nowlen, 1988, 1990; Queeney, 2000).</p> <p>Other MCLE content also focuses on lawyering skills.</p>
	Learner motivations	794(d)(2), 795(d)(5-8, 11)	<i>ABA Model Rule for MCLE</i> , Section 6 (ABA House of Delegates, 2017)	<p>Learners are motivated by application to their professional practice (Daley &amp; Cervero, 2016).</p> <p>Cross-disciplinary interests include teaching (Tisdell et al., 2016, p. 70).</p> <p>Mentoring relationships create new knowledge (Hansman, 2016, p. 35).</p> <p>Lawyers earn MCLE credit for and are motivated to mentor, teach, write, or advance pro bono causes, also creating new professional knowledge.</p> <p>Maintaining licensure (Grotelueschen, September 1985).</p> <p>Lawyers want to complete MCLE to maintain their licenses to practice, their title, and ability to earn income.</p>

Adult Education and CPE program stage	Adult Education or CPE method	Most Applicable Court (2020) Rule(s)	Most recent bar committee references to the Adult Education or CPE method	Short description(s) of the Adult Education or CPE method, academic references and application to MCLE
Planning and needs analysis (continued)	Planner qualifications	795(a)(3)	Final Report of the Critical Issues Summit (ALI-ABA and ACLEA Continuing Professional Education Association for Continuing Legal Education, 2009)	Planners (including in MCLE) have subject matter or educational experience (Knox, 2016; Queeney, 2000).
	Objectives and stakeholder involvement	None	Final Report of the Critical Issues Summit (ALI-ABA and ACLEA Continuing Professional Education Association for Continuing Legal Education, 2009)	Objectives motivate stakeholders to achieve the planned value of the program (including MCLE) (Bierema, 2016; Cervero et al., 1986; Council on the Continuing Education Unit, 1984; Knowles, 1980; Knox, 2016; Phillips & Phillips, 2007; Queeney, 2000; Tisdell et al., 2016).
Design and delivery	Presenter qualifications	795(a)(4)	<i>ABA Model Rule for MCLE</i> , Section 4E (ABA House of Delegates, 2017)	Presenters (including in MCLE) have subject matter or educational experience, are trained to conduct learning experiences, and are able to interpret the professional context (ALI-ABA and ACLEA Continuing Professional Education Association for Continuing Legal Education, 2009; Council on the Continuing Education Unit, 1984; Houle, 1980; Knowles, 1970; Knox, 2016; Queeney, 2000).
	Written Materials	795(a)(5)	<i>ABA Model Rule for MCLE</i> , Section 4D (ABA House of Delegates, 2017)	Providers (including for MCLE) should design high quality materials and distribute at or in advance of the session (Brookfield, 2015; Council on the Continuing Education Unit, 1984; Knox, 1986).



Adult Education and CPE program stage	Adult Education or CPE method	Most Applicable Court (2020) Rule(s)	Most recent bar committee references to the Adult Education or CPE method	Short description(s) of the Adult Education or CPE method, academic references and application to MCLE
Design and delivery (continued)	Interactivity	795(a)(7)	<i>ABA Model Rule for MCLE</i> , Sections 1(K, M), 5A(4) and MCLE Model Rule Review (ABA House of Delegates, 2017)	<p>Case studies start reflection-in-action; logged practice events with or without others after the program create more knowledge in reflection (Bierema, 2016; Biggs, 1990; Clark et al., 2015; Daley, 1999; Knox, 1986; Phillips &amp; Phillips, 2007; Schön, 1983; Taylor et al., 2000).</p> <p>Individual coaching, questions, brainstorming, interviews, discussion groups, group projects, and networking, including virtually (ALI-ABA and ACLEA Continuing Professional Education Association for Continuing Legal Education, 2009; Bierema, 2016; Biggs, 1990; Brookfield, 2015; Clark et al., 2015; Houle, 1980; Knox, 1986, 2016; Taylor et al., 2000).</p> <p>Encourage mindful, active involvement to deepen MCLE results.</p>
	Setting for live delivery	795(a)(6)	<i>ABA Model Rule for MCLE</i> , Section 1(K) (ABA House of Delegates, 2017)	Consistent with learning outcomes (including for MCLE) (Clark et al., 2015; Council on the Continuing Education Unit, 1984; Knox, 1986).
	Program segment length	795(a)(8)	MCLE Model Rule Review Project (ABA House of Delegates, 2017)	<p>10-15 minutes per topic of uninterrupted lecture before silence or interactivity (Brookfield, 2015).</p> <p>Nano-learning sessions of 10 minutes (National Association of State Boards of Accountancy and the American Institute of Certified Public Accountants, 2016, p. 22).</p> <p>Continued bar recommendations to overcome the traditional bias for lecture format (ALI-ABA and ACLEA Continuing Professional Education Association for Continuing Legal Education, 2009).</p> <p>MCLE program sessions are no less than 30 minutes (including periods of interactivity).</p>

Adult Education and CPE program stage	Adult Education or CPE method	Most Applicable Court (2020) Rule(s)	Most recent bar committee references to the Adult Education or CPE method	Short description(s) of the Adult Education or CPE method, academic references and application to MCLE
Design and delivery (continued)	Adjust for learner characteristics	None	MCLE Model Rule Review Project (ABA House of Delegates, 2017)	Adjust pace and delivery methods based on learners' styles, experience, and objectives (including in MCLE) (ALI-ABA and ACLEA Continuing Professional Education Association for Continuing Legal Education, 2009; Council on the Continuing Education Unit, 1984; Knox, 1986, 2016).
Evaluation	Expectation to apply learning	795(a)(1, 2) and 795(d)(3, 4, 8)	<i>ABA Model Rule for MCLE</i> , Sections 1D, F, H, P and 4B, and MCLE Model Rule Review Project (ABA House of Delegates, 2017)	Can be utilized outside of and after the program session (Cervero et al., 1986; Cervero & Rottet, 1984; Council on the Continuing Education Unit, 1984; Daley & Cervero, 2016).  Measuring outcomes with all stakeholders, including employers and learners (ALI-ABA and ACLEA Continuing Professional Education Association for Continuing Legal Education, 2009).  MCLE programs improve professional competence as an attorney.
	Learner knowledge assessments	None	<i>ABA Model Rule for MCLE</i> , Section 1(M) and MCLE Model Rule Review Project (ABA House of Delegates, 2017)	Self-assessments are sufficient to determine proficiency (ALI-ABA and ACLEA Continuing Professional Education Association for Continuing Legal Education, 2009; Council on the Continuing Education Unit, 1984; Houle, 1980; Knox, 1986, 2016, September 1985).  MCLE programs could softly introduce testing through first mandating self-assessments, possibly privately and online.

Adult Education and CPE program stage	Adult Education or CPE method	Most Applicable Court (2020) Rule(s)	Most recent bar committee references to the Adult Education or CPE method	Short description(s) of the Adult Education or CPE method, academic references and application to MCLE
Evaluation (continued)	Evaluation models	None	Final Report of the Critical Issues Summit (ALI-ABA and ACLEA Continuing Professional Education Association for Continuing Legal Education, 2009)	<p>Four components: (a) individual, (b) program, (c) proposed change, (d) social system or practice of the profession (Cervero et al., 1986; Cervero &amp; Rottet, 1984).</p> <p>Four levels: (a) reaction, (b) learning, (c) behavior, (d) results (Kirkpatrick, 1994).</p> <p>Six levels adding inputs and return on investment (Phillips &amp; Phillips, 2007).</p> <p>Measure planning, faculty, delivery, content, investments (Cervero et al., 1986; Cervero &amp; Rottet, 1984; Council on the Continuing Education Unit, 1984; Phillips &amp; Phillips, 2007).</p> <p>MCLE programs could measure beyond attendance and confirm effectiveness and outcomes with these models.</p>

*Note.* ABA = American Bar Association; ACLEA = Association for CLE; ALI = American Law Institute.

### **Prior Research Studies About CPE Methods Used In MCLE**

As mentioned by Simon (2003) and Fisher (2017), the professional bar has conducted very little academic research about CPE methods MCLE providers use. Each of the next sections discusses past research of CPE methods used in the professional standards integration of MCLE.

### **The Kansas CLE Commission Educational Initiative**

In 2017, the Kansas CLE Commission conducted a research study similar to the one used by this researcher. In the Kansas Supreme Court (KSC) Rule 800 relating to CLE, the KSC (n.d.) stated: “Because it is essential to the public and the legal profession that an attorney admitted to practice law in Kansas maintain and improve the attorney’s professional competence, continuing legal education is required” (Purpose and Scope, para. 1). In the KSC Rule 802(h), the KSC (n.d.) expects the re-named Kansas CLE Board to administer the CLE regulations under confidentiality rules similar to those required in the Court’s (2020) Rule 797. In KSC Rule 801(o), the KSC expects the program to benefit all MCLE constituents.

Some of the KSC Rules for CLE are nearly identical to the Supreme Court of Illinois’ (2020) Rules, in which the KSC and Supreme Court of Illinois both expect:

1. Interdisciplinary program content (KSC Rule 804(d) and Supreme Court of Illinois Rule 795(d)(4)).
2. Stand-alone content for ethics (KSC Rule 803(a) and Supreme Court of Illinois Rule 794(d))
3. Law practice management content (KSC Rule 806(h) and Supreme Court of Illinois Rule 795(d)(3)).
4. Substantive law content (KSC Rule 804(h)(2) and Supreme Court of Illinois Rules 795(a)(1, 2) and 795(d)(3)).

5. Presenters with practical or academic experience (KSC Rule 804(h)(3) and Supreme Court of Illinois Rule 795(a)(4)).
6. If delivered live, a suitable setting (KSC Rule 804(h)(5) and Supreme Court of Illinois Rule 795(a)(6)).
7. High quality materials provided at the session or in advance (KSC Rule 804(h)(4) and Supreme Court of Illinois Rule 795(a)(5)).
8. Attorneys to receive credit for teaching or writing (KSC Rule 806(c, d) and Supreme Court of Illinois Rule 795(d)(5-7)).

Beyond the KSC Rules, the Kansas CLE Board (n.d.) clarified its duties to “include updating the requirements and rules as necessary. . .and working with providers of CLE” (About, para 2). Kansas CLE Board staff have sought best practices through participation in industry associations. S. Sutton, Executive Director of the Kansas CLE Commission served on the Technology Committee and C. Chafin, Assistant Director of the Kansas CLE Commission, served on the Management Committee for the CLEREG. Working with providers, the Kansas CLE Commission and Professor W. Franklin Spikes, its former non-attorney board member from Kansas State University’s Department of Education, established the Kansas Education Initiative. According to Fisher (2017), the Kansas CLE Commission expected the Kansas Education Initiative to answer, “How do we know whether CLE improves an attorney’s ability to practice law?” (p. 7). The Kansas Education Initiative was multi-faceted, with projects in which the Kansas CLE Commission (a) developed materials to improve CLE facilitator effectiveness, (b) sponsored CLE facilitator skills courses, and (c) introduced technology devices for use by board members (Spikes & Fisher, 2017a; Sutton, 2013; Sutton, B., & Spikes, 2017). The Kansas CLE Commission launched an additional Kansas Education Initiative project in 2013, a research study conducted with Kansas State University (Fisher, 2017; Spikes & Fisher, 2017b).

Fisher (2017) completed a mixed-methods study with the Kansas CLE Commission surveying 260 MCLE providers and conducting focus groups with 22 of those MCLE providers. Fisher collected data about CPE methods Kansas MCLE providers use and evaluated the reported use of methods. Fisher (2017) concluded, “Most providers reported a focus on keeping attorneys up-to-date through CLE curricula, delivering classes in traditional formats with a heavy emphasis on instructor presentation, and evaluating programs using mostly Level I reaction methods” (p. 207). Fisher (2017) provided evidence some MCLE providers used CPE methods such as (a) collaborative program design with attorney learners and their employers, (b) timely offerings of programs related to changes in substantive law, (c) interactive course delivery methods, and (d) post-course surveys to confirm application of course content learning in attendees’ practice of the law.

Fisher (2017) recognized the fragmented landscape of MCLE constituents--including employers, other providers, attorneys, the public, the courts, and the Kansas CLE Commission. Fisher described this fragmented landscape impeding full implementation of CPE methods in needs analysis, planning, design, delivery, and evaluation of MCLE. Fisher (2017) further recommended,

It would be valuable for future researchers to conduct a similar study with CLE regulators and providers in other states to gain an insight into the best practices and challenges that CLE efforts face elsewhere so that they might determine the sameness or difference from this researcher’s case study findings. (p. 207)

After the Kansas CLE Commission director, Fisher, and Spikes (2017b) published the research results in a paper at the CLEREG conference, the Kansas CLE Commission director (S. Sutton, personal communication, June 5, 2017) sent correspondence to CLEREG members to encourage other state MCLE regulators to conduct similar research. Based on the Kansas CLE Commission

efforts to advance MCLE standards integration and consistent with Fisher's (2017) recommendation, this researcher secured the opportunity to conduct additional research about CPE methods providers use with the Board, its IWG, director, deputy director, and staff. Based on Fisher's (2017) detailed coding of survey verbatims and focus group comments, this researcher with the assistance of Fisher, improved the reliability of the proposed survey instrument and replaced open-ended questions in the proposed survey instrument with closed-ended questions for several topic areas.

### **The ALI-ABA Committee on Continuing Professional Education Arden House III Conference**

The ALI-ABA Committee on Continuing Professional Education (1987) held its Arden House III conference shortly after the publication of the inaugural *ABA Model Rule for MCLE* in 1986 (ABA Standing Committee on Continuing Legal Education, 1989) and concluded in its final statement "The organized bar should intensify its efforts to identify competence problems and encourage all efforts to enhance competence. This should be a central objective of CLE" (ALI-ABA Committee on Continuing Professional Education, 1987, p. 4). Panel discussions, speeches, and papers presented by the ALI-ABA Committee on Continuing Professional Education (1987) recommended "adult education experts should be consulted with respect to the techniques utilized in CLE programs" (p. 20). The ALI-ABA Committee on Continuing Professional Education asked Cervero to serve on a seven-member Quality of CLE Commission established to present findings of a Quality of CLE Study at the Arden House III conference. The Quality of CLE Commission (1987a) recommended studies about providers' application of CPE methods to CLE be presented at future conferences.

The ALI-ABA Committee on Continuing Professional Education (1987) also published two studies for the Arden House III conference by Lawner (1987a, 1987b). Lawner's (1987a)

first study was based on a 50-question survey sent in 1979, resulting in over 9,000 responses. Lawner described one finding -- attorneys preferred the traditional law school lecture delivery method -- which is not a recommended CPE method. Lawner's survey results were combined in the published conference papers with the findings from the Quality of CLE Commission's study, which comprised written expert observations of 32 CLE programs delivered in 1987. In the paper, Lawner (1987a) did not reference statistics from the survey nor the observations. Lawner's published results of the first study had limited applicability, due to not following survey and data analysis methods.

In the second study, Lawner (1987b) conducted a 13-question survey, completed by 114 law school faculty respondents, with objectives to research (a) law school CLE program offerings, (b) responsibility for program management, and (c) course evaluation methods. Lawner did not present any verbatim comments, findings, or recommendations. Lawner published tabulations in the paper, indicating more than 60% of responding law schools used course evaluations in their CLE programs and one-third had CLE program administrators who performed quality assurance observations. The other questions in Lawner's survey appeared to collect demographic information. Lawner's second study had limited applicability because Lawner only studied law schools as one of many provider-types delivering MCLE. Lawner provided no recommendations in this paper.

### **Conclusion - Prior Research Studies About CPE Methods Used In MCLE**

Fisher (2017) stated "In the review of the literature, the researcher found a dearth of recent empirical research on the subject of CLE" (p. 16), revealing no further studies related to MCLE provider use of CPE methods. While Fisher had not discovered Lawner's studies, they have limited applicability to the study of CPE methods in MCLE.



Fisher's research and conclusions are applicable to the study of CPE methods in MCLE, developed the survey instrument, prompted this study with the Board, informed refinements of the survey instrument to be used in this research through extant data, and provided extant data that could be used for comparative purposes among the two states in this study. Fisher's (2017) correctly concluded there was no prior applicable research on CPE methods used in MCLE. This research was expected to determine CPE methods for the further professional standards integration and continuous improvement of Illinois MCLE.

### **Summary of the Literature Review**

The study was based on the literature of CPE methods, as cited and recommended in standards by the organized bar. This study measured providers' adherence to the Rules, which are the implementation of bar standards in Illinois. Providers' practices in conjunction with feedback from other constituents including regulators, employers of attorney learners, and attorney learners themselves, can guide the next phase of transformation in CLE standards integration.

### Chapter 3 - Research Methodology

The purpose of this quantitative survey study was to explore adult education and CPE methods used by accredited providers including those required in Rule 795, reflecting the Court's (2020) adoption of the current *ABA Model Rule for MCLE*. The study was specific to adult education and CPE methods in needs analysis, planning, design, delivery, and evaluation reported by accredited providers of MCLE to non-novice, post-apprenticeship attorneys of the Illinois bar. In Rule 795, the Court (2020) requires providers' courses and activities:

1. Increase each participant's professional competence in matters primarily related to the practice of law, including specified subjects of professionalism, diversity and inclusion, mental health and substance abuse, civility, legal ethics, providing pro-bono services, and matters of law practice management and associated technology. Unspecified subjects dynamically change with substantive law including cross-disciplinary subjects (Rules 795(a)(1, 2) and 795(d)(3, 4 and 8)).
2. Be planned by individuals with legal or educational experience (Rule 795(a)(3)).
3. Be conducted by those qualified with practical or academic experience (Rule 795(a)(4)).
4. Provide written materials to participants before or at the time a course is conducted (Rule 795(a)(5)).
5. Have high quality written MCLE materials which are thorough, readable, and carefully prepared (Rule 795(a)(5)).
6. Be delivered live or via recording, with interactivity as a key component (Rule 795(a)(7)).
7. If delivered *live-by-faculty-in-the-room-with-participants*, be conducted in a physical setting conducive to learning (Rule 795(a)(6)).

8. Be no less than one-half hour of instruction (Rule 795(a)(8)).

The Rules related to provider methods are grounded in adult education and CPE methods in the literature. In Rules 795(a)(1-2) and (d)(3, 4, and 8), the Court (2020) described the broad cultural content topic areas, including stress management, civility, and practice management consistent with Nowlen's (1988) performance and competency models and Bierema's (2016) expected professional behaviors. The specific and continually revised substantive law content assumed in these Rules fit Nowlen's update model. Rules 795(a)(3-4) in which the Court (2020) required qualified planners and presenters fully and practically embraces Queeney's (2000) expert developer, Houle's (1980) facilitator, and Knox's (2016) expert presenter to adults. The interactivity the Court (2020) expects in Rule 795(a)(7) was directly related to Biggs' (1990) mindful involvement and methods recommended in other literature including case studies, discussion, demonstrations, hands-on activities, practical exercises, poll questions, and simulations (Bichelmeyer, 2006; Biggs, 1990; Brookfield, 2015; Daley & Cervero, 2016; Murphy & Schwen, 2006; Queeney, 2000). When considering the requirement to ensure time for interactivity within an MCLE session, Brookfield's (2015) 10-to-15-minute chunks of content delivery align to the Court's (2020) Rule 795(a)(8) which expected segments of no less than 30 minutes. Brookfield's scaffolding via handouts and Knox's (1990) annotated case outlines, boilerplate forms, practice books, and procedural guides were some of the types of course materials the Board expected when evaluating accreditation according to Rule 795(a)(5) (Court, 2020).

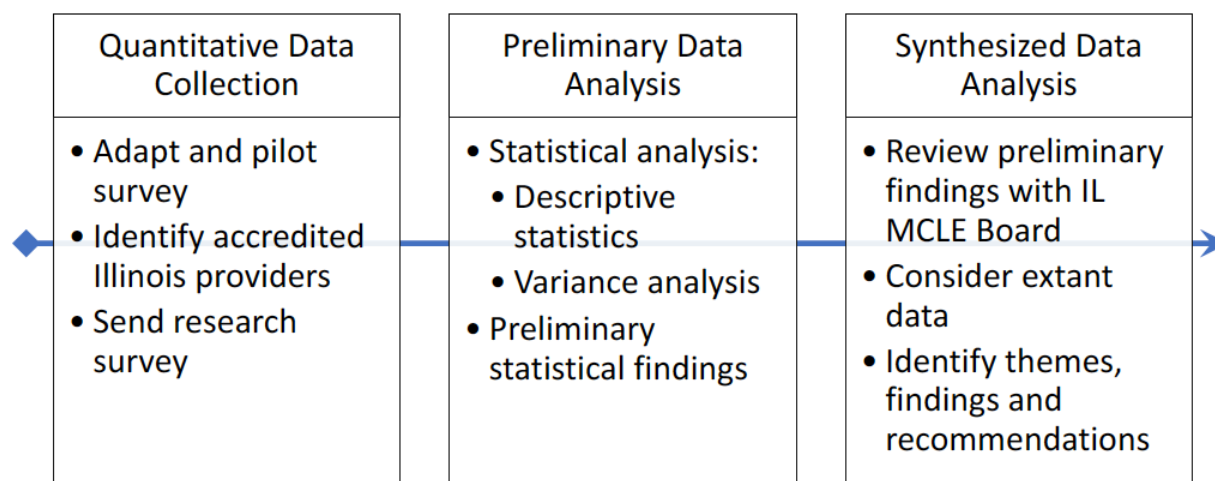
This chapter describes the methodology used for conducting this quantitative study, including (a) the research design, (b) the research questions and supporting hypotheses, (c) the population and setting of the study, (d) the survey instrument design and development, (e)

validity and reliability, (f) data collection, (f) the extant data, (g) data analysis techniques, (h) the role of the researcher, (i) the limitations, and (j) ethical considerations.

### Research Design

This researcher conducted a quantitative study working with the Board. The Board allowed the distribution of a survey to 1,872 active and accredited MCLE providers, which had delivered courses in 2018 or 2019. 438 (23%) providers submitted a survey response to report information about their organization's use of adult education and CPE methods to adhere to the Rules and their use of additional methods the Rules do not require.

The researcher quantitatively analyzed respondents' answers to describe the providers' reported use of adult education and CPE methods in needs analysis, planning, design, delivery, and evaluation. Demographic information about Illinois MCLE providers was analyzed to demonstrate the variation in the use of CPE methods by provider strata. The synthesis of quantitative findings with extant data helped the researcher and the subject matter experts (SMEs) on the Board staff and IWG identify themes and recommendations (Corbin & Strauss, 2008). (See *Figure 2*).



*Figure 2.* Research process.

The quantitative analysis was performed using JMP, a SAS Institute product, to generate descriptive statistics to measure the central tendency and variation in the survey responses (see Table 3), including the provider demographics and extant data (Gliner & Morgan, 2000). JMP multivariate techniques showed relationships of the responses to the provider demographic strata. Chi-squared analysis measured the frequencies of non-numerical, qualitative, ordinal categories with a single choice response (Coladarci, Cobb, Minium, & Clarke, 2008). When measuring the frequencies of nominal categories with the possibility of multiple choices, the chi-squared analysis included a count test with Poisson rates (Pawitan, 2001). One-way analysis of variance (ANOVA) with an accompanying Tukey-Kramer Honest Significant Difference (HSD) test analyzed continuous survey data such as the number of evaluations completed and continuous extant data like the percentage of course credits earned via recorded delivery (Coladarci et al., 2008). While other multi-variate tests were conducted, to include stepwise regression, to find possible relationships among continuous extant data and continuous demographic data, none produced conclusive results.

Table 3

*Board Survey Questions and Types of Data*

Survey question number(s)	Type of data	Number of responses allowed
7, 8A-B, 10, 14, 17, 19D, 22, 23	Ordinal, Likert	Single
2A, 6, 13, 18, 19A, 19C	Nominal	Multiple
3A-B, 4-5, 12, 19B	Continuous	Single
2B, 9A-B, 11A-C, 15-16, 20, 21, 24, 25A-C	Ordinal, nominal, and continuous for use by the Board	
2A, 2C, 6, 7, 8B, 9B, 13-14, 17-19A, 19C-D, 20-21, 24, 25B	Optional open-ended text for use by the Board	

**Research Questions**

This research design answered the following research questions:

1. Are providers using CPE methods to meet the Rules?
2. What CPE methods do providers use beyond the Rules?
3. What provider demographics are predictive of CPE methods used?

Descriptive statistics were used to report the percentages and significance of the reported use of CPE methods. Statistical evaluation of the following hypotheses indicated the use of CPE methods required in the Rules.

H1: Providers are meeting the requirements in the Rules.

H2: Providers are exceeding the requirements in the Rules.

Demographic information about accredited Illinois MCLE providers was analyzed via hypotheses to demonstrate variation of CPE methods used by provider strata.

H3: Provider demographics are predictive of CPE methods used.

Inferential statistics produced with the demographic data indicated provider types' use of CPE methods. The research questions were determined from the cumulative influence of CPE methods literature, the *ABA Model Rule for MCLE*, the Rules, prior research about MCLE, and engagement with Board SMEs. Board SMEs also helped this researcher develop findings about the CPE methods used by each provider demographic strata in a specific context.

### **Population and Settings for this Study**

As of May 2020, the Board had 1,872 active MCLE providers with one or more programs accredited within the most recent two-year reporting cycle, making up the theoretical and accessible populations (Gliner & Morgan, 2000). Therefore, the selection of MCLE providers accredited by the Board was convenient. These providers' organizational purposes vary significantly, including local, specialized bar associations, a few dozen university law schools, a few legal aid societies, hundreds of employers such as law firms or corporations, government agencies, and hundreds more commercial workplace education providers possibly serving multiple professions.

As one might assume from these examples, these organizations range from being organized exclusively by volunteers to large, corporate entities with dozens of experts who are focused on using adult education and CPE methods when providing MCLE. In Rule 795(c), the Court (2020) allowed organizations to seek accreditation of each individual course to be offered or for organizations to apply for annual accreditation that applies to all programs offered. The Board categorizes provider types for management of their accreditation program in the Provider Course Accreditation Management (PCAM) database as shown in examples in Table 4 and Table 5.

To encourage responses from each provider, the researcher and the Board agreed to send the survey via the KSU Qualtrics portal to all 4,458 known contacts at the 1,872 provider organizations shown in PCAM. The email survey invitation and email reminders asked contacts to coordinate and submit one response per provider organization. 438 (23%) providers completed the survey, a response rate similar to those Fisher (2017) and the Kansas CLE Commission obtained, given many of the same conditions existed for data collection, including the providers' established relationships with the regulator and many national and regional providers being the same entities.

The actual sample consisted of provider organizations confirming submission of a survey response. The remainder of the convenient, accessible population of providers "opted out" of participation by either not responding to the email survey invitation or not completing submission of the survey. Although access to accredited MCLE providers through the Board was convenient, the population of 1,872 providers and 23% response rate, and proportional response rate in each provider type (see Table 4 and Table 9) resulted in a representative sample (Eisenhardt, 1989). A disproportionately high response rate from annually accredited providers may indicate the strength of engagement level with the Board (see Table 5 and Table 10).



Table 4

*Board Provider Types (Nominal Extant Data from the Provider Course Accreditation Management Database)*

Provider type	Examples of such organizations	Unique provider motivations to be explored by the Board	Accredited providers
Employers of attorney learners	Law firms, corporate legal departments, government agencies	Improve attorney performance and ensure compliance with MCLE	759
Legal membership organizations	Bar associations and legal professional organizations	Expand offerings to their attorney membership, particularly under Rule 795(d)(3) allowing credit for networking meetings	164
Non-legal membership organizations	Organizations representing non-legal professional groups, trade associations, industry groups or businesses	Expand offerings to their membership, including attorneys	238
Legal related businesses	Practicing Law Institute, West Law	Profitably deliver accredited, relevant, and efficient MCLE to attorneys	215
Non-legal related businesses	For-profit, non-legal commercial entities such as banks, real-estate, mortgage, title, and software companies	Profitably deliver accredited, relevant, and efficient MCLE to attorneys who are also potentially business clients	314
Not-for-profit	Advocacy groups and charities offering legal aid or pro-bono legal services	Deepen outreach to attorneys advancing the groups' causes	141
Adult education institutions	Law schools, colleges	Expand offerings to their attorney alumni and other attorneys in their communities	41

*Note.* N = 1,872; MCLE = minimum continuing legal education.

Table 5

*Board Accreditation Types (Nominal Extant Data from the Provider Course Accreditation Management database)*

Accreditation type	Unique characteristics to be explored by the Board	Accredited providers
Annual presumptive provider accreditation	Offers more courses and seeks the efficiency of annual accreditation	230
Accredited for each program offered	Offers fewer courses	1642

*Note:* N = 1872.

## **Survey Instrument Design and Development**

The electronic survey was sent via email to collect quantitative information from respondents. The investigator-developed instrument was used because of the exploratory nature of this type of quantitative research with accredited Illinois MCLE providers. Although adapted for use by the Board and improved upon for this research, the instrument was based on an instrument Fisher (2017) developed and used with the Kansas CLE Commission.

Adaptation of Fisher's (2017) instrument formed the basis of some closed-ended questions in the survey used in this research. The survey included similar summated ordinal rating attitude (Likert) answer choices about use of CPE methods as well as continuous answer choices regarding demographics and use of CPE methods. Additionally, other closed-ended questions used nominal category response scales with unordered choices, which often allowed respondents to check all applicable categories whether to collect information about use of CPE methods or demographics.

None of the questions required a response, allowing maximum flexibility for a provider organization to respond to questions found to be most applicable, skip questions viewed as not applicable, and submit a completed survey unimpeded. As such, data analysis output was missing some responses.

The instrument was designed to measure the use of required CPE methods articulated in the Rules. In addition, the instrument also asked about CPE methods not specified in the Rules. (see Table 6 for a complete listing of CPE methods asked about in the instrument). While the survey categorized CPE methods such as needs analysis, planning, design, delivery, or evaluation, the Rules do not specify these categories.

The instrument sent to potential respondents had a total of 37 questions, with 21 closed-ended questions pertinent to CPE methods, the Rules, and demographics used in this research. 18

of the 21 closed-ended questions presented the respondent multiple selections for which answers could be provided. In addition, 14 closed-ended questions collected data intended for use by the Board outside of the purposes of this research. A single, overarching, open-ended question collected general comments on the effectiveness of Illinois MCLE for use by the Board outside of the purposes of this research. Another administrative open-ended question asked for an alternative contact name. Of the closed-ended questions on the survey, 14 offered an optional open-ended comments section for a respondent to provide clarifying comments for further insight about answers to the closed-ended questions, also for use by the Board outside of the purposes of this research. In the pilot and using modeling in the survey portal, the survey took approximately 15 minutes to complete, with similar elapsed time results by respondents. The full survey is in Appendix A.

Table 6

*Adult Education and Continuing Professional Education Methods Measured in Closed-Ended Questions on the Board Survey*

Adult Education and CPE methods measured in closed-ended questions	Survey question number(s)	Planning and needs analysis	Design and delivery	Evaluation
Stakeholder involvement (Nowlen, 1988; Tisdell et al., 2016).	6, 7, 8, 13, 17-19	x	x	x
Goals to drive curriculum (Knox, 2016), Course objectives (Bichelmeyer, 2006; Knox, 2016; Queeney, 2000).	6, 12, 19C	x	x	x
Feedback (Knox, 2016)	6, 18, 19	x	x	x
Developmental benchmarking (Bierema, 2016).	6	x		
Occupationally qualified planners (Queeney, 2000), Academically qualified planners (Knox, 2016).	7, 14	x	x	
Active, mindful involvement (Biggs, 1990), Case studies (Argyris & Schön, 1974; Schön, 1983), Combining learning strategies (Auster & Chan, 2004; Houle, 1980; Murphy & Schwen, 2006; Queeney, 2000), Experience-based learning (Schön, 1983), Keynotes and Poll questions (Brookfield, 2015), Meaning making (Daley & Cervero, 2016), Peer interaction (Biggs, 1990), Performance aids (Knox, 2016), Revisiting key ideas (Daley & Cervero, 2016), Time for practice (Phillips & Phillips, 2007), Discussion, Demonstrations, Hands-on activities, Practical exercises, Simulations (eg. mock trials).	17		x	
Annotated case outlines, Boilerplate forms, Practice books, and Procedural guides (ALI-ABA Committee on Continuing Professional Education, 1990), Handouts for scaffolding a lecture (Brookfield, 2015), Thorough, readable, and carefully prepared written materials.	17, 19C		x	
Pre-testing and Changing pace (Knox, 2016), Adapt to learner styles (Cervero & Rottet, 1984), Adjust for learner experience level (Bierema, 2016; Nowlen, 1988).	18		x	
Suggestions from previous courses (Cervero & Rottet, 1984).	6, 19A-C	x		x
Cervero four component model (Cervero et al., 1986; Cervero & Rottet, 1984), Kirkpatrick four levels of evaluation (Phillips & Phillips, 2007).	6, 19A, C	x		x
Expected behaviors in a profession (Bierema, 2016), Performance, Competency, and Update models (Nowlen, 1988).	6, 19C, 23	x		x

Adult Education and CPE methods measured in closed-ended questions	Survey question number(s)	Planning and needs analysis	Design and delivery	Evaluation
New developments (Bierema, 2016; Houle, 1980; Nowlen, 1988), Ethical standards (Bierema, 2016; Houle, 1980; Nowlen, 1988; Schön, 1983).	6, 23	x		x
Learner motivations (Daley & Cervero, 2016).	8A-B	x		x
Occupationally qualified presenters (Houle, 1980; Knox, 2016), Academically qualified presenters (Knox, 2016).	14, 19A,C,D		x	x
Self-assessments (Knox, 2016).	17-18, 19A		x	x
Technology (Brookfield, 2015; Killian, June 15, 2015; Knox, 2016).	17, 19C		x	x
Utility analysis (Phillips & Phillips, 2007).	19A, C			x
30-minute segments (Brookfield, 2015), Expectation to apply learning (Cervero & Rottet, 1984; Nowlen, 1988).	19C			x
Instructor effectiveness (Knox, 2016)	19C-D			x

*Note.* CPE = continuing professional education.

### Validity and Reliability

Validity testing confirmed the instrument measured what was intended to be measured (Salkind, 2014). Types of validity considered included content, criteria, and construct. Reliability methods were intended to preclude errors in entries by survey respondents.

Consistent with Dillman's (2009) guidelines and with debriefing methods used in focus groups (Biemer & Lyberg, 2003), Fisher (2017) and an expert panel at the Kansas CLE Commission identified two areas in which the survey instrument could be improved if used again:

1. Lessons learned regarding criteria validity were revealed in responses to the survey or were discovered when clarifying responses in focus group discussions. These changes were made to the instrument for this study.
2. Some themes from Fisher's (2017) research were not collected using closed-ended survey questions in the quantitative data collection. These themes were only discovered through coding of information identified in the qualitative data collection and analysis. Further review of the survey indicated these themes could be presented in closed-ended questions on the survey, which were added to the instrument for this study to improve its construct validity.

Fisher (2017) performed a pilot on the survey instrument to confirm validity and reliability.

A panel of SMEs from the Board staff and IWG, following principles of a pilot study, closely reviewed and provided feedback on the survey to validate the instrument. Comments from these reviews, regarding the context of providers accredited in Illinois and the Rules, were incorporated into the research survey to further improve content validity (Creswell & Plano Clark, 2007; Gay, 2012; Yin, 2014). For example, the Board staff and IWG focused on the context of provider relations, CPE methods of interest to the Board staff and IWG, the Rules, and evolving legal education requirements to ensure the completeness of content validity pertinent to these factors. While no list of factors could have ensured universal content validity, several factors were added or wording refined. Up until the May 1<sup>st</sup>, 2020 deployment of the survey, SMEs from the Board staff and IWG continued to refine the proposed survey to ensure it was optimally valid for accredited Illinois MCLE providers at the time of distribution (Salkind, 2014).

During the pilot, the SMEs also developed questions on topics beyond the scope of this research proposal (see Table 3). A specific example included questions 11A-C pertinent to

providers such as bar associations as intended beneficiaries of the Court's (2020) Rule 795(d)(3) allowing Illinois attorneys to receive MCLE credit for networking meetings. The Board staff and IWG also added open-ended questions to gather further insight from providers about their answers to the closed-ended questions.

JMP output on Cronbach's alpha for internal validity ranged from .40 to .62 with a mean of .61 with an  $n=438$  (Salkind, 2014). A principal components exploratory factor analysis scree plot had an elbow at the eighth of 72 data elements and an eight-factor analysis accepted loadings ranged from .30 to .90 and explained 50% of the variance. In further iterations, using loadings greater than .50 and simplifying the model with the removal of 9 data elements, four factors aligned to key constructs in the survey instrument of 1) qualified planners and presenters, 2) interactive delivery methods, 3) courses offered for delivery using technology including recordings, and 4) providers' feedback on the effectiveness of the Illinois MCLE program in achieving its objectives.

Survey distribution was purposefully timed by the Board at the recommendation of the Board staff to be approximately 45 days after the height of work-from-home arrangements being stabilized in the legal profession during the 2020 COVID-19 crisis, based on the Board staff's observation of post-crisis responses at providers having normalized. This choice may have contributed to reducing a threat to internal validity from such events outside of the program. Likewise, limiting the survey data collection period to three weeks might have contributed to reducing a threat to internal validity.

To remove error in observed scores, further building on lessons learned from the instrument and its reliability as used by Fisher (2017), several other measures were taken by this researcher (Salkind, 2014). First, instructions were made standard for nominal question responses throughout the instrument to *choose any and all that apply*, Likert scales were

standardized to five possible selections, and Likert scale ordinal response variables were consistently worded scales with superlatives of *always* or *extremely* for all such questions. Second, with the larger accessible population and similar response rate, more than twice as many responses were available versus for Fisher in (2017). In addition to improving validity, clarifying the wording in response variables as well as making it possible to answer via a survey selection rather than verbatims had a corresponding effect on improving reliability. The instrument was simplified for the respondent versus those presented in the survey used by Fisher in (2017) with the removal of several multi-part grids for entering responses as well as removal of response variables for *don't know* and *not applicable*. Similarly, there were no questions respondents were required to answer. This was intended to allow a respondent to continue the survey without impediment nor the confusion of having to answer a question when a provider may not have wanted to answer or was incapable of providing an answer.

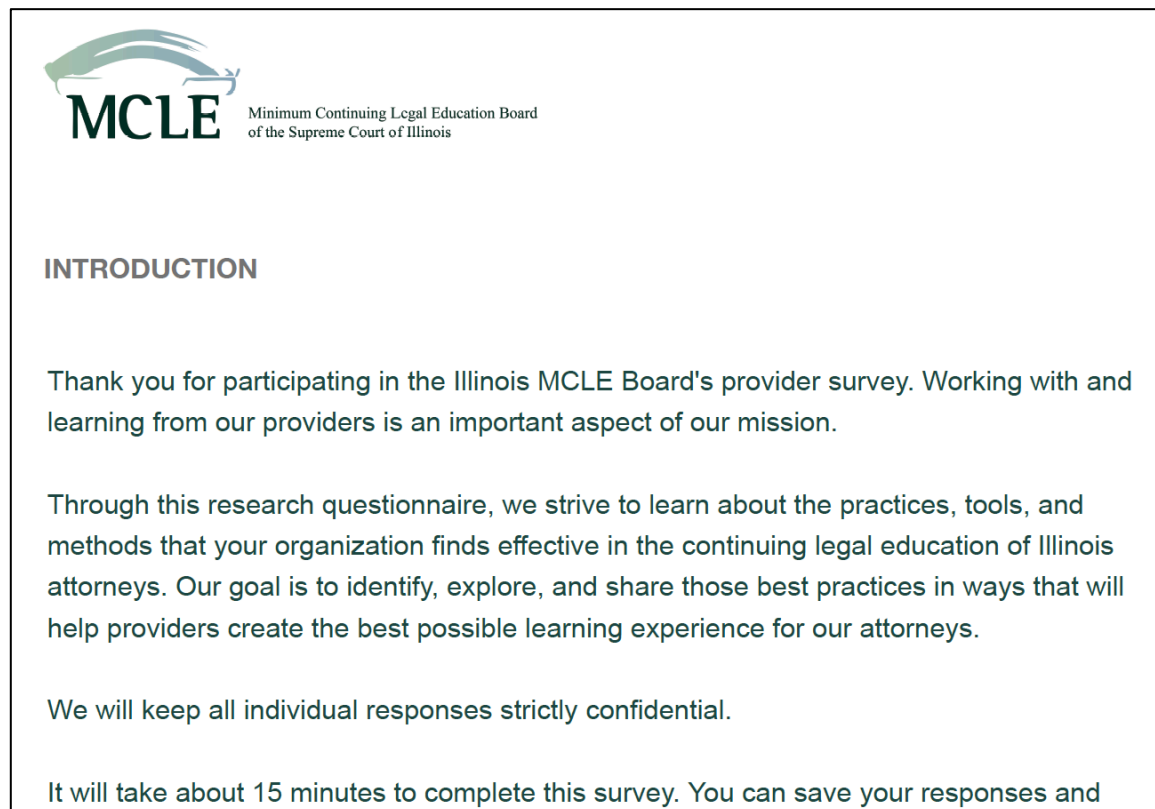
### **Data Collection**

Following Dillman's (2009) recommendations, the Board director published an email correspondence to provider contacts in advance, announcing the survey and encouraging provider participation. According to Dillman (2009), internet survey principles followed included:

1. Emails and web pages matched the brand image of the Board (see *Figure 3*).
2. Emails sent through the KSU Qualtrics survey portal contained links taking potential respondents to a computer screen or mobile device for next steps in the survey and acknowledged the collaboration with Kansas State University (see *Figure 4*).
3. Email language varied slightly but was consistent through the last reminder.
4. The first question in the survey was simple (p. 400; see *Figure 5*).



The survey invitation with a link to the survey portal was sent from the KSU Qualtrics survey portal on behalf of and under the Board director's signature on May 1st, 2020. Several reminder emails were published by the Board director from her Board email address and via the portal by the researcher for three weeks until the survey closed May 23rd, 2020.



*Figure 3.* Board brand image on electronic survey materials.

**From:** Illinois MCLE Board noreply@qualtrics-survey.com  
**Subject:** Illinois MCLE Board Provider Research Survey  
**Date:** May 1, 2020 at 12:38 PM  
**To:** [REDACTED]



Minimum Continuing Legal Education Board  
of the Supreme Court of Illinois

Thank you for participating in the Illinois MCLE Board's provider survey. Working with and learning from our providers is an important aspect of our mission.

Through this research questionnaire, we strive to learn about the practices, tools, and methods that your organization finds effective in the continuing legal education of Illinois attorneys. Our goal is to identify, explore, and share those best practices in ways that will help providers create the best possible learning experience for our attorneys.

We will keep all individual responses strictly confidential.

It will take about 15 minutes to complete this survey.

**Follow this link to the Survey:**

[Take the Survey](#)

Or copy and paste the URL below into your internet browser:

[https://kstate.qualtrics.com/jfe/preview/SV\\_cP8o5a46DfLxCXX?Q\\_CHL=preview](https://kstate.qualtrics.com/jfe/preview/SV_cP8o5a46DfLxCXX?Q_CHL=preview)

You can save your responses and return to complete the survey later should you need to research some of your answers. If you decide to opt-out once you have started completing the questionnaire, simply stop, and we will not include those results in the research.

Please complete the survey **no later than Monday, May 18th, 2020**, for us to include the answers for your organization in our research.

While we sent this survey to you as a primary contact at your organization, you are welcome to gather input from others in your organization involved in the CLE process. That way, you can submit one set of responses for your organization.

Sincerely,

Karen Litscher Johnson, J. D., Director  
MCLE Board of the Supreme Court of Illinois

(The Illinois MCLE Board is conducting this research in conjunction with Kansas State University.)



Figure 4. Email from the Qualtrics portal inviting a provider contact to take the Board survey.

**PROVIDER DEMOGRAPHICS**

As a starting point, please share what is/are your role(s) in your organization as it relates to providing CLE to Illinois attorneys?

(please choose any and all that apply)

☐ Partner, Director, Officer, Manager overseeing CLE programs
 ☐ Instructor, faculty delivering CLE
 ☐ CLE curriculum design
 ☐ Technology for CLE course delivery
 ☐ CLE course scheduling, data collection, and/or data entry
 ☐ CLE course billing and/or payments
 ☐ Other, please describe

☐ None of the above
 ☐ I prefer not to answer

Figure 5. First question on the Board survey.

## Extant Data

In addition to the data collected through the survey, the Board, through the mutual protection of a non-disclosure agreement, provided this researcher access to a variety of other information sources to enrich the research findings, including but not exclusively limited to the following sources:

1. Demographic, course, activity, and accreditation data the Board maintains in its provider database. This data was loaded into the KSU Qualtrics portal as embedded data keyed to each contact's profile, so it could be used later as additional quantitative factors in the statistical analysis of responses (see Table 7).

2. The Board's annual reports.
3. Information from provider conferences the Board conducted.
4. Other anecdotal information about daily business activities from the Board staff.

Additionally, this researcher referenced other published papers and conference presentations related to Fisher's (2017) study and the Kansas CLE Commission. Consistent with the purpose of Fisher's study, data and detailed insights were also available for reference with the permission of the Kansas CLE Commission and under continued protections regarding ethical practices. Access to this additional information allowed the researcher and the Board staff and IWG to develop themes and recommendations with deeper context than would be achieved by relying solely on the survey responses.

Table 7

*Board Extant Data Embedded in Contact Records within the Kansas State University Qualtrics Portal (from the Provider Course Accreditation Management Database)*

Data elements	Type of data
City, state, zip code, county, metropolitan statistical area, circuit court affiliation, district court affiliation, country, contact identifier numbers, primary contact status, provider identification numbers, provider type, accreditation type, accredited course status for 2018, accredited course status for 2019, and survey logic code	Nominal
Percent of courses by delivery method, percent of credits earned by delivery method	Continuous
Contact names, contact email addresses, and provider names	Text

### **Contrasts Between Kansas Extant Data and Results of This Research**

The continuous data from this research were categorized in ranges as defined by Fisher (2017) to identify any statistically significant demographic characteristics among Illinois and Kansas CLE providers using two-sided proportions tests shown in Table 8. Organizations considered *for profit* as defined by Fisher (2017) represented 37.3% of providers answering the

Kansas survey. Twice as many providers having answered the Illinois survey (74%) were *for profit*. This may indicate a far larger proportion of business providers in Illinois, including employers through their in-house programs. Among Illinois providers, 76% ask attendees to rate topic relevance in post-course evaluations, different than the rate among Kansas providers at 95% (Fisher, 2017). Providers offering *live non-traditional* course delivery as defined by Fisher (2017) represented 12% of Kansas providers, less than one-fourth the proportion of Illinois providers (52%) offering courses via *live technology*, indicating more technological delivery offered by Illinois providers in 2019 versus Kansas providers in 2017. Among Illinois providers, 43% ask attendees if they will change how they practice law, also different from Kansas providers at 60% (Fisher, 2017).

Table 8

*Board Survey and Kansas Continuing Legal Education Commission Survey Demographic and Survey Response Differences (Results of SAS JMP Two-Sided Test of Difference of Proportions)*

	Illinois		Kansas		Power (1 - β)
	Percent	n	Percent	n	
Comparisons to Board extant data:					
For-profit (employers, legal related businesses and non-legal related businesses)	74%	325	37%	70	0.999
Non-profit (legal membership organizations, non-legal membership organizations, not-for-profit, and adult education institutions)	26%	113	63%	124	0.999
Live non-traditional courses offered (live technology)	52%	218	12%	24	0.992
Comparisons to Board survey questions:					
Question 23: Effectiveness of CLE at encouraging ethical practice	68%	297	51%	90	0.810
Question 19C – Which of the following does your organization assess in post-course evaluations?					
Topic relevance to the attorney attendees’ practice	80%	333	95%	159	0.999
Attorney attendees’ opinions the course has changed the way attendees will conduct their practice of law	43%	180	60%	101	0.873

*Note.* The Kansas CLE survey had 198 responses (Fisher, 2017) and the Board survey had 438 responses; stated risk of Type I error ( $\alpha$ ) is 0.05 and actual test size ( $\alpha$ ) is 0.055 or less; null difference is zero.

## **Data Analysis Techniques**

Quantitative analysis was performed in JMP, a SAS Institute product, to generate descriptive statistics to measure the central tendency and variation in the survey responses (see Table 3), including the provider demographics and extant data (Gliner & Morgan, 2000). JMP multivariate techniques showed relationships of the responses to provider demographic strata. Chi-squared analysis measured the frequencies of non-numerical, qualitative, ordinal categories with a single choice response (Coladarci et al., 2008). When measuring the frequencies of nominal categories with the possibility of multiple choices, the chi-squared analysis included a count test with Poisson rates (Pawitan, 2001). One-way analysis of variance (ANOVA) with an accompanying Tukey-Kramer Honestly Significant Difference (HSD) test analyzed continuous survey data such as the number of evaluations completed and continuous extant data like the percentage of courses credits earned via recorded delivery (Coladarci et al., 2008). While other multi-variate tests were conducted, to include stepwise regression, to find possible relationships among continuous extant data and continuous demographic data, none produced conclusive results.

Preliminary quantitative statistical analysis findings were used to prompt discussion of the results with the Board staff and IWG SMEs. With the extant data, adult education and CPE literature, ABA committee recommendations, the *ABA Model Rule for MCLE*, the Rules, prior research, local context, and SME experience, a synthesis of the preliminary findings resulted in themes and recommendations presented to the Board. Statistical results were presented in Chapter 4 and synthesized conclusions in Chapter 5.

## **Role and Background of the Researcher**

The researcher's relationship with the Board resulted from an invitation by the Kansas CLE Commission for all states' regulators to consider conducting further academic, scientific

research of providers' use of CPE methods, as Fisher (2017) did in Kansas. Fisher, Spikes, and the Kansas CLE Commission (2017b) had previously presented these research results at an association conference of all state regulators; therefore, those results were already known to state regulators at the time of the Kansas regulators' request for other states to consider further research (Spikes & Fisher, 2017b). Fisher (2017) worked with the Kansas CLE Commission, and developed the survey instrument used in the study. Fisher is the researcher's spouse.

The Board was one of a few regulators expressing interest in the research and contacted the researcher to examine the opportunity. The researcher conducted a series of meetings with the Board director and staff in 2017 thoroughly presenting the study and other materials from the Kansas CLE Commission and included Fisher and Spikes who were available to answer clarifying questions. After confirming the Board director's interest in pursuing research in Illinois, the researcher assisted the Board director in preparing a recommendation to the IWG and Board which was approved in December 2017. In developing this partnership with the Board director, IWG, and staff as research partners, the staff viewed the researcher as an unpaid consultant, program manager, and expert in their methodical, scientific study of provider use of CPE methods.

The researcher is a bank executive of a highly regulated mortgage division who is required to have employees' certifications annually renewed according to whether they have met CPE requirements. In this organizational leadership role and others previously in his career, the researcher has relied on education as one of several methods to drive change. Similar to many other executives, the researcher struggles to measure training effectiveness. Experience has taught the researcher hands-on and experiential learning influence lasting change and therefore improves the return on investment. In his chapter on professionalism, Schon (1983) described a



banker's similar circumstances in gaining experiential, professional education through subconscious reflection-in-action, while working:

An investment banker, speaking of the process by which he makes his judgements of investment risk, observes that he really cannot describe everything that goes into his judgements. The ordinary rules of thumb allow him to calculate "only 20 to 30 of the risks in investment." In terms of the rules of thumb, a company's operating numbers may be excellent. Still, if management's explanation of the situation does not fit the numbers, or if there is something additional in the behavior of the people, that is a subject of worry which must be considered afresh in each new situation. (p. 63)

Risk managers working for the researcher routinely gain valuable insight to develop new capabilities in a highly fluid regulatory system through their hands-on learning. These insights cannot always be codified in lesson plans or procedure manuals. However, if the case characteristics are found to be frequently repeated, risk managers can then create business rules as decision-making innovations which have knowledge-creation value and return on investment in productivity (Kirkpatrick, 1994; Thompson, 2017). These opportunities and outcomes are not easily measured on tests, program evaluations, or performance evaluations directly related to attendance at adult education or CPE events.

Although not an attorney, the researcher has engaged attorneys to produce practical work products. The researcher has witnessed lawyers' influence on business decision making, from their credentialed status, ethical objectivity, logical problem-solving skills, and expertise in current substantive law. The researcher has also witnessed countless instances of corporate attorneys advising executives and then routinely ending with the phrase "it's a business decision" after describing scenarios and rendering an expert opinion, so their professional objectivity is maintained separate from business decisions as implemented.

The researcher's formal undergraduate, masters, and professional education is focused in mathematics, statistics, and their application in practical problem solving. The researcher routinely leads studies in the commercial workplace to examine opportunities for revenue growth, productivity, customer satisfaction, employee engagement, and adherence to regulatory controls, using fact-based problem solving with statistical analysis. At this stage in his career, the researcher most often sponsors and guides the conduct of these studies, often relying on professional statisticians to prepare supporting work products with descriptive and inferential statistical techniques.

### **Limitations of the Research Approach**

Nearly 60% of accredited Illinois MCLE providers were not direct employers of practicing attorneys and provided MCLE as a third party (see Table 9). Therefore, these third-party MCLE providers were separated from optimally valid measurement of program effectiveness, as they did not directly measure post-program performance improvement of the attorneys.

Additionally, providers might have had some bias in their reported use of CPE methods, especially given the regulator was sponsoring the survey. For-profit providers which comprise close to one-third of Illinois MCLE providers, might have been conflicted in sharing any known limitations in their use of CPE methods or effectiveness of their programs as contradicting their marketing messages, risking degradation of their profitability. This limitation was intended to be mitigated by the independence of the researcher publishing the survey from a survey tool operated by Kansas State University with disclosures. Disclosures to potential respondents described protections of the anonymity for the respondents and their provider organizations. Another limitation in this research was attorney learners not directly providing information from

their post-course evaluations or from survey data collection. Lastly, applicability of this research might be limited outside of Illinois.

Nonetheless, the Board was a willing research partner. It was remarkably innovative for the Board to be conducting this scientific research with an outside academic entity while also seeking to abide by the Court's confidentiality Rules. A less progressive regulator might have simply avoided the research. The Board's sponsorship of delivering this survey instrument in its name and its collaboration as a research partner made this study reasonably easy to conduct with few respondent objections (Gliner & Morgan, 2000). As a condition for this access, the Board and the Court approved the content of this dissertation to ensure adherence to the Court's (2020) Rule 797 was maintained. In addition to the data collected through the survey, the Board, through the mutual protection of a non-disclosure agreement, has authorized the researcher to access a variety of other information sources to enrich the research findings.

### **Ethical Considerations**

Institutional Review Board (IRB) protocols expected by KSU were followed to protect the volunteer survey respondents' confidentiality. The researcher completed all of the required KSU IRB training. Specifically, the cover memo to the survey disclosed confidentiality of responses through data stored in a secure location. Findings were based on aggregated data and summarized, so as to keep individual responses anonymous. Further, the disclosure statement ensured participants knew they could leave the survey anytime or not start the survey. A non-disclosure agreement in effect with the Board ensured the researcher practiced similar confidentiality to comply with the Court's (2020) Rule 797.

### **Conclusion**

This study explored the CPE methods MCLE providers use. This chapter has explained the research approach.

## **Chapter 4 - Findings**

The purpose of this study was to explore adult education and CPE methods used by accredited providers including those required in Court's (2020) Rule 795. This chapter describes the findings and quantitative analysis from the research survey responses to answer the following research questions:

1. Are providers using CPE methods to meet the Rules?
2. What CPE methods do providers use beyond the Rules?
3. What provider demographics are predictive of CPE methods used?

This section reports the response rate to the research survey and demographic strata of provider organizations responding to the survey. In order to answer the hypotheses, descriptive statistics reported use of CPE methods and statistically significant relationships of reported use of CPE methods by provider demographic strata:

H1: Providers are meeting the requirements in the Rules.

H2: Providers are exceeding the requirements in the Rules.

H3: Provider demographics are predictive of CPE methods used.

Evidence of providers meeting the Court's (2020) Rule 795 were answered by each of eight specific required methods:

1. Professional competency content. Offering program content to increase each participant's professional competence in matters primarily related to the practice of law, including specified subjects of professionalism, diversity and inclusion, mental health and substance abuse, civility, legal ethics, providing pro-bono services, matters of law practice management, associated technology, and substantive law including cross-disciplinary subjects (Rules 795(a)(1, 2) and 795(d)(3, 4 and 8)).

2. Qualified planners. Individuals with legal or educational experience planning programs (Rule 795(a)(3)).
3. Qualified presenters. Individuals qualified with practical or academic experience delivering programs (Rule 795(a)(4)).
4. Timing of written materials. Providing written materials to participants prior to or at the time a course is conducted (Rule 795(a)(5)).
5. Quality of written materials. Providing high quality written MCLE materials which are thorough, readable, and carefully prepared (Rule 795(a)(5)).
6. Delivery methods. Delivering programs live or via recording, with interactivity as a key component (Rule 795(a)(7)).
7. Physical setting. If delivering *live-by-faculty-in-the-room-with-participants*, conducting the programs in a physical setting conducive to learning (Rule 795(a)(6)).
8. Session length. Delivering sessions of no less than one-half hour of instruction (Rule 795(a)(8)).

### **Survey Response Rate**

As of May 2020, the Board had 1,872 accredited providers. Email invitations to take the survey were sent via the KSU Qualtrics survey portal to all 4,458 known representatives at the providers with contact data from the Board's PCAM database. 438 (23%) providers completed the survey.

### **Demographic Strata**

Descriptive statistics showed demographic strata about provider organizations based on nominal extant data in Table 9. Demographic data was collected via nominal survey responses about the roles of respondents at provider organizations and are shown in Table 10. Measures of

central tendency for demographic continuous data survey responses are in Table 13. Inferential statistics tests demonstrated differences by strata.

In Table 9, the sample and accessible population are compared on two key demographic strata. Two-sided proportions tests with a 95% confidence interval indicate the sample proportion of Illinois respondents to the survey by provider type are consistent with the accessible population of Illinois providers. Illinois providers responding to the survey which maintain annual accreditation are over-represented by two-and-a-half times in the sample versus the accessible population, confirmed via a zero-difference, two-sided proportion test establishing a stated  $\alpha = 0.05$ , and resulting in an actual test size of  $\alpha = 0.051$  and power of 0.983. The Board grants presumptive accreditation to all courses offered by a provider, based on routine annual reporting and certifications. The disproportionately high response rate from annually accredited providers may indicate a strong engagement level with the Board based on the rigor of this annual process. A chi-squared test in Table 11 shows a statistically significant finding of annually accredited providers being three times more likely to offer 100 or more courses with  $\chi^2(3, 438) = 44.56, p < 0.001$ . All other providers seek individual course accreditation, and the sample was under-represented by 20% versus the accessible population, based on a zero-difference, two-sided proportion test with stated and actual test sizes of  $\alpha = 0.05$  and power of 0.999.

Provider representatives answering the survey were asked the initial question “What is/are your role(s) in your organization as it relates to providing CLE to Illinois attorneys?” Representatives could choose any or all of the responses. Nearly two-thirds of representatives having responded for their organizations oversee CLE programs at the provider, nearly half are involved in program scheduling, over one-quarter are involved in program billing, just less than

one-quarter handle curriculum design, 18% deliver programs, and 15% develop course technology (see Table 10). Nearly all representatives (95%) play more than one of these roles for their organizations' CLE programs. A chi-squared with Poisson rates test shown in Table 12 identifying relationships of provider types with respondents' roles. Results of the test with a  $\chi^2(42, 438) = 17.20, p = 0.009$  indicate statistically significant findings of non-legal related businesses' and not-for-profits' higher proportion of respondents serving in instructor roles. While the same test shows a statistically significant finding of not-for-profits' lower proportion of respondents serving in CLE course billing or payment roles, with only 2 responses, this result was not considered important to the analysis.

The next questions on the survey asked about operating details for the provider organizations including how many courses the provider offered, the number of employees in the organization, the number of employees in CLE roles, and among volunteers in CLE roles which were planners or instructors. The ratios of CLE employees and courses per employee were calculated based on employee and role counts submitted. Due to wide variances in the continuous data reported by survey respondents the median was reported as the measure of central tendency (see Table 13). The median number of employees at providers was 30, median employees working on CLE matters was three (or 10% of employees), median volunteer planners was one and presenters was five, and the median number of programs offered was 10.

Provider types explain much of the variation as shown with some examples in Table 14 including employers, legal related businesses, and non-legal related businesses having far more employees. Further analysis by provider type in an ANOVA in Table 15 and an accompanying Tukey-Kramer test in Table 16, shows employers have one-quarter to one-half the ratio of CLE employees versus other provider types as a statistically significant finding with an  $F(6, 378) = 11.89, p < 0.001, \eta^2 = 0.16$ . This finding may support assumptions that employers would not

view CLE as a core function. Employers more likely seek to efficiently maintain attorneys MCLE compliance, as such limiting the number of trainers as compared to trainer ratios at professional education providers. A second ANOVA in Table 17 and accompanying Tukey-Kramer test in Table 18, shows statistical significance with an  $F(6, 396) = 5.91, p < 0.001, \eta^2 = 0.08$  in legal membership organizations and legal related businesses offering twenty-five to thirty times more courses per employee than employers. To expand on stratification by provider type, providers' accreditation status, and providers' motivations, while 72% of Illinois providers rated CLE as *extremely* or *very important* to their organization's mission, chi-squared results indicate unique missions by provider and accreditation type. In Table 19, statistically significant findings indicate legal related businesses whose purpose is providing CLE for profit as well as legal membership organizations who attract members by offering valued benefits with  $\chi^2(24, 438) = 80.18, p < 0.001$  find CLE important to their organizations' missions. In Table 20 a statistically significant finding is indicated for the importance of CLE to the mission of annually accredited providers' with  $\chi^2(4, 438) = 34.14, p < 0.001$ . The tests above show the importance of stratifying by provider and accreditation type, a prominent analysis theme in this chapter.



Table 9

*Board Survey Respondent Demographic Strata (Nominal Extant Data from the Provider Course Accreditation Management Database)*

Demographic strata	N=438	Percentage	P=1872	Percentage
Provider Type				
Employers of attorney learners	170	39%	759	41%
Non-legal membership organizations	67	15%	238	13%
Legal related businesses	59	13%	215	11%
Legal membership organizations	53	12%	164	9%
Non-legal related businesses	48	11%	314	17%
Not-for-profit	32	7%	141	8%
Adult education institutions	9	2%	41	2%
<i>For profit</i> as defined in (calculated) (Fisher, 2017)	325	74%	1288	69%
Illinois MCLE Accreditation				
Annual presumptive provider accreditation	131	30%	230	12%
Accredited for each program offered	307	70%	1642	88%

*Note:* N = Number of survey responses; P = accessible population.

Table 10

*Board Survey Respondent Role with the Provider Organization (Nominal Survey Response Data)*

Question 2A: Role of Respondent in the Provider Organization	N=438	Percentage
Partner, director, officer or manager overseeing CLE programs	275	63%
CLE course scheduling, data collection, and/or data entry	211	48%
CLE course billing and/or payments	119	27%
CLE curriculum design	101	23%
Instructor or faculty delivering CLE	78	18%
Technology for CLE course delivery	66	15%
Compliance and/or accreditation tracking	31	7%
More than one role	418	95%

*Note.* For the 438 surveys, providers were instructed to answer this question with any and all applicable roles.

Table 11

*Chi-Squared Test Results from SAS JMP: Course Count Ranges, by Accreditation Type*

Freq Share			5A. Course ranges									
Comparisons Cell Chisq PVal			Less than 20	20 to 49	50 to 99	100 or more		Total Responses	Compare	Mean	Std Dev	Compare Means
Accredited CLE Provider ACLEP_flag	FALSE	A	210 68.4%	48 15.6%	18 5.9%	25 8.1%	6 2.0%	307	B	4.4039	1.0415	B
		B										
			0.02607	0.11377	0.71366	0.018	0.70308					
	TRUE	B	47 35.9%	38 29.0%	10 7.6%	32 24.4%	4 3.1%	131		3.7023	1.2691	
			A	A								
		0.00066	0.01548	0.5743	0.00029	0.55955						

Default Comparison Groups: A/B

Shows letter of the category it is significantly different from at the higher share level

\* Base count warning 50 Uppercase Alpha Level 0.05

\*\* Base count minimum 20 Lowercase Alpha Level 0.1

### Test Response Homogeneity

Response	Sample Dimension Label		LR Chisq	LR PValue	Pearson Chisq	Pearson PValue
5A. Course ranges	Accredited CLE Provider	ACLEP_flag	43.74	<.0001*	44.5634	<.0001*

Table 12

*Poisson Test Results from SAS JMP: Role(s) of Provider Respondents by Provider Type*

Freq Share Rate Comparisons Cell Chisq PVal			2A. Role of provider respondent etc.									
			Administrator	CLE course billing and/ or payments	CLE course scheduling, data collection, and/ or data entry	CLE curriculum design	Compliance and/or accreditation tracking	Instructor, faculty delivering CLE	Partner, Director, Officer, Manager overseeing CLE programs	Technology for CLE course delivery	Total Responses	Total Cases Responding
Provider Type	1. Employers of attorney learners	A	11 2.9% 6.5% c	5 1.3% 2.9%	55 14.4% 32.4% b,F	92 24.1% 54.1%	40 10.5% 23.5% c	10 2.6% 5.9%	30 7.9% 17.6%	106 27.8% 62.4% C	381	170
			0.36408	0.52569	0.4633	0.69712	0.72509	0.40828	0.64195	0.39446	0.40611	
	2. Legal membership organizations	B	2 2.0% 3.8%	1 1.0% 1.9%	10 10.0% 18.9%	22 22.0% 41.5%	12 12.0% 22.6%	2 2.0% 3.8%	6 6.0% 11.3%	38 38.0% 71.7% 7	100	53
			0.89386	0.99118	0.39484	0.80532	0.78679	0.446	0.37978	0.15698	0.92523	
	3. Non-legal membership organizations	C	1 0.8% 1.5%	3 2.4% 4.5%	22 17.7% 32.8% F	36 29.0% 53.7%	8 6.5% 11.9%	7 5.6% 10.4%	6 4.8% 9.0%	36 29.0% 53.7% 5	124	67
			0.29598	0.10925	0.15086	0.17644	0.12034	0.17683	0.15568	0.8099	0.18298	
	4. Legal related businesses	D	4 3.2% 6.8%	0 0.0% 0.0%	19 15.3% 32.2% F	25 20.2% 42.4%	15 12.1% 25.4% c	8 6.5% 13.6% a,b,e,f	7 5.6% 11.9%	38 30.6% 64.4% 8	124	59
			0.44002	0.26811	0.48924	0.48414	0.73873	0.06619	0.26571	0.93133	0.74045	
	5. Non-legal related businesses	E	0 0.0% 0.0% *	0 0.0% 0.0% *	10 9.8% 20.8% f*	21 20.6% 43.8% *	16 15.7% 33.3% C*	2 2.0% 4.2% *	18 17.6% 37.5% A,B,C,D*	27 26.5% 56.3% *	102	48
			0.13433	0.31519	0.36066	0.58574	0.16433	0.42886	0.00174	0.49095	0.82478	
	6. Not-for-profit	F	2 3.1% 6.3% *	0 0.0% 0.0% *	2 3.1% 6.3% *	13 20.0% 40.6% *	9 13.8% 28.1% c*	1 1.5% 3.1% *	10 15.4% 31.3% B,C,D*	23 35.4% 71.9% *	65	32
			0.63259	0.42268	0.02578	0.59364	0.50615	0.41449	0.06063	0.44877	0.89531	
	7. Adult educational institutions	G	0 0.0% 0.0% **	0 0.0% 0.0% **	1 7.1% 11.1% **	2 14.3% 22.2% **	1 7.1% 11.1% **	1 7.1% 11.1% **	1 7.1% 11.1% **	7 50.0% 77.8% **	14	9
			0.5791	0.70982	0.53922	0.48916	0.65682	0.44879	0.85513	0.1782	0.98782	

Table 12 (continued)

*Poisson Test Results from SAS JMP: Role(s) of Provider Respondents by Provider Type*

Shows letter of the category it is significantly different from at the higher share level

\* Base count warning 50 Uppercase Alpha Level 0.05  
 \*\* Base count minimum 20 Lowercase Alpha Level 0.1

Test Each Response, Poisson			
Provider Type, 2A. Role of provider respondent etc.			
2A. Role of provider respondent etc.	ChiSquare	Prob>ChiSq	
Instructor, faculty delivering CLE	17.1958	0.0086*	
CLE course billing and/or payments	13.7359	0.0327*	
	9.0873	0.1687	
Administrator	8.0892	0.2316	
CLE curriculum design	7.4792	0.2788	
Compliance and/or accreditation tracking	6.7869	0.3410	
Technology for CLE course delivery	5.0455	0.5380	
CLE course scheduling, data collection, and/or data entry	4.7326	0.5785	
Partner, Director, Officer, Manager overseeing CLE programs	2.6305	0.8536	

Chi-squared tests use Poisson rates.

Table 13

*Board Survey Demographic Strata (Continuous Survey Respondent and Calculated Data)*

Demographic strata	Mean	Median	Std Dev	Min	Max	<i>n</i>
Question 3A:						
Number of employees	823	30	4,487	0	60,000	417
Employees in CLE roles	9	3	33	0	400	408
Ratio of CLE roles to all employees (calculated)	24%	10%	31%	0%	100%	377
Question 3B:						
Volunteer planners	22	1	182	0	3,000	406
Volunteer presenters	75	5	398	0	6,000	404
Question 5:						
Number of courses offered	69	10	291	0	5,000	428
Ratio of courses per employee (calculated)	2.77	0.25	10	0	113	396

*Note.* For the 438 surveys, providers were not required to answer all questions.

Table 14

*Board Survey Demographic Strata by Provider Type (Continuous Survey Respondent and Calculated Data)*

Demographic data stratified by provider types	Mean	Median	Std Dev	Min	Max	<i>n</i>
Question 3A - Number of employees:						
Employers of attorney learners, legal and non-legal related businesses	1,092 - 1,853	10-150	3,066-8,259	1	30,000-50,000	47-164
Adult education institutions	246	124	280	4	700	8
Not-for-profit and membership organizations	40-46	3-18	56-133	0	200-950	30-62
Ratio of CLE roles to all employees (calculated)						
Membership organizations and legal related businesses	36-39%	23-31%	30-37%	<1%	100%	36-57
Not-for-profit, non-legal related businesses, and adult education institutions	23-29%	7-12%	24-40%	<1%	100%	8-42
Employers of attorney learners	10%	3%	20%	<1%	100%	159
Question 5 - Number of courses offered:						
Legal related businesses	210	30	721	0	5,000	56
Employers and legal membership organizations	62-65	10-12	126-220	0	700-1,500	53-166
Not-for-profit, non-legal related businesses, and adult education institutions	17-40	5-10	21-145	0	100-1,000	8-66

*Note.* For the 438 surveys, providers were not required to answer all questions.

Table 15

ANOVA Test Results from SAS JMP: Ratio of CLE Employees, by Provider Type

Oneway Analysis of 3A3. Ratio of CLE employees By Provider Type						
Oneway Anova						
Summary of Fit						
Rsquare		0.161235				
Adj Rsquare		0.147671				
Root Mean Square Error		0.284734				
Mean of Response		0.240232				
Observations (or Sum Wgts)		378				
Analysis of Variance						
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob > F	
Provider Type	6	5.781928	0.963655	11.8862	<.0001*	
Error	371	30.078217	0.081073			
C. Total	377	35.860145				
Means for Oneway Anova						
Level	Number	Mean	Std Error	Lower 95%	Upper 95%	
1Employers of attorney learners	159	0.103707	0.02258	0.05930	0.14811	
2Legal membership organizations	36	0.390349	0.04746	0.29703	0.48367	
3Non-legal membership organizations	57	0.381055	0.03771	0.30690	0.45522	
4Legal related businesses	49	0.364268	0.04068	0.28428	0.44425	
5Non-legal related businesses	42	0.290162	0.04394	0.20377	0.37656	
6Not-for-profit	27	0.230867	0.05480	0.12312	0.33862	
7Adult educational institutions	8	0.284545	0.10067	0.08659	0.48250	
Std Error uses a pooled estimate of error variance						

Table 16

Tukey-Kramer Test Results from SAS JMP: Ratio of CLE Employees, by Provider Type

Means Comparisons

Comparisons for all pairs using Tukey-Kramer HSD

Confidence Quantile

q*	Alpha
2.96460	0.05

Connecting Letters Report

Level		Mean
2Legal membership organizations	A	0.39034941
3Non-legal membership organizations	A	0.38105543
4Legal related businesses	A	0.36426847
5Non-legal related businesses	A	0.29016173
7Adult educational institutions	A B	0.28454464
6Not-for-profit	A B	0.23086686
1Employers of attorney learners	B	0.10370662

Levels not connected by same letter are significantly different.

Ordered Differences Report

Level	- Level	Difference	Std Err Dif	Lower CL	Upper CL	p-Value	
2Legal membership organizations	1Employers of attorney learners	0.2866428	0.0525541	0.130841	0.4424448	<.0001*	
3Non-legal membership organizations	1Employers of attorney learners	0.2773488	0.0439572	0.147033	0.4076644	<.0001*	
4Legal related businesses	1Employers of attorney learners	0.2605619	0.0465237	0.122638	0.3984861	<.0001*	
5Non-legal related businesses	1Employers of attorney learners	0.1864551	0.0493985	0.040008	0.3329020	0.0035*	



Table 17

ANOVA Test Results from SAS JMP: Courses Offered per Employee, by Provider Type

Oneway Analysis of Courses per employee By Provider Type

Oneway Anova

Summary of Fit

Rsquare	0.083494
Adj Rsquare	0.069358
Root Mean Square Error	9.757834
Mean of Response	2.772436
Observations (or Sum Wgts)	396

Analysis of Variance

Source	DF	Sum of Squares	Mean Square	F Ratio	Prob > F
Provider Type	6	3374.240	562.373	5.9063	<.0001*
Error	389	37038.759	95.215		
C. Total	395	40412.999			

Means for Oneway Anova

Level	Number	Mean	Std Error	Lower 95%	Upper 95%
1. Employers of attorney learners	163	0.27398	0.7643	-1.229	1.777
2. Legal membership organizations	40	8.02107	1.5428	4.988	11.054
3. Non-legal membership organizations	58	2.14310	1.2813	-0.376	4.662
4. Legal related businesses	52	7.11001	1.3532	4.450	9.770
5. Non-legal related businesses	47	4.38410	1.4233	1.586	7.182
6. Not-for-profit	28	1.09392	1.8441	-2.532	4.719
7. Adult educational institutions	8	0.20998	3.4499	-6.573	6.993

Std Error uses a pooled estimate of error variance

Table 18

Tukey-Kramer Test Results from SAS JMP: Courses Offered per Employee, by Provider Type

Means Comparisons

Comparisons for all pairs using Tukey-Kramer HSD

Confidence Quantile

q*	Alpha
2.96385	0.05

Connecting Letters Report

Level		Mean
2. Legal membership organizations	A	8.0210654
4. Legal related businesses	A	7.1100079
5. Non-legal related businesses	A B	4.3841036
3. Non-legal membership organizations	A B	2.1431009
6. Not-for-profit	A B	1.0939195
1. Employers of attorney learners	B	0.2739831
7. Adult educational institutions	A B	0.2099752

Levels not connected by same letter are significantly different.

Ordered Differences Report

Level	- Level	Difference	Std Err Dif	Lower CL	Upper CL	p-Value
2. Legal membership organizations	7. Adult educational institutions	7.811090	3.779193	-3.3899	19.01204	0.3746
2. Legal membership organizations	1. Employers of attorney learners	7.747082	1.721780	2.6440	12.85017	0.0002*
2. Legal membership organizations	6. Not-for-profit	6.927146	2.404356	-0.1990	14.05329	0.0629
4. Legal related businesses	7. Adult educational institutions	6.900033	3.705803	-4.0834	17.88347	0.5070
4. Legal related businesses	1. Employers of attorney learners	6.836025	1.554094	2.2299	11.44212	0.0003*




Table 19

Chi-Squared Test Results from SAS JMP: Importance of CLE to the Provider Organization Mission, by Provider Type

		Freq Share	10. Importance to mission						Total Responses	Compare	Mean	Std Dev	Compare Means
		Comparisons Cell Chisq PVal	Not at all important	Slightly important	Moderately important	Very important	Extremely important						
Provider Type	1. Employers of attorney learners	A	3 1.8%	11 6.5%	33 19.4%	55 32.4%	65 38.2%	3 1.8%	170	B,d,f,G	2.9588	1.0341	B,D
			0.44698	0.76608	0.83522	0.98773	0.75779	0.24535					
	2. Legal membership organizations	B	0 0.0%	0 0.0%	8 15.1%	12 22.6%	33 62.3%	0 0.0%	53	E,F,G	2.5283	0.7495	
			0.43667	0.05277	0.54168	0.2112	0.00923	0.48661					
	3. Non-legal membership organizations	C	0 0.0%	3 4.5%	17 25.4%	27 40.3%	20 29.9%	0 0.0%	67	B,D,F,G	3.0448	0.8605	B,D
			0.38182	0.42373	0.20827	0.25739	0.19968	0.43408					
	4. Legal related businesses	D	0 0.0%	2 3.4%	5 8.5%	17 28.8%	35 59.3%	0 0.0%	59	E,F,G	2.5593	0.7938	
Provider Type			0.41183	0.28699	0.0689	0.62659	0.01693	0.46293					
	5. Non-legal related businesses	E	0 0.0%	6 12.5%	10 20.8%	21 43.8%	11 22.9%	0 0.0%	48	G*	3.2292	0.9507	a,B,D
			0.45916	0.15792	0.73524	0.16802	0.06464	0.50792					
	6. Not-for-profit	F	2 6.3%	6 18.8%	8 25.0%	9 28.1%	7 21.9%	0 0.0%	32	.	3.5938	1.2144	A,B,C,D
			0.00684	0.01307	0.41173	0.66959	0.10912	0.58879					
	7. Adult educational institutions	G	0 0.0%	3 33.3%	1 11.1%	1 11.1%	3 33.3%	1 11.1%	9	**	3.2222	1.5635	
			0.74857	0.00307	0.59773	0.26155	0.76092	0.00137					

Default Comparison Groups: A/B/C/D/E/F/G

Shows letter of the category it is significantly different from at the higher share level

\* Base count warning 50 Uppercase Alpha Level 0.05  
 \*\* Base count minimum 20 Lowercase Alpha Level 0.1

Test Response Homogeneity					
Response Dimension Label	Sample Dimension Label	LR Chisq	LR PValue	Pearson Chisq	Pearson PValue
10. Importance to mission	Provider Type	72.1859	<.0001*	80.1789	<.0001*

Table 20

*Chi-Squared Test Results from SAS JMP: Importance of CLE to the Provider Organization Mission, by Accreditation Type*

Freq Share			10. Importance to mission										
Comparisons Cell Chisq PVal			Not at all important	Slightly important	Moderately important	Very important	Extremely important		Total Responses	Compare	Mean	Std Dev	Compare Means
Accredited CLE Provider ACLEP_flag	FALSE	A	5 1.6%	25 8.1%	69 22.5%	109 35.5%	98 31.9%	1 0.3%	307	B	3.1107	1.0101	B
				B	B								
			0.42439	0.48276	0.12846	0.34248	0.03004	0.2814					
	TRUE	B	0 0.0%	6 4.6%	13 9.9%	33 25.2%	76 58.0%	3 2.3%	131		2.5649	0.8779	
				A	a								
			0.22138	0.28261	0.01995	0.14617	0.0009	0.09914					

Default Comparison Groups: A/B

Shows letter of the category it is significantly different from at the higher share level

\* Base count warning    50    Uppercase Alpha Level    0.05

\*\* Base count minimum    20    Lowercase Alpha Level    0.1

Test Response Homogeneity					
Response Dimension Label	Sample Dimension Label	LR Chisq	LR PValue	Pearson Chisq	Pearson PValue
10. Importance to mission	Accredited CLE Provider ACLEP_flag	35.3723	<.0001*	34.1372	<.0001*

## **Reported Use of Adult Education and CPE Methods in Court Rules**

Descriptive statistics showed survey responses answering the first research question with nominal data in Table 21 and ordinal data in Table 22. Measures of central tendency about course delivery methods based on continuous extant data are in Table 29. To address the third research question, inferential statistics tests showed significance by demographic strata. The results were organized below by each of the eight specific required methods in the Rules.

### **Professional Competency Content**

Responses from several of the survey questions indicate providers select professional competency program content consistent with Rules 795(a)(1 and 2) (Court, 2020). For example, question six (see Table 21) on the survey asked, “Which of the following sources does your organization use to identify CLE course topics?” Providers reported choosing content based on current developments in the legal profession 86% of the time and 73% based on changes in case law, statutes, or regulations. Mandated professionalism topics are not as consistently considered by providers for content selection at approximately 60%. Overall, 95% of Illinois providers use one or more of these sources to select program content topics.

Respondents scored the effectiveness of professional content categories in accredited Illinois MCLE programs when answering question 23 “How effective is Illinois MCLE for...?” Providers rated Illinois MCLE *extremely* or *very effective* at expanding knowledge and sharing new developments 71% of the time, 68% at encouraging ethical practice, 61% at improving the practice of law, and 47% at supporting law practice management. Overall, 79% of providers rated one or more of these content categories as *extremely* or *very effective* elements of Illinois MCLE (see Table 22).

Table 21

*Board Survey - Questions Indicating Use of Adult Education and CPE Methods in the Rules (Nominal Survey Response Data)*

Methods	N=438	Percentage
Question 6 - Sources used to identify course topics:		
Hot topics, recent legal issues, or current developments in the legal profession	378	86%
Case law, statutory, or regulatory changes	321	73%
Mandated topics set by CLE regulators	266	61%
Standards for professionalism and ethical practice	259	59%
One or more of the four sources above	416	95%
Question 13 - Factors used to select course delivery formats:		
Recommendations of a course program organizer or leader	259	59%
Recommendations of a course design expert	60	14%
Question 19C - Topics explored on post-course evaluations:		
Instructor effectiveness, knowledge, preparation	399	95%
Topic relevance to the attorney attendees' practice	333	80%
Usefulness of audio visuals and other materials	287	69%
Attorney attendees' opinions that the course instructional methods helped engage them in the learning process	260	62%
Facilities	258	62%
Schedule, session length, timing	233	56%
Question 18 - Refine course sequencing, pace or learning methods based on feedback from previous attorney attendees	209	48%

*Note.* For the 438 surveys, providers were instructed to select any and all applicable answers to questions.

Table 22

*Board Survey – Questions Indicating Use of Adult Education and CPE Methods in the Rules (Ordinal Survey Top 2 Box Response Data)*

Methods	N=438	Top 2 Box Percentage
Question 23 - Effectiveness of Illinois MCLE:		
Expanding attorney knowledge and skills	313	71%
Sharing new developments, cases, and ideas	309	71%
Encouraging ethical practice	297	68%
Improving practice of the law	265	61%
Supporting law practice management	205	47%
One or more of the content topic categories above	347	79%
Question 7 - Influence of planning contributors on course selection:		
Attendees	348	79%
Organization leadership or other supervisors of attorneys	328	75%
Legal experts	273	62%
Program or CLE planning committee	257	59%
CLE Director	205	47%
One or more of the qualified planner types	396	90%
Question 14 - Importance of presenter qualifications:		
(Legal) subject matter expertise	431	98%
Reputation (in the legal profession)	340	78%
Practice as an attorney (in the specialty)	306	70%

Methods	N=438	Top 2 Box Percentage
Question 19D - Usefulness of post-course evaluation feedback:		
Future course planning	327	78%
Instructor feedback/training	310	74%
Venue selection	139	33%
Question 17 - Course learning delivery methods used:		
Written materials and other handouts	400	91%
Instructor or speaker lecture	377	86%
Specific sessions or times for questions by attendees and answers by instructors or speakers (i.e., Q&A)	291	66%
Verbal understanding checks (such as questions followed by discussion or other feedback involving instructors or speakers)	210	48%
Expert panels	169	39%
Take home job aids	135	31%
Roundtable or attendee discussion	84	19%
Online discussion/bulletin boards/chat rooms as an element of interactivity during the course	78	18%
Attendees' individual action planning	51	12%
Online discussion/bulletin boards/chat rooms as an element of interactivity after the course	47	11%
Attendee-conducted activities, exercises, time to practice	44	10%
Booster learning after the course	39	9%
Quizzes, tests or other written understanding checks	35	8%
Mock trials, negotiations, simulations, or practice-based case studies	22	5%

Methods	N=438	Top 2 Box Percentage
Question 17 - Course learning delivery methods used (continued):		
One or more traditional, non-interactive methods used as part of delivering programs	400	91%
One or more interactive delivery methods used during or after the course	353	81%
One or more interactive delivery methods used during the course	343	78%

*Note.* For the 438 surveys, providers were instructed to select any and all applicable answers to questions.



## Qualified Planners

To learn about adherence to the use of qualified planners described in the Court's (2020) Rule 795(a)(3), question seven (see Table 22) asked "How influential are each of the following CLE planning contributors on the selection of courses offered by your organization?" Providers rely on legal experts' influence as *extremely* or *very important* 62% of the time, 75% on provider leadership, 59% on CLE planning committees, and 47% on the CLE Director as the types of qualified planners contributing to the selection of program content. Overall, 90% of providers rated one or more of the qualified planner types above as *extremely* or *very important* to the selection of program content, demonstrating strong use of qualified planners. Question 13 (see Table 21) on the survey asked, "Which of the following factors does your organization use to select course delivery methods?" Providers rely on their internal leader experts as qualified planners 59% of the time to select program delivery methods meeting the interactivity requirements in the Court's (2020) Rule 795(a)(7) and 14% of providers use a course design expert.

Chi-squared test output in Table 23 indicated statistical significance for responses of *extremely* and *very important* regarding the influence of section officers or members, who as attorneys are qualified planners, have on program planning at legal membership organizations with a  $\chi^2 (24, 438) = 84.76, p = 0.001$ . Similarly, Table 24 shows statistical significance to the *extremely important* influence CLE planning committees have on program planning at legal membership organizations and non-legal membership organizations with a  $\chi^2 (24, 438) = 62.33, p = 0.005$ .

Reinforcing how providers and their qualified planners use closed-loop feedback for program planning, 79% of providers reported attendees' influence as *extremely* or *very important*

in question seven and 78% finding the feedback *extremely useful* or *very useful* to plan future programs in question 19D (see Table 22). Among Illinois providers, 80% ask attendees to rate topic relevance in post-course evaluations in question 19C, Table 21. A chi-squared test in Table 25 indicates statistical significance of evaluation feedback being *extremely useful* in non-legal membership organizations' future course planning with  $\chi^2 (24, 438) = 50.58, p = 0.01$ .

### **Qualified Presenters**

Checking how qualifications factor in providers' selection of presenters for their programs to meet the Court's (2020) Rule 795(a)(4), question 14 on the survey asked "How important is it for CLE presenters to have the following qualifications?" Providers almost universally agree (98%) it is *extremely important* or *very important* program presenters are legal subject matter experts. Providers find it important to seek experts with an esteemed reputation 78% of the time and 70% to seek attorneys practicing in a specialized form of law (see Table 22). The only difference among provider types was in Table 26 in which a chi-squared test showed statistical significance in non-legal related businesses finding the practice specialty of the presenter *not at all important* with a  $\chi^2 (24, 438) = 55.78, p = 0.029$ . Providers show commitment to confirming their instructor selections, with 95% asking attendees to evaluate instructor effectiveness in question 19C (see Table 21) and 74% finding the feedback *extremely useful* or *very useful* in improving instructors' performance in question 19D (see Table 22).

Table 23

*Chi-Squared Test Results from SAS JMP: Section Officers' or Members' Influence on Program Planning, by Provider Type*

Freq Share Comparisons Cell Chisq PVal			71. Section officers or members										
			Not at all important	Slightly important	Moderately important	Very important	Extremely important	Total Responses	Compare	Mean	Std Dev	Compare Means	
Provider Type	1Employers of attorney learners	A	20 11.8% C	85 50.0% B,C,d	10 5.9%	19 11.2%	22 12.9% E	14 8.2%	170	B,C,e	4.1176	1.5301	B,C,d
			0.08175	0.09733	0.43265	0.50667	0.32136	0.05428					
	2Legal membership organizations	B	3 5.7%	8 15.1%	3 5.7%	6 11.3%	17 32.1% A,D,E,F,q	16 30.2% A,d,E,F	53	E,F,G	2.6038	1.6093	
			0.54838	0.00265	0.61919	0.73262	0.00338	0.00118					
	3Non-legal membership organizations	C	2 3.0%	18 26.9%	7 10.4%	7 10.4%	18 26.9% A,E,f	15 22.4% A,E,f	67	E,F	3.0149	1.6283	
			0.1472	0.05892	0.38494	0.56042	0.02585	0.05464					
	4Legal related businesses	D	7 11.9% c	21 35.6% B	4 6.8%	9 15.3%	9 15.3% E	9 15.3%	59	B,E	3.6780	1.7064	B,C
			0.29255	0.46216	0.83276	0.63332	0.88883	0.74682					
	5Non-legal related businesses	E	2 4.2% *	28 58.3% B,C,D*	5 10.4% *	9 18.8% *	1 2.1% *	3 6.3% *	48	*	4.2500	1.2463	B,C,D
			0.34862	0.07603	0.46689	0.2706	0.01601	0.16322					
	6Not-for-profit	F	1 3.1% *	17 53.1% B,C*	2 6.3% *	7 21.9% *	3 9.4% *	2 6.3% *	32	*	4.0000	1.3678	B,C
			0.33019	0.32081	0.79126	0.16467	0.34986	0.25493					
	7Adult educational institutions	G	0 0.0% **	6 66.7% B,C**	2 22.2% **	0 0.0% **	0 0.0% **	1 11.1% **	9	**	4.3333	1.3229	B,C
			0.39641	0.24809	0.10842	0.27915	0.23041	0.83388					

Default Comparison Groups: A/B/C/D/E/F/G

Shows letter of the category it is significantly different from at the higher share level

\* Base count warning 50 Uppercase Alpha Level 0.05

\*\* Base count minimum 20 Lowercase Alpha Level 0.1

### Test Response Homogeneity

Response Dimension Label	Sample Dimension Label	LR Chisq	LR PValue	Pearson Chisq	Pearson PValue
71. Section officers or members	Provider Type	89.078	<.0001*	84.7601	<.0001*

Table 24

*Chi-Squared Test Results from SAS JMP: Planning Committee Influence on Program Planning, by Provider Type*

Freq Share			7G. Planners										
Comparisons Cell Chisq PVal				Not at all important	Slightly important	Moderately important	Very important	Extremely important	Total Responses	Compare	Mean	Std Dev	Compare Means
Provider Type	1Employers of attorney learners	A	9	40	13	22	43	43	170	B,C	2.9471	1.6650	B,C
			5.3%	23.5%	7.6%	12.9%	25.3%	25.3%					
				B,C			E						
				0.2629	0.25179	0.35986	0.75267	0.67916	0.13602				
	2Legal membership organizations	B	1	4	1	3	13	31	53	E,f,g	1.8113	1.3017	
			1.9%	7.5%	1.9%	5.7%	24.5%	58.5%					
							A,D,E,F,g						
				0.50111	0.04704	0.2263	0.17772	0.7351	0.00054				
	3Non-legal membership organizations	C	3	7	3	4	17	33	67	E,g	2.1493	1.5497	
			4.5%	10.4%	4.5%	6.0%	25.4%	49.3%					
							A,D,E,f						
				0.72396	0.08969	0.62414	0.14916	0.80476	0.01091				
	4Legal related businesses	D	2	11	2	9	19	16	59	B	2.6441	1.5510	B,c
			3.4%	18.6%	3.4%	15.3%	32.2%	27.1%					
						E							
			0.91578	0.86366	0.42212	0.48618	0.43609	0.52905					
5Non-legal related businesses	E	1	16	5	9	12	5	48	*	3.3750	1.4822	a,B,C,D,F	
		2.1%	33.3%	10.4%	18.8%	25.0%	10.4%						
		*	B,C*	b*	b,C*	*	*						
			0.56937	0.03221	0.20262	0.18538	0.79561	0.00875					
6Not-for-profit	F	0	6	2	3	12	9	32	*	2.5000	1.4591	B	
		0.0%	18.8%	6.3%	9.4%	37.5%	28.1%						
		*	*	*	*	*	e*						
			0.27962	0.91008	0.9419	0.65761	0.2498	0.71696					
7Adult educational institutions	G	0	2	0	3	2	2	9	**	2.7778	1.4814	b	
		0.0%	22.2%	0.0%	33.3%	22.2%	22.2%						
		**	**	**	B,C**	**	**						
			0.56639	0.86094	0.46483	0.06707	0.78507	0.61244					

Default Comparison Groups: A/B/C/D/E/F/G

Shows letter of the category it is significantly different from at the higher share level

\* Base count warning 50 Uppercase Alpha Level 0.05

\*\* Base count minimum 20 Lowercase Alpha Level 0.1

### Test Response Homogeneity

Response Dimension Label	Sample Dimension Label	LR Chisq	LR PValue	Pearson Chisq	Pearson PValue
7G. Planners	Provider Type	64.3198	0.0003*	62.3305	0.0005*

Table 25

*Chi-Squared Test Results from SAS JMP: Importance of Evaluations on Future Course Planning, by Provider Type*

			Freq Share		19D1. Future course planning									
Comparisons			Not at all useful	Slightly useful	Moderately useful	Very useful	Extremely useful		Total Responses	Compare	Mean	Std Dev	Compare Means	
Provider Type	1Employers of attorney learners	A	5 2.9%	11 6.5%	32 18.8% b,C,d	59 34.7% C	52 30.6%	11 6.5%	170	b,C,D	2.9706	1.1328	B,C,D,e	
			0.08004	0.12888	0.10571	0.27786	0.00648	0.67718						
	2Legal membership organizations	B	0 0.0%	1 1.9%	4 7.5%	20 37.7% C	26 49.1% A	2 3.8%	53		2.5472	0.7738		
			0.39417	0.42473	0.20102	0.31359	0.62066	0.5556						
	3Non-legal membership organizations	C	1 1.5%	2 3.0%	3 4.5%	13 19.4%	44 65.7% A,b,E,G	4 6.0%	67	e,G	2.3731	0.9018		
			0.93163	0.64979	0.03525	0.10949	0.00947	0.92837						
	4Legal related businesses	D	0 0.0%	1 1.7%	5 8.5%	16 27.1%	33 55.9% A,q	4 6.8%	59		2.4237	0.8137		
			0.36865	0.36023	0.24615	0.67279	0.18895	0.73038						
5Non-legal related businesses	E	0 0.0% *	1 2.1% *	10 20.8% b,C,d*	13 27.1% *	21 43.8% *	3 6.3% *	48	*	2.6875	0.9488	c		
		0.41743	0.48863	0.21879	0.69996	0.93623	0.87505							
6Not-for-profit	F	0 0.0% *	2 6.3% *	5 15.6% *	7 21.9% *	17 53.1% A*	1 3.1% *	32	*	2.6875	0.9980			
		0.50792	0.55033	0.82511	0.39457	0.4657	0.54084							
7Adult educational institutions	G	0 0.0% **	0 0.0% **	3 33.3% b,C,d**	4 44.4% **	2 22.2% **	0 0.0% **	9	**	3.1111	0.7817	b,C,D		
		0.7255	0.54308	0.12621	0.43429	0.31607	0.47354							

Default Comparison Groups: A/B/C/D/E/F/G

Shows letter of the category it is significantly different from at the higher share level

\* Base count warning 50 Uppercase Alpha Level 0.05

\*\* Base count minimum 20 Lowercase Alpha Level 0.1

Test Response Homogeneity					
	Sample			Pearson	Pearson
Response Dimension Label	Dimension Label	LR Chisq	LR PValue	Chisq	PValue
19D1. Future course planning	Provider Type	55.1637	0.0034*	50.5836	0.0108*

Table 26

Chi-Squared Test Results from SAS JMP: Importance of the Attorney Practice Area as an Instructor Qualification, by Provider Type

		Freq Share	14C. Practicing						Total Responses	Compare	Mean	Std Dev	Compare Means
		Comparisons Cell Chisq PVal	Not at all important	Slightly important	Moderately important	Very important	Extremely important						
Provider Type	1Employers of attorney learners	A	5 2.9%	5 2.9%	29 17.1%	54 31.8%	74 43.5%	3 1.8%	170	c,E	2.8471	1.0206	
			0.15741	0.45236	0.48717	0.86723	0.32359	0.44698					
	2Legal membership organizations	B	2 3.8%	0 0.0%	10 18.9%	22 41.5%	19 35.8%	0 0.0%	53	E,g	2.9434	0.9490	
			0.59574	0.13999	0.92909	0.17179	0.7291	0.43667					
	3Non-legal membership organizations	C	0 0.0%	6 9.0%	18 26.9%	18 23.9%	27 40.3%	0 0.0%	67	B,d,E,F	3.0448	1.0215	
			0.05536	0.0504	0.16575	0.29226	0.84523	0.38182					
	4Legal related businesses	D	4 6.8%	2 3.4%	10 16.9%	21 35.6%	21 35.6%	1 1.7%	59		3.0508	1.1659	
Provider Type			0.66964	0.78507	0.66832	0.53116	0.6914	0.69076					
	5Non-legal related businesses	E	10 20.8%	3 6.3%	8 16.7%	7 14.6%	19 39.6%	1 2.1%	48	*	3.4792	1.6110	A,B
			5.51e-6	0.46447	0.66656	0.04062	0.93171	0.5414					
	6Not-for-profit	F	3 9.4%	1 3.1%	7 21.9%	12 37.5%	9 28.1%	0 0.0%	32	*	3.2813	1.1977	a
			0.3465	0.78351	0.75125	0.51262	0.33182	0.54558					
	7Adult educational institutions	G	0 0.0%	1 11.1%	3 33.3%	4 44.4%	1 11.1%	0 0.0%	9	**	3.4444	0.8819	a
			0.48253	0.30014	0.34291	0.47084	0.18222	0.74857					

Default Comparison Groups: A/B/C/D/E/F/G

Shows letter of the category it is significantly different from at the higher share level

\* Base count warning 50 Uppercase Alpha Level 0.05

\*\* Base count minimum 20 Lowercase Alpha Level 0.1

### Test Response Homogeneity

Response	Sample			Pearson	Pearson
Dimension Label	Dimension Label	LR Chisq	LR PValue	Chisq	PValue
14C. Practicing	Provider Type	55.3435	0.0032*	55.7773	0.0029*

## Written Materials

Courses and providers are not accredited if written materials are not provided to attendees before or during course delivery. Likewise, courses and providers are not accredited, if upon Board review, written materials are not of sufficient quality consistent with Rule 795(a)(5) (Court, 2020). Question 17 on the survey asked “How often does your organization use the following learning methods in CLE course delivery?”, on which 91% of providers reported their programs have written materials *always* or *most of the time*, demonstrating strong compliance with the Rule. Providers also send home further job aids for use after the course 31% of the time (see Table 22). Closing the loop with feedback for continuous quality improvement, 69% of providers ask attendees to rate the usefulness of materials in post-course evaluations as answered in question 19C, Table 21.

## Interactivity in Course Delivery

Question 17 (see Table 22) also asked about providers’ use of interactive instructional methods in program delivery to satisfy Rule 795(a)(7) (Court, 2020). Two-thirds of providers use questions and answer periods *always* or *most of the time* to achieve interactivity and 48% use verbal understanding checks. Far fewer providers use the following interactive methods during delivery of their programs: roundtable discussions (19%), online discussion during the course (18%), activities (10%), or mock trials (5%). Overall, 78% of providers use one or more interactive methods during delivery of the program and 81% either during or after the program. A chi-squared test in Table 27 shows statistical significance of online discussion during course delivery being used more frequently as the number of courses offered by a provider increases, with a  $\chi^2 (12, 438) = 73.56, p < 0.001$ . A chi-squared test in Table 28 shows statistical significance of verbal understanding checks being used twice as frequently by providers offering less than 20 courses, with a  $\chi^2 (12, 438) = 31.28, p = 0.008$ . Usage rates of interactive delivery

methods may be explained by the legal profession's bias for lecture format based on law school traditions, with 91% of providers also using traditional, non-interactive methods as a part of program delivery (see Table 22). Showing a commitment to re-evaluating delivery method selection, 59% of providers ask attendees to evaluate instructional methods used in the program as answered in question 19C, and 48% refine program instructional methods based on attendee feedback, as answered in question 18 (see Table 21).

Extant data about provider respondents in Table 29 show 81% of accredited programs are offered in a *live-delivery-in-room* format, 52% via live technology, and 12% by recorded technology. It is important to note providers may offer a program in multiple delivery methods, such as an ethics course being offered online and on demand, while also offering scheduled live, in-person sessions of the same program. Nearly all credit hours earned by Illinois attorneys (93%) were from programs delivered *live*, whereas only 7% were delivered via *recorded technology*. ANOVA tests in Table 30 and Table 32 as well as accompanying Tukey-Kramer tests in Table 31 and Table 33, show statistically significant results indicating *recorded technology* is a strength of legal related businesses (also known as for-profit CLE providers). They offer two-to-three times more programs via recorded technology with an  $F(6, 416) = 5.47$ ,  $p < 0.001$ ,  $\eta^2 = 0.07$  and attendees earn credit many times more frequently via recorded technology programs from legal related businesses with an  $F(6, 398) = 8.15$ ,  $p < 0.001$ ,  $\eta^2 = 0.11$ . Another ANOVA test in Table 34 and accompanying Tukey-Kramer test in Table 35, shows statistically significant results indicating the proportion of courses offered for delivery by *Faculty-in-Room-with-Participants* is indirectly proportional to the number of courses offered with an  $F(3, 406) = 24.52$ ,  $p < 0.001$ ,  $\eta^2 = 0.15$ .



## **Physical Setting**

Live, in-person programs represent over 80% of programs offered. Live, in-person courses are not accredited if they are not delivered in a conducive physical setting consistent with Rule 795(a)(6) (Court, 2020). Above and beyond basic course accreditation criteria, providers appear committed to meeting the intentions of a conducive physical setting, as evidenced by 62% of providers asking attorneys about facilities in post-course evaluations in question 19C, Table 21. In addition, on Question 19D “Overall, how useful is the feedback from your organization’s post-course evaluations?”, 33% of providers reported evaluation feedback as *extremely* or *very useful* to venue selection for future programs (see Table 22).

## **Session Length**

Courses are not accredited if session segment lengths do not exceed 30 minutes consistent with Rule 795(a)(8) (Court, 2020). In answers to question 19C, 56% of Illinois MCLE providers collect feedback on post-course evaluations regarding session scheduling, length, and timing (see Table 21). This feedback loop is evidence beyond basic course accreditation criteria of providers’ practical implementation of instructional segment length balanced to meet attendee needs and Court requirements.

## **Summary of Court Rule Adherence Findings**

Overall, descriptive statistics of the survey results showed nearly all providers reporting adherence to Court Rules. The inferential statistics indicated some provider types excel in using the required adult education and CPE methods. In particular, legal related businesses appear to use more technology and focus on continual improvement of instructors. Membership organizations seem to use more evaluation tools and feedback. Data analysis was performed on other provider organization demographic strata collected on the survey and available through

extant data, none of which indicated any statistically significant differences in use of the required adult education and CPE methods.

Table 27

Chi-Squared Test Results from SAS JMP: Use of Online Discussion During Course Delivery, by Course Count Ranges

Freq Share			17K. Online discussion during course										
Comparisons Cell Chisq PVal			Never	Sometimes	About half the time	Most of the time	Always		Total Responses	Compare	Mean	Std Dev	Compare Means
5A. Course ranges	100 or more	A	12 21.1%	19 33.3%	5 8.8%	10 17.5%	11 19.3%	0 0.0%	57		4.1930	1.4570	
			0.00457	0.36623	0.4087	0.01013	0.02755	0.2736					
	50 to 99	B	4 14.3% *	11 39.3% *	1 3.6% *	1 3.6% *	10 35.7% C,D*	1 3.6% *	28	*	3.8214	1.6789	
			0.01203	0.21561	0.59096	0.4117	1.83e-5	0.59202					
	20 to 49	C	33 38.4% A,B	25 29.1%	8 9.3%	9 10.5%	10 11.6% D	1 1.2%	86	B	4.6860	1.4329	A,B
			0.25692	0.72605	0.2246	0.4068	0.64364	0.54774					
	Less than 20	D	151 58.8% A,B,C	61 23.7%	12 4.7%	14 5.4%	12 4.7%	7 2.7%	257	A,B,C	5.1829	1.2966	A,B,C
			0.0048	0.29976	0.36062	0.15562	0.00653	0.49243					

Default Comparison Groups: A/B/C/D

Shows letter of the category it is significantly different from at the higher share level

\* Base count warning 50 Uppercase Alpha Level 0.05

\*\* Base count minimum 20 Lowercase Alpha Level 0.1

### Test Response Homogeneity

Response Dimension Label	Sample Dimension Label	LR Chisq	LR PValue	Pearson Chisq	Pearson PValue
17K. Online discussion during course	5A. Course ranges	70.4037	<.0001*	73.5554	<.0001*

Table 28

Chi-Squared Test Results from SAS JMP: Use of Verbal Understanding Checks During Course Delivery, by Course Count Ranges

Freq Share			17E. Verbal understanding checks										
Comparisons			Never	Sometimes	About half the time	Most of the time	Always		Total Responses	Compare	Mean	Std Dev	Compare Means
Cell Chisq PVal													
5A. Course ranges	100 or more	A	4	24	9	9	9	2	57		3.9825	1.3561	D
			7.0%	42.1%	15.8%	15.8%	15.8%	3.5%					
			0.47059	0.02648	0.2456	0.24914	0.1643	0.79753					
	50 to 99	B	4	9	3	5	4	3	28	*	3.8214	1.6342	
			14.3%	32.1%	10.7%	17.9%	14.3%	10.7%					
			*	*	*	*	*	c*					
	20 to 49	C	13	26	7	25	13	2	86		3.9419	1.4254	D
			15.1%	30.2%	8.1%	29.1%	15.1%	2.3%					
			d			a							
	Less than 20	D	22	56	27	60	81	11	257	A,C	3.3969	1.4436	
			8.6%	21.8%	10.5%	23.3%	31.5%	4.3%					
						A,b,C							

Default Comparison Groups: A/B/C/D

Shows letter of the category it is significantly different from at the higher share level

\* Base count warning 50 Uppercase Alpha Level 0.05

\*\* Base count minimum 20 Lowercase Alpha Level 0.1

### Test Response Homogeneity

Response Dimension Label	Sample Dimension Label	LR Chisq	LR PValue	Pearson Chisq	Pearson PValue
17E. Verbal understanding checks	5A. Course ranges	30.4421	0.0104*	31.2779	0.0081*

Table 29

*Board Survey Respondent Course Delivery Methods (Continuous Extant Data from the Provider Course Accreditation Management database)*

Course Delivery Methods	Mean	Median	Std Dev	Min	Max	<i>n</i>
Percent of programs offered:						
Live delivered by faculty in the room with participants	81%	100%	31%	0%	100%	416
Live technology	52%	53%	33%	0%	100%	416
Recorded technology	12%	0%	27%	0%	100%	416
Combination of live and recorded technology	5%	0%	15%	0%	100%	416
Percent of attorney credit hours from programs delivered:						
Live (in room or via technology)	93%	100%	23%	0%	100%	398
Recorded technology	7%	0%	23%	0%	100%	398

*Note.* 438 surveys were submitted by providers, however Provider Course Accreditation Management (PCAM) database records for some providers did not have program delivery data available; PCAM records for providers show each course delivery method offered for an accredited program.

Table 30

ANOVA Test Results from SAS JMP: Recorded Technology Programs Offered, by Provider Type

Oneway Analysis of % Recorded Technology By Provider Type					
Oneway Anova					
Summary of Fit					
Rsquare		0.074261			
Adj Rsquare		0.06068			
Root Mean Square Error		0.260246			
Mean of Response		0.115337			
Observations (or Sum Wgts)		416			
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob > F
Provider Type	6	2.222081	0.370347	5.4682	<.0001*
Error	409	27.700672	0.067728		
C. Total	415	29.922753			
Means for Oneway Anova					
Level	Number	Mean	Std Error	Lower 95%	Upper 95%
1Employers of attorney learners	164	0.082744	0.02032	0.0428	0.12269
2Legal membership organizations	52	0.090577	0.03609	0.0196	0.16152
3Non-legal membership organizations	67	0.074776	0.03179	0.0123	0.13728
4Legal related businesses	56	0.293571	0.03478	0.2252	0.36193
5Non-legal related businesses	37	0.113784	0.04278	0.0297	0.19789
6Not-for-profit	31	0.130323	0.04674	0.0384	0.22221
7Adult educational institutions	9	0.000000	0.08675	-0.1705	0.17053
Std Error uses a pooled estimate of error variance					

Table 31

Tukey-Kramer Test Results from SAS JMP: Recorded Technology Programs Offered, by Provider Type

Comparisons for all pairs using Tukey-Kramer HSD						
Confidence Quantile						
q*	Alpha					
2.96309	0.05					
Connecting Letters Report						
Level		Mean				
4Legal related businesses	A	0.29357143				
6Not-for-profit	A B	0.13032258				
5Non-legal related businesses	B	0.11378378				
2Legal membership organizations	B	0.09057692				
1Employers of attorney learners	B	0.08274390				
3Non-legal membership organizations	B	0.07477612				
7Adult educational institutions	B	0.00000000				
Levels not connected by same letter are significantly different.						
Ordered Differences Report						
Level	- Level	Difference	Std Err Dif	Lower CL	Upper CL	p-Value
4Legal related businesses	7Adult educational institutions	0.2935714	0.0934598	0.016642	0.5705009	0.0296*
4Legal related businesses	3Non-legal membership organizations	0.2187953	0.0471199	0.079175	0.3584157	<.0001*
4Legal related businesses	1Employers of attorney learners	0.2108275	0.0402790	0.091477	0.3301777	<.0001*
4Legal related businesses	2Legal membership organizations	0.2029945	0.0501187	0.054489	0.3515005	0.0012*
4Legal related businesses	5Non-legal related businesses	0.1797876	0.0551353	0.016417	0.3431584	0.0204*
4Legal related businesses	6Not-for-profit	0.1632488	0.0582597	-0.009380	0.3358773	0.0776

Table 32

ANOVA Test Results from SAS JMP: Recorded Technology Credits Earned, by Provider Type

Oneway Analysis of % of Credits Recorded By Provider Type					
Oneway Anova					
Summary of Fit					
Rsquare		0.111155			
Adj Rsquare		0.097515			
Root Mean Square Error		0.215795			
Mean of Response		0.072186			
Observations (or Sum Wgts)		398			
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob > F
Provider Type	6	2.276988	0.379498	8.1495	<.0001*
Error	391	18.207810	0.046567		
C. Total	397	20.484798			
Means for Oneway Anova					
Level	Number	Mean	Std Error	Lower 95%	Upper 95%
1Employers of attorney learners	160	0.035188	0.01706	0.0016	0.06873
2Legal membership organizations	50	0.042200	0.03052	-0.0178	0.10220
3Non-legal membership organizations	64	0.039063	0.02697	-0.0140	0.09210
4Legal related businesses	55	0.256727	0.02910	0.1995	0.31393
5Non-legal related businesses	30	0.053333	0.03940	-0.0241	0.13079
6Not-for-profit	30	0.092333	0.03940	0.0149	0.16979
7Adult educational institutions	9	0.000000	0.07193	-0.1414	0.14142
Std Error uses a pooled estimate of error variance					

Table 33

Tukey-Kramer Test Results from SAS JMP: Recorded Technology Credits Earned, by Provider Type

Means Comparisons

Comparisons for all pairs using Tukey-Kramer HSD

Confidence Quantile

q*	Alpha
2.96377	0.05

Connecting Letters Report

Level		Mean
4Legal related businesses	A	0.25672727
6Not-for-profit	B	0.09233333
5Non-legal related businesses	B	0.05333333
2Legal membership organizations	B	0.04220000
3Non-legal membership organizations	B	0.03906250
1Employers of attorney learners	B	0.03518750
7Adult educational institutions	B	0.00000000

Levels not connected by same letter are significantly different.

Ordered Differences Report

Level	- Level	Difference	Std Err Dif	Lower CL	Upper CL	p-Value	
4Legal related businesses	7Adult educational institutions	0.2567273	0.0775940	0.026757	0.4866977	0.0176*	
4Legal related businesses	1Employers of attorney learners	0.2215398	0.0337302	0.121571	0.3215081	<.0001*	
4Legal related businesses	3Non-legal membership organizations	0.2176648	0.0396773	0.100070	0.3352592	<.0001*	
4Legal related businesses	2Legal membership organizations	0.2145273	0.0421666	0.089555	0.3394993	<.0001*	
4Legal related businesses	5Non-legal related businesses	0.2033939	0.0489788	0.058232	0.3485556	0.0008*	
4Legal related businesses	6Not-for-profit	0.1643939	0.0489788	0.019232	0.3095556	0.0151*	

Table 34

*ANOVA Test Results from SAS JMP: Courses Offered to be Delivered by Faculty-in-Room-with-Participants, by Course Count Ranges*

Oneway Analysis of % Faculty In Room with Participants By 5A. Course ranges					
Oneway Anova					
Summary of Fit					
Rsquare		0.154658			
Adj Rsquare		0.14835			
Root Mean Square Error		0.28081			
Mean of Response		0.818744			
Observations (or Sum Wgts)		406			
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob > F
5A. Course ranges	3	5.799503	1.93317	24.5157	<.0001*
Error	402	31.699357	0.07885		
C. Total	405	37.498859			
Means for Oneway Anova					
Level	Number	Mean	Std Error	Lower 95%	Upper 95%
100 or more	56	0.633929	0.03752	0.56016	0.70770
50 to 99	25	0.527200	0.05616	0.41679	0.63761
20 to 49	85	0.789412	0.03046	0.72953	0.84929
Less than 20	240	0.902625	0.01813	0.86699	0.93826
Std Error uses a pooled estimate of error variance					

Table 35

*Tukey-Kramer Test Results from SAS JMP: Courses Offered to be Delivered by Faculty-in-Room-with-Participants, by Course Count Ranges*

Means Comparisons

Comparisons for all pairs using Tukey-Kramer HSD

Confidence Quantile

q*	Alpha
2.57984	0.05

Connecting Letters Report

Level		Mean
Less than 20	A	0.90262500
20 to 49	B	0.78941176
100 or more	C	0.63392857
50 to 99	C	0.52720000

Levels not connected by same letter are significantly different.

Ordered Differences Report

Level	- Level	Difference	Std Err Dif	Lower CL	Upper CL	p-Value	
Less than 20	50 to 99	0.3754250	0.0590146	0.223177	0.5276735	<.0001*	
Less than 20	100 or more	0.2686964	0.0416734	0.161186	0.3762072	<.0001*	
20 to 49	50 to 99	0.2622118	0.0638894	0.097387	0.4270366	0.0003*	
20 to 49	100 or more	0.1554832	0.0483302	0.030799	0.2801675	0.0076*	
Less than 20	20 to 49	0.1132132	0.0354437	0.021774	0.2046524	0.0082*	
100 or more	50 to 99	0.1067286	0.0675446	-0.067526	0.2809832	0.3911	



## **Reported Use of Adult Education and CPE Methods Beyond Court Rules**

Chapter two discussed adult education and CPE methods required in Court Rules as well as other methods not incorporated into the Rules. Survey responses from Illinois MCLE providers explain their use of methods beyond the Court Rules to answer the second research question. Descriptive statistics showed survey responses with nominal data in Table 36, ordinal data in Table 37, and continuous data in Table 38. To address the third research question, inferential statistics tests showed significance by demographic strata. The results were organized below in the lifecycle of a CLE program.

### **Planning and Needs Analysis**

In answers to question six “Which of the following sources does your organization use to identify CLE course topics?”, 35% of providers select course topics based on law firm or employer business objectives, 18% based on attorney developmental benchmarks and competency models, and 16% based on attorney performance evaluations. These objective-centric practices for course topic selection beyond the Court Rules are consistent with recommendations from the Final Report of the Critical Issues Summit (ALI-ABA and ACLEA Continuing Professional Education Association for Continuing Legal Education, 2009) and adult education authors cited. A Poisson test by provider type shows two course topic sources to be more statistically significant for Illinois provider employers, business objectives with a  $\chi^2 (48, 438) = 28.47, p < 0.001$  and attorney developmental benchmarks or competency models with a  $\chi^2 (48, 438) = 25.39, p < 0.001$  (see Table 39). A second Poisson test in Table 40 indicates a statistically significant finding with a  $\chi^2 (24, 408) = 12.32, p = 0.006$ , in which providers with 21 or more employees in CLE roles are more likely to use attorney developmental benchmarks or competency models as a source for course selection. A third Poisson test shown in Table 41

indicates a statistically significant finding, in which providers offering 100 or more courses are more than twice as likely to use attorney performance evaluations with a  $\chi^2 (24, 428) = 26.33, p < 0.001$  and also more likely to use attorney developmental benchmarks or competency models with a  $\chi^2 (24, 428) = 20.52, p < 0.001$  as sources for course selection.

Question 8A (see Table 37) asked providers, “How often do you ask attorneys why they attended (CLE)?” Indicating a strong inclination by providers to know the motivations of the attorney learners attending the programs offered, 59% answered *always* or *most of the time*. Answering question 8B about attorneys’ reasons for attending CLE, providers reported 65% of attorneys attend CLE *always* or *most of the time* for purposes of professional development, 58% to gain general legal education, and 53% for specialized education. Overall providers reported 69% of attorneys attend CLE for course content compared to the 73% of attorneys attending CLE to fulfill regulatory requirements, indicating attorneys’ similar weighting of content and compliance. Knowledge of attorney motivations between content and compliance is insight providers can use in program planning to align objectives to stakeholder motivations, consistent with adult education authors cited in Chapter 2 and the standards integration literature, most recently the Critical Issues Summit (ALI-ABA and ACLEA Continuing Professional Education Association for Continuing Legal Education, 2009).

### **Design and Delivery**

In question 17 (see Table 22), providers reported limited use of post-course interactive methods, with 12% of providers using action planning in programs *always* or *most of the time* and 11% using online discussion after the course. Chi-squared test output in Table 42 shows statistical significance of online discussion after course delivery being used more frequently as the number of courses offered by a provider increases, with a  $\chi^2 (12, 438) = 38.70, p = 0.007$ .

Question 18 (see Table 36) asked “Which of the following do your organization’s instructors use to refine course sequencing, pace, or learning methods?” Providers’ instructors collect input and adjust delivery before starting a program 67% of the time, and 45% make delivery refinements based on attendees providing pre-course demographic profiles. Adjusting the pace and delivery methods of a program based on learners’ styles and experiences is a method recommended by adult education authors cited in Chapter 2 and the standards integration literature, most recently the Critical Issues Summit (ALI-ABA and ACLEA Continuing Professional Education Association for Continuing Legal Education, 2009).

However also from question 18, consistent with a professional bias against testing after attorneys pass the bar exam, 15% of Illinois CLE providers reported using pre-tests to refine learning methods before delivering a program session, 8% use quizzes *always* or *most of the time* during program delivery (see question 17, Table 22), and 5% of providers rate program effectiveness based on test scores (see question 19A, Table 37). Though not widely used in CLE, learner knowledge assessments are recommended by and consistent with adult education authors cited in Chapter 2 and the standards integration literature, most recently the Critical Issues Summit (ALI-ABA and ACLEA Continuing Professional Education Association for Continuing Legal Education, 2009).

Question 12 (see Table 38) asked “Approximately what percentage (of courses offered) have specific learning objectives identified before the courses are delivered?” Providers on average reported 85%, with two-thirds of providers reporting they do so for 100% of courses. No demographic strata were found for Illinois providers.

## **Evaluation**

Nearly all providers (95%) conduct post-course evaluations and use other evaluation methods (see question 19A, Table 36), with 67% relying on feedback through instructors, 43%

looking at attendance trends, 43% collecting other anecdotal feedback, and 29% collecting further feedback later from attorneys. An ANOVA test in Table 43 and accompanying Tukey-Kramer test in Table 44, shows statistically significant results indicating the number of evaluations completed by attorneys attending courses is inversely proportional to the number of courses offered with an  $F(3, 402) = 8.32, p < 0.001, \eta^2 = 0.06$ .

On post-course evaluations, 94% of Illinois providers measure overall program effectiveness (see question 19C, Table 37). Among Illinois providers, 43% ask attendees if they will change how they practice law. Further analysis of Illinois providers' responses about post-course evaluations showed 73% measure how closely course objectives were met (see question 19C, Table 36), and 12% ask the attorneys if they will be expected by their employer to apply learnings from the program. Less than 20% of providers evaluate program effectiveness by observing attorneys on-the-job (see question 19A, Table 36), 12% based on business results, 9% based on attorney performance ratings, 6% from surveying employers, and 4% measuring return on investment. A Poisson test in Table 45 indicates statistical significance of employers being more prone to observe attorneys on-the-job as a method of evaluating CLE with a  $\chi^2(54, 438) = 27.30, p < 0.001$ . Another Poisson test in Table 46 indicates statistical significance of providers offering 100 or more courses to use attorney performance results as a method of evaluating CLE with a  $\chi^2(30, 438) = 10.36, p = 0.016$  and conduct follow up surveys of attorneys and/or their supervisors as methods of evaluation with a  $\chi^2(30, 438) = 9.51, p = 0.023$ .

### **Overall Effectiveness of Illinois MCLE**

Among providers, 72% rated Illinois MCLE as a program as *extremely* or *very effective* (see question 22, Table 37). Providers rated Illinois MCLE as *extremely* or *very effective* 55% of the time for networking (see question 23, Table 37). A chi-squared test in Table 47 indicates

statistical significance in how non-legal membership organizations view Illinois MCLE as *extremely effective* for networking with  $\chi^2 (24, 438) = 63.61, p < 0.001$ . Another chi-squared test in Table 48 indicates non-legal related membership organizations with  $\chi^2 (24, 438) = 97.74, p < 0.001$  finding their attorney attendees attend CLE to network.

### **Summary of Findings About Methods Used Beyond Court Rules**

Overall, descriptive statistics of the survey results show some methods prominently used which are not required by the Rules. The inferential statistics indicate some provider types excel in using adult education and CPE methods beyond the Rules. In particular, employers of attorney learners, providers offering more courses, and those with more employees in CLE roles are prone to use attorney performance information, competency models, and business objectives in program design. Non-legal membership organizations and their attorney members seem to share an understanding of the value of networking. Data analysis was performed on other provider organization demographic strata collected on the survey and available through extant data, none of which indicated any additional statistically significant differences in use of adult education and CPE methods beyond those in the Rules.

Table 36

*Board Survey - Questions Indicating Use of Adult Education and CPE Methods Beyond the Rules (Nominal Survey Response Data)*

Methods	N=438	Percentage
Question 6 - Sources used to identify course topics:		
Suggestions from previous course evaluations	248	57%
Planning committee/focus group recommendations	166	38%
Law firm or employer business objectives	152	35%
Attorney developmental benchmarks or competency models	80	18%
Attorney performance evaluations	68	16%
One or more of the three advanced evaluation methods just above	206	47%
Question 13 - Factors used to select course delivery formats:		
Convenience for the attendees	348	79%
Feedback from attorneys	249	57%
Financial cost for your organization	205	47%
Question 18 - Refine course sequencing, pace or learning methods:		
Focusing the course session objectives with beginning of course input from attorney attendees	294	67%
Attorney attendee demographics	195	45%
Pre-course inquiry, tests or assessments of attorney mastery of the topic(s)	67	15%
Question 19A - Evaluation methods:		
Post-course participant satisfaction evaluations	418	95%
Speaker or instructor feedback	295	67%
Enrollment and attendance trends	187	43%
Anecdotal discussion with attorney attendees and/or supervisors	187	43%

Methods	N=438	Percentage
Question 19A - Evaluation methods (continued):		
Follow up surveys, interviews, or focus groups with attorney attendees	128	29%
On-the-job observation of attorney attendees	84	19%
Feedback on business results	51	12%
Individual performance results by attorney attendees, as reported by employers, supervisors, or others	41	9%
Follow up surveys, interviews, or focus groups with supervisors of attorney attendees	25	6%
Test scores, grades, or other learning evaluation tools	21	5%
Return on investment calculations	18	4%
Question 19C - Topics assessed on post-course evaluations:		
Overall learner satisfaction	391	94%
Fulfillment of course objectives	304	73%
Attorney attendees' opinions that the course has changed the way that attendees will conduct their practice of law	180	43%
Attendees' professional attributes and demographic information	75	18%
Attorney attendees' expectation that their supervisor will encourage application of the new learning in their practice of law	51	12%

*Note.* For the 438 surveys, providers were instructed to select any and all applicable answers to questions.

Table 37

*Board Survey – Questions Indicating Use of Adult Education and CPE Methods Beyond the Rules (Ordinal Survey Top 2 Box Response Data)*

Methods	N=438	Top 2 Box Percentage
Question 10 - Importance of CLE to the provider mission	316	72%
Question 22 - Overall effectiveness of Illinois MCLE	314	72%
Question 23:		
Connecting attorneys with their peers	239	55%
Enhancing the profession's public image, the public's opinion of attorneys and views on the judicial system	174	40%
Increasing attorney job satisfaction	149	34%
Question 8A – How often do you ask attorneys why they attended?	257	59%
Question 8B - Reasons attorneys attend CLE:		
To fulfill MCLE requirements	263	73%
Professional development	234	65%
General legal education	209	58%
Specialty legal education	192	53%
Networking	133	37%
Legal topics content	304	69%
Question 19D - Usefulness of post-course evaluation feedback:		
Assessing attorney learning	214	51%
Anticipating future improvement in attorney practice	182	44%

*Note.* For the 438 surveys, providers were instructed to select any and all applicable answers to questions.



Table 38

*Board Survey (Continuous Survey Respondent Data)*

	Mean	Median	Std Dev	Min	Max	<i>n</i>
Question 12 - Percent of courses with specific learning objectives identified before the course is delivered	85%	100%	29%	0%	100%	420

*Note.* For the 438 surveys, providers were not required to answer all questions.

Table 39

*Poisson Test Results from SAS JMP: Course Topic Selection Sources, by Provider Type*

Freq Share Rate  Comparisons Cell Chisq PVal			6. Course topic sources etc. - Q6											
			Attorney developmental benchmarks or competency models	Attorney performance evaluations	Case law, statutory, or regulatory changes	Hot topics, recent legal issues, or current developments in the legal profession	Law firm or employer business objectives (e.g., increased client satisfaction, productivity, regulatory compliance)	Mandated topics set by CLE regulators (e.g., professional responsibility, ethics, civility, diversity, mental health, substance abuse)	Planning committee/ focus group recommendations	Standards for professionalism and ethical practice	Suggestions from previous course evaluations	Total Responses	Total Cases Responding	
Provider Type	1. Employers of attorney learners	A	2 0.2% 1.2% B,C,D,E,F 0.5895	52 6.4% 30.6% 0.00129	30 3.7% 17.6% 0.76233	136 16.7% 80.0% 0.8636	153 18.8% 90.0% 0.70193	84 10.3% 49.4% B,C,F,g 0.00991	116 14.3% 68.2% E 0.63854	53 6.5% 31.2% E 0.0502	106 13.1% 62.4% E 0.83789	80 9.9% 47.1% E 0.02072	812	170
	2. Legal membership organizations	B	0 0.0% 0.0% 0.32515	6 2.2% 11.3% 0.12789	7 2.6% 13.2% 0.43298	43 16.0% 81.1% 0.83412	49 18.2% 92.5% 0.65022	9 3.3% 77.4% c,E,f 0.00874	41 15.2% 66.0% A,D,E 0.48748	35 13.0% 81.1% C,E,f 0.01197	43 16.0% 67.9% a 0.23031	36 13.4% 67.9% a 0.77151	269	53
	3. Non-legal membership organizations	C	1 0.4% 1.5% 0.99465	7 2.5% 10.4% 0.19645	7 2.5% 10.4% 0.39372	47 17.0% 70.1% 0.82996	60 21.7% 89.6% 0.38511	10 3.6% 14.9% 0.01274	35 12.7% 52.2% 0.6549	33 12.0% 49.3% A,E 0.05167	33 12.0% 49.3% A,E 0.53591	43 15.6% 64.2% A,E 0.1881	276	67
	4. Legal related businesses	D	2 0.7% 3.4% 0.30207	8 2.9% 13.6% 0.34058	13 4.8% 22.0% 0.25768	44 16.2% 74.6% 0.89427	52 19.1% 88.1% 0.90566	20 7.4% 33.9% b,C 0.7852	34 12.5% 57.6% 0.59993	20 7.4% 33.9% E 0.50468	37 13.6% 62.7% E 0.89689	42 15.4% 71.2% A 0.21399	272	59
	5. Non-legal related businesses	E	1 0.6% 2.1% 0.58501	5 3.1% 10.4% 0.51936	6 3.7% 12.5% 0.88764	26 16.0% 54.2% 0.88677	33 20.4% 68.8% 0.78699	20 12.3% 41.7% B,C* 0.03913	20 12.3% 41.7% * 0.64703	6 3.7% 12.5% * 0.03531	21 13.0% 43.8% * 0.90194	24 14.8% 50.0% * 0.46188	162	48
	6. Not-for-profit	F	0 0.0% 0.0% 0.5164	2 1.7% 6.3% 0.19984	4 3.4% 12.5% 0.96431	19 16.2% 59.4% 0.94385	24 20.5% 75.0% 0.79132	8 6.8% 25.0% 0.70532	15 12.8% 46.9% 0.80239	13 11.1% 40.6% E* 0.34012	15 12.8% 46.9% * 0.88319	17 14.5% 53.1% * 0.5899	117	32
	7. Adult educational institutions	G	1 2.7% 11.1% 0.01753	0 0.0% 0.0% 0.21734	1 2.7% 11.1% 0.79631	6 16.2% 66.7% 0.96565	7 18.9% 77.8% 0.94329	1 2.7% 11.1% 0.26598	5 13.5% 55.6% 0.97867	6 16.2% 66.7% E** 0.10973	4 10.8% 44.4% ** 0.67622	6 16.2% 66.7% ** 0.55496	37	9

Table 39 (continued)

*Poisson Test Results from SAS JMP: Course Topic Selection Sources, by Provider Type*

Shows letter of the category it is significantly different from at the higher share level

\* Base count warning 50 Uppercase Alpha Level 0.05

\*\* Base count minimum 20 Lowercase Alpha Level 0.1

### Test Each Response, Poisson

#### Provider Type, 6. Course topic sources etc. - Q6

##### 6. Course topic sources etc. - Q6

	ChiSquare	Prob>ChiSq	
Law firm or employer business objectives (e.g., increased client satisfaction, productivity, regulatory compliance)	28.4745	<.0001*	
Planning committee/focus group recommendations	26.2752	0.0002*	
Attorney developmental benchmarks or competency models	25.3942	0.0003*	
Mandated topics set by CLE regulators (e.g., professional responsibility, ethics, civility, diversity, mental health, substance abuse)	9.0357	0.1716	
Standards for professionalism and ethical practice	8.8218	0.1838	
Suggestions from previous course evaluations	7.3371	0.2908	
	6.0539	0.4172	
Case law, statutory, or regulatory changes	5.1443	0.5254	
Attorney performance evaluations	3.9778	0.6797	
Hot topics, recent legal issues, or current developments in the legal profession	3.0137	0.8071	

Chi-squared tests use Poisson rates.

Table 40

*Poisson Test Results from SAS JMP: Course Topic Selection Sources, by Number of Employees in CLE Roles*

Freq Share Rate Comparisons Cell Chisq PVal			6. Course topic sources etc. - Q6												
			Attorney developmental benchmarks or competency models	Attorney performance evaluations	Case law, statutory, or regulatory changes	Hot topics, recent legal issues, or current developments in the legal profession	Law firm or employer business objectives (e.g., increased client satisfaction, productivity, regulatory compliance)	Mandated topics set by CLE regulators (e.g., professional responsibility, ethics, civility, diversity, mental health, substance abuse)	Planning committee/ focus group recommendations	Standards for professionalism and ethical practice	Suggestions from previous course evaluations	Total Responses	Total Cases Responding		
3A2a. CLE employee ranges	21 or more	A	0	10	6	20	21	11	16	6	17	13	120	22	
			0.0%	8.3%	5.0%	16.7%	17.5%	9.2%	13.3%	5.0%	14.2%	10.8%			
			0.0%	45.5%	27.3%	90.9%	95.5%	50.0%	72.7%	27.3%	77.3%	59.1%			
			*	D*	*	*	*	*	*	*	*	*	*		
				0.60865	0.0171	0.3992	0.95097	0.61117	0.57878	0.91165	0.18115	0.80085	0.53048		
	11 to 20	B	0	6	2	18	20	7	16	7	15	15	106	20	
			0.0%	5.7%	1.9%	17.0%	18.9%	6.6%	15.1%	6.6%	14.2%	14.2%			
			0.0%	30.0%	10.0%	90.0%	100.0%	35.0%	80.0%	35.0%	75.0%	75.0%			
			*	*	*	*	*	*	*	*	*	*	*		
				0.63036	0.3882	0.36344	0.89053	0.87342	0.6703	0.69994	0.48836	0.81603	0.71746		
	6 to 10	C	0	14	12	48	52	23	36	23	31	33	272	56	
			0.0%	5.1%	4.4%	17.6%	19.1%	8.5%	13.2%	8.5%	11.4%	12.1%			
0.0%			25.0%	21.4%	85.7%	92.9%	41.1%	64.3%	41.1%	55.4%	58.9%				
			d												
			0.4408	0.33793	0.45064	0.62317	0.87126	0.67823	0.8331	0.94671	0.38348	0.7281			
0 to 5	D	4	43	45	215	265	101	183	121	181	175	1333	310		
		0.3%	3.2%	3.4%	16.1%	19.9%	7.6%	13.7%	9.1%	13.6%	13.1%				
		1.3%	13.9%	14.5%	69.4%	85.5%	32.6%	59.0%	39.0%	58.4%	56.5%				
			0.52378	0.16403	0.7358	0.78008	0.78664	0.81504	0.98421	0.53078	0.80075	0.80785			

Default Comparison Groups: A/B/C/D

Shows letter of the category it is significantly different from at the higher share level

\* Base count warning 50 Uppercase Alpha Level 0.05

\*\* Base count minimum 20 Lowercase Alpha Level 0.1

### Test Each Response, Poisson

#### 3A2a. CLE employee ranges, 6. Course topic sources etc. - Q6

##### 6. Course topic sources etc. - Q6

Attorney developmental benchmarks or competency models

Case law, statutory, or regulatory changes

Attorney performance evaluations

Law firm or employer business objectives (e.g., increased client satisfaction, productivity, regulatory compliance)

Standards for professionalism and ethical practice

Mandated topics set by CLE regulators (e.g., professional responsibility, ethics, civility, diversity, mental health, substance abuse)

Suggestions from previous course evaluations

Planning committee/focus group recommendations

Hot topics, recent legal issues, or current developments in the legal profession

Chi-squared tests use Poisson rates.

ChiSquare Prob>ChiSq

12.3229 0.0064\*

3.3469 0.3412

3.3301 0.3435

2.3315 0.5065

2.1976 0.5324

2.0358 0.5650

1.8221 0.6101

1.0517 0.7887

0.9852 0.8048

0.8181 0.8451

Table 41

*Poisson Test Results from SAS JMP: Course Topic Selection Sources, by Course Count Range*

Freq Share Rate  Comparisons Cell Chisq PVal			6. Course topic sources etc. - Q6											
			Attorney developmental benchmarks or competency models	Attorney performance evaluations	Case law, statutory, or regulatory changes	Hot topics, recent legal issues, or current developments in the legal profession	Law firm or employer business objectives (e.g., increased client satisfaction, productivity, regulatory compliance)	Mandated topics set by CLE regulators (e.g., professional responsibility, ethics, civility, diversity, mental health, substance abuse)	Planning committee/ focus group recommendations	Standards for professionalism and ethical practice	Suggestions from previous course evaluations	Total Responses	Total Cases Responding	
5A. Course ranges	100 or more	A	0	24	24	51	36	51	26	47	45	360	57	
			0.0%	6.7%	6.7%	14.2%	10.0%	14.2%	7.2%	13.1%	12.5%			
			0.0%	42.1%	42.1%	89.5%	63.2%	89.5%	45.6%	82.5%	78.9%			
				C,D	b,C,D		b,C,D	D		D	D			
		0.45396	0.01931	0.00118	0.26394	0.09626	0.15452	0.75115	0.36671	0.88102	0.86349			
	50 to 99	B	0	8	5	21	25	10	19	8	16	18	130	28
			0.0%	6.2%	3.8%	16.2%	19.2%	7.7%	14.6%	6.2%	12.3%	13.8%		
			0.0%	28.6%	17.9%	75.0%	89.3%	35.7%	67.9%	28.6%	57.1%	64.3%		
			*	D*	*	*	*	*	*	*	*	*		
		0.65272	0.26315	0.82227	0.90878	0.96126	0.9354	0.74174	0.33839	0.74641	0.74497			
	20 to 49	C	1	17	15	66	82	24	61	41	58	58	423	86
			0.2%	4.0%	3.5%	15.6%	19.4%	5.7%	14.4%	9.7%	13.7%	13.7%		
1.2%			19.8%	17.4%	76.7%	95.3%	27.9%	70.9%	47.7%	67.4%	67.4%			
				d				D			D			
	0.6743	0.89182	0.94077	0.62758	0.98766	0.10438	0.62716	0.45191	0.83592	0.61043				
Less than 20	D	2	31	23	181	211	82	130	91	136	126	1013	257	
		0.2%	3.1%	2.3%	17.9%	20.8%	8.1%	12.8%	9.0%	13.4%	12.4%			
		0.8%	12.1%	8.9%	70.4%	82.1%	31.9%	50.6%	35.4%	52.9%	49.0%			
	0.73684	0.0877	0.03923	0.30749	0.30824	0.81831	0.53461	0.69287	0.94321	0.73142				

Default Comparison Groups: A/B/C/D

Shows letter of the category it is significantly different from at the higher share level

\* Base count warning 50 Uppercase Alpha Level 0.05

\*\* Base count minimum 20 Lowercase Alpha Level 0.1

### Test Each Response, Poisson

#### 5A. Course ranges, 6. Course topic sources etc. - Q6

##### 6. Course topic sources etc. - Q6

Attorney performance evaluations	26.3325	<.0001*
Attorney developmental benchmarks or competency models	20.5173	0.0001*
Mandated topics set by CLE regulators (e.g., professional responsibility, ethics, civility, diversity, mental health, substance abuse)	12.9980	0.0046*
Law firm or employer business objectives (e.g., increased client satisfaction, productivity, regulatory compliance)	12.4264	0.0061*
Suggestions from previous course evaluations	9.0710	0.0284*
Standards for professionalism and ethical practice	7.3241	0.0623
Planning committee/focus group recommendations	3.8881	0.2738
Case law, statutory, or regulatory changes	2.2520	0.5218
Hot topics, recent legal issues, or current developments in the legal profession	2.1951	0.5329
	1.4307	0.6984

Chi-squared tests use Poisson rates.

Table 42

Chi-Squared Test Results from SAS JMP: Use of Online Discussion After Course Delivery, by Course Count Ranges

Freq Share			17L. Online discussion after course										
Comparisons Cell Chisq PVal			Never	Sometimes	About half the time	Most of the time	Always		Total Responses	Compare	Mean	Std Dev	Compare Means
5A. Course ranges	100 or more	A	26 45.6%	18 31.6%	1 1.8%	3 5.3%	7 12.3%	2 3.5%	57		4.8246	1.5367	
			C,D 0.10475	0.05306	0.57835	0.96734	D 0.03337	0.99868					
	50 to 99	B	14 50.0%	6 21.4%	0 0.0%	1 3.6%	6 21.4%	1 3.6%	28	*	4.6429	1.7683	
			* 0.39884	* 0.87477	* 0.35642	* 0.71426	c,D* 0.00041	* 0.98495					
	20 to 49	C	53 61.6%	13 15.1%	2 2.3%	7 8.1%	6 7.0%	5 5.8%	86		4.9884	1.5977	
			a 0.90774	0.30316	0.70487	0.21988	D 0.5918	0.25265					
	Less than 20	D	175 68.1%	49 19.1%	10 3.9%	11 4.3%	5 1.9%	7 2.7%	257	A,B,c	5.3891	1.1644	A,B,C
			A,b 0.26721	0.71332	0.43231	0.54311	0.01317	0.50366					

Default Comparison Groups: A/B/C/D

Shows letter of the category it is significantly different from at the higher share level

\* Base count warning 50 Uppercase Alpha Level 0.05

\*\* Base count minimum 20 Lowercase Alpha Level 0.1

### Test Response Homogeneity

Response Dimension Label	Sample Dimension Label	LR Chisq	LR PValue	Pearson Chisq	Pearson PValue
17L. Online discussion after course	5A. Course ranges	34.6696	0.0027*	38.6952	0.0007*

Table 43

*ANOVA Test Results from SAS JMP: Evaluations Completed by Attorney Attendees, by Course Count Ranges*

Oneway Analysis of 19B. Evaluations completed By 5A. Course ranges					
Oneway Anova					
Summary of Fit					
Rsquare		0.058981			
Adj Rsquare		0.051888			
Root Mean Square Error		29.2641			
Mean of Response		59.41294			
Observations (or Sum Wgts)		402			
Analysis of Variance					
Source	DF	Sum of Squares	Mean Square	F Ratio	Prob > F
5A. Course ranges	3	21363.27	7121.09	8.3153	<.0001*
Error	398	340842.19	856.39		
C. Total	401	362205.45			
Means for Oneway Anova					
Level	Number	Mean	Std Error	Lower 95%	Upper 95%
100 or more	56	44.3929	3.9106	36.705	52.081
50 to 99	25	46.9600	5.8528	35.454	58.466
20 to 49	80	60.4125	3.2718	53.980	66.845
Less than 20	241	63.8631	1.8851	60.157	67.569
Std Error uses a pooled estimate of error variance					

Table 44

*Tukey-Kramer Test Results from SAS JMP: Evaluations Completed by Attorney Attendees, by Course Count Ranges*

Means Comparisons

Comparisons for all pairs using Tukey-Kramer HSD

Confidence Quantile

q*	Alpha
2.57995	0.05

Connecting Letters Report

Level		Mean
Less than 20	A	63.863071
20 to 49	A B	60.412500
50 to 99	B C	46.960000
100 or more	C	44.392857

Levels not connected by same letter are significantly different.

Ordered Differences Report

Level	- Level	Difference	Std Err Dif	Lower CL	Upper CL	p-Value
Less than 20	100 or more	19.47021	4.341210	8.2701	30.67033	<.0001*
Less than 20	50 to 99	16.90307	6.148900	1.0392	32.76694	0.0316*
20 to 49	100 or more	16.01964	5.098772	2.8651	29.17423	0.0097*
20 to 49	50 to 99	13.45250	6.705247	-3.8467	30.75172	0.1874
Less than 20	20 to 49	3.45057	3.776019	-6.2914	13.19252	0.7975
50 to 99	100 or more	2.56714	7.039043	-15.5933	20.72754	0.9834






Table 45

*Poisson Test Results from SAS JMP: Evaluation Methods, by Provider Type*

Freq Share Rate  Comparisons Cell Chisq PVal			19A. Evaluation methods etc. - 19A													
			Anecdotal discussion with attorney attendees and/or supervisors	Enrollment or attendance trends	Feedback on business results (e.g., increased client satisfaction, productivity, regulatory compliance)	Follow up surveys, interviews, or focus groups with attorney attendees	Follow up surveys, interviews, or focus groups with supervisors of attorney attendees	Individual performance results by attorney attendees, as reported by employers, supervisors, or others	On-the-job observation of attorney attendees	Post-course participant satisfaction evaluations (as required by the Illinois MCLE Board)	Return on investment calculations (e.g., cost/benefit ratios, payback period)	Speaker or instructor feedback	Test scores, grades, or other learning evaluation tools	Total Responses	Total Cases Responding	
Provider Type	1. Employers of attorney learners	A	4	63	58	17	41	8	23	50	162	9	112	7	554	170
			0.7%	11.4%	10.5%	3.1%	7.4%	1.4%	4.2%	9.0%	29.2%	1.6%	20.2%	1.3%		
			2.4%	37.1%	34.1%	10.0%	24.1%	4.7%	13.5%	29.4%	95.3%	5.3%	65.9%	4.1%		
								c,f	B,C,D							
			0.57708	0.35323	0.12788	0.59876	0.28327	0.63355	0.05784	0.00126	0.76782	0.40288	0.97802	0.73563		
	2. Legal membership organizations	B	0	29	30	3	7	2	3	6	51	1	39	0	171	53
			0.0%	17.0%	17.5%	1.8%	4.1%	1.2%	1.8%	3.5%	29.8%	0.6%	22.8%	0.0%		
			0.0%	54.7%	56.6%	5.7%	13.2%	3.8%	5.7%	11.3%	96.2%	1.9%	73.6%	0.0%		
			0.33355	0.12655	0.08156	0.22521	0.03957	0.5896	0.41296	0.22302	0.75917	0.44662	0.4415	0.11719		
	3. Non-legal membership organizations	C	2	24	30	11	28	5	4	5	64	2	43	5	223	67
			0.9%	10.8%	13.5%	4.9%	12.6%	2.2%	1.8%	2.2%	28.7%	0.9%	19.3%	2.2%		
			3.0%	35.8%	44.8%	16.4%	41.8%	7.5%	6.0%	7.5%	95.5%	3.0%	64.2%	7.5%		
			0.47964	0.39891	0.77928	0.24722	0.05461	0.54235	0.36821	0.02919	0.97145	0.65345	0.7694	0.31463		
	4. Legal related businesses	D	2	23	31	6	22	3	4	3	55	4	44	4	201	59
1.0%			11.4%	15.4%	3.0%	10.9%	1.5%	2.0%	1.5%	27.4%	2.0%	21.9%	2.0%			
3.4%			39.0%	52.5%	10.2%	37.3%	5.1%	6.8%	5.1%	93.2%	6.8%	74.6%	6.8%			
		0.39017	0.59538	0.29498	0.70368	0.29251	0.81454	0.49144	0.01193	0.74861	0.33154	0.58568	0.51161			
5. Non-legal related businesses	E	0	23	19	11	20	5	5	9	46	1	32	3	174	48	
		0.0%	13.2%	10.9%	6.3%	11.5%	2.9%	2.9%	5.2%	26.4%	0.6%	18.4%	1.7%			
		0.0%	47.9%	39.6%	22.9%	41.7%	10.4%	10.4%	18.8%	95.8%	2.1%	66.7%	6.3%			
		0.32935	0.87207	0.49199	0.04512	0.22088	0.23986	0.95532	0.75401	0.59834	0.43557	0.60244	0.75057			
6. Not-for-profit	F	0	18	14	3	7	2	1	10	31	1	19	2	108	32	
		0.0%	16.7%	13.0%	2.8%	6.5%	1.9%	0.9%	9.3%	28.7%	0.9%	17.6%	1.9%			
		0.0%	56.3%	43.8%	9.4%	21.9%	6.3%	3.1%	31.3%	96.9%	3.1%	59.4%	6.3%			
		0.4422	0.25881	0.95804	0.69344	0.42561	0.90947	0.24405	0.12711	0.97948	0.77548	0.55177	0.71793			
7. Adult educational institutions	G	0	7	5	0	3	0	1	1	9	0	6	0	32	9	
		0.0%	21.9%	15.6%	0.0%	9.4%	0.0%	3.1%	3.1%	28.1%	0.0%	18.8%	0.0%			
		0.0%	77.8%	55.6%	0.0%	33.3%	0.0%	11.1%	11.1%	100.0%	0.0%	66.7%	0.0%			
		0.67572	0.15022	0.65282	0.29089	0.90473	0.45962	0.91321	0.53675	0.96232	0.53035	0.85862	0.49794			



Table 45 (continued)

*Poisson Test Results from SAS JMP: Evaluation Methods, by Provider Type*

Shows letter of the category it is significantly different from at the higher share level

\* Base count warning 50 Uppercase Alpha Level 0.05

\*\* Base count minimum 20 Lowercase Alpha Level 0.1

### Test Each Response, Poisson

#### Provider Type, 19A. Evaluation methods etc. - 19A

##### 19A. Evaluation methods etc. - 19A

	ChiSquare	Prob>ChiSq	
On-the-job observation of attorney attendees	27.3005	0.0001*	
Follow up surveys, interviews, or focus groups with attorney attendees	14.8113	0.0218*	
Feedback on business results (e.g., increased client satisfaction, productivity, regulatory compliance)	10.0278	0.1235	
Test scores, grades, or other learning evaluation tools	7.7164	0.2596	
Anecdotal discussion with attorney attendees and/or supervisors	7.5792	0.2706	
Enrollment or attendance trends	7.0767	0.3138	
Individual performance results by attorney attendees, as reported by employers, supervisors, or others	6.9643	0.3242	
	6.4647	0.3732	
Return on investment calculations (e.g., cost/benefit ratios, payback period)	3.8216	0.7008	
Follow up surveys, interviews, or focus groups with supervisors of attorney attendees	3.6228	0.7276	
Speaker or Instructor feedback	1.2140	0.9762	
Post-course participant satisfaction evaluations (as required by the Illinois MCLE Board)	0.0615	1.0000	

Chi-squared tests use Poisson rates.

Table 46

Poisson Test Results from SAS JMP: Evaluation Methods, by Course Count Ranges

Freq Share Rate Comparisons Cell Chisq PVal			19A. Evaluation methods etc. - 19A													
				Anecdotal discussion with attorney attendees and/or supervisors	Enrollment or attendance trends	Feedback on business results (e.g., increased client satisfaction, productivity, regulatory compliance)	Follow up surveys, interviews, or focus groups with attorney attendees	Follow up surveys, interviews, or focus groups with supervisors of attorney attendees	Individual performance results by attorney attendees, as reported by employers, supervisors, or others	On-the-job observation of attorney attendees	Post-course participant satisfaction evaluations (as required by the Illinois MCLE Board)	Return on investment calculations (e.g., cost/benefit ratios, payback period)	Speaker or instructor feedback	Test scores, grades, or other learning evaluation tools	Total Responses	Total Cases Responding
5A. Course ranges	100 or more	A	0	22	32	8	21	8	13	14	56	3	45	2	224	57
			0.0%	9.8%	14.3%	3.6%	9.4%	3.6%	5.8%	6.3%	25.0%	1.3%	20.1%	0.9%		
			0.0%	38.6%	56.1%	14.0%	36.8%	14.0%	22.8%	24.6%	98.2%	5.3%	78.9%	3.5%		
			0.29638	0.223	0.55333	0.98425	0.72905	0.02753	0.00669	0.76583	0.32495	0.90677	0.96095	0.48215		
	50 to 99	B	0	11	17	5	11	3	3	3	28	3	23	0	107	28
			0.0%	10.3%	15.9%	4.7%	10.3%	2.8%	2.8%	2.8%	26.2%	2.8%	21.5%	0.0%		
			0.0%	39.3%	60.7%	17.9%	39.3%	10.7%	10.7%	10.7%	100.0%	10.7%	82.1%	0.0%		
			0.47047	0.47823	0.38335	0.53615	0.57749	0.36357	0.98907	0.20126	0.64982	0.15131	0.77222	0.21129		
	20 to 49	C	2	42	39	11	26	5	5	17	81	4	55	4	291	86
			0.7%	14.4%	13.4%	3.8%	8.9%	1.7%	1.7%	5.8%	27.8%	1.4%	18.9%	1.4%		
			2.3%	48.8%	45.3%	12.8%	30.2%	5.8%	5.8%	19.8%	94.2%	4.7%	64.0%	4.7%		
			0.62398	0.41435	0.79843	0.83251	0.88861	0.94817	0.27673	0.96035	0.82882	0.85144	0.61239	0.90361		
Less than 20	D	5	108	97	27	67	8	19	49	245	8	168	15	816	257	
		0.6%	13.2%	11.9%	3.3%	8.2%	1.0%	2.3%	6.0%	30.0%	1.0%	20.6%	1.8%			
		1.9%	42.0%	37.7%	10.5%	26.1%	3.1%	7.4%	19.1%	95.3%	3.1%	65.4%	5.8%			
		0.60606	0.68341	0.43612	0.71836	0.64061	0.12786	0.43761	0.78175	0.41837	0.48843	0.82323	0.37174			

Default Comparison Groups: A/B/C/D

Shows letter of the category it is significantly different from at the higher share level

\* Base count warning 50 Uppercase Alpha Level 0.05

\*\* Base count minimum 20 Lowercase Alpha Level 0.1

### Test Each Response, Poisson

#### 5A. Course ranges, 19A. Evaluation methods etc. - 19A

##### 19A. Evaluation methods etc. - 19A

	ChiSquare	Prob>ChiSq
Individual performance results by attorney attendees, as reported by employers, supervisors, or others	10.3620	0.0157*
Follow up surveys, interviews, or focus groups with supervisors of attorney attendees	9.5088	0.0232*
Enrollment or attendance trends	5.7219	0.1260
Test scores, grades, or other learning evaluation tools	3.4384	0.3288
	3.1438	0.3700
Return on investment calculations (e.g., cost/benefit ratios, payback period)	2.9483	0.3997
Follow up surveys, interviews, or focus groups with attorney attendees	2.8569	0.4142
Speaker or Instructor feedback	2.2027	0.5314
On-the-job observation of attorney attendees	2.0439	0.5633
Feedback on business results (e.g., increased client satisfaction, productivity, regulatory compliance)	1.4221	0.7004
Anecdotal discussion with attorney attendees and/or supervisors	1.0630	0.7860
Post-course participant satisfaction evaluations (as required by the Illinois MCLE Board)	0.1155	0.9899

Chi-squared tests use Poisson rates.

Table 47

Chi-Squared Test Results from SAS JMP: Effectiveness of Illinois MCLE for Connecting Attorneys with their Peers, by Provider Type

		Freq Share	23D. Networking										
Comparisons		Cell Chisq PVal	Not effective at all	Slightly effective	Moderately effective	Very effective	Extremely effective		Total Responses	Compare	Mean	Std Dev	Compare Means
Provider Type	1. Employers of attorney learners	A	3 1.8%	24 14.1% B,C,d,e	49 28.8% B,c	55 32.4%	22 12.9%	17 10.0%	170	B,C,e,f	3.2941	1.2097	B,C,D,f
			0.95247	0.00294	0.24637	0.98773	0.01076	0.58489					
	2. Legal membership organizations	B	0 0.0%	0 0.0%	7 13.2%	25 47.2% a,C,e,F	16 30.2% A	5 9.4%	53	E,f	2.6415	0.8342	
			0.32517	0.04253	0.09836	0.05931	0.21343	0.6694					
	3. Non-legal membership organizations	C	1 1.5%	3 4.5%	11 16.4%	17 25.4%	25 37.3% A,D,e	10 14.9%	67		2.6269	1.1525	
			0.83971	0.3345	0.18459	0.31104	0.00834	0.39515					
	4. Legal related businesses	D	0 0.0%	3 5.1%	15 25.4%	20 33.9%	11 18.6%	10 16.9%	59	b	2.8305	1.1470	
Provider Type			0.29923	0.46036	0.87717	0.84194	0.56759	0.20838					
	5. Non-legal related businesses	E	4 8.3% A,B,D*	2 4.2% *	14 29.2% b*	14 29.2% *	10 20.8% *	4 8.3% *	48	*	3.2500	1.3128	B,C,d
			0.00085	0.37123	0.50665	0.6922	0.84675	0.52737					
	6. Not-for-profit	F	0 0.0% *	2 6.3% *	9 28.1% *	7 21.9% *	11 34.4% A*	3 9.4% *	32	*	2.8750	1.1288	
			0.44456	0.75876	0.67231	0.2948	0.14157	0.73262					
	7. Adult educational institutions	G	0 0.0% **	0 0.0% **	2 22.2% **	4 44.4% **	2 22.2% **	1 11.1% **	9	**	2.7778	0.9718	
			0.68515	0.40324	0.89344	0.52638	0.99613	0.97844					

Default Comparison Groups: A/B/C/D/E/F/G

Shows letter of the category it is significantly different from at the higher share level

\* Base count warning 50 Uppercase Alpha Level 0.05  
 \*\* Base count minimum 20 Lowercase Alpha Level 0.1

Test Response Homogeneity					
Response	Sample			Pearson	Pearson
Dimension Label	Dimension Label	LR Chisq	LR PValue	Chisq	PValue
23D. Networking	Provider Type	64.3893	0.0003*	63.6099	0.0003*

Table 48

*Chi-Squared Test Results from SAS JMP: Networking as Attorneys' Reasons for Attending CLE, by Provider Type*

		Freq Share	8B3. Networking						Total Responses	Compare	Mean	Std Dev	Compare Means
		Comparisons Cell Chisq PVal	Never	Sometimes	About half the time	Most of the time	Always						
Provider Type	1. Employers of attorney learners	A	28 16.5% B,C 0.12405	39 22.9% B,c 0.23189	19 11.2% 0.93171	17 10.0% 0.00537	6 3.5% 0.00343	61 35.9% B,C,D 0.03455	170	B,C,D,E	3.3118	1.9769	B,C,g
	2. Legal membership organizations	B	1 1.9% 0.03039	4 7.5% 0.05653	10 18.9% D,F 0.08198	19 35.8% A,E 0.00658	9 17.0% A,f 0.18538	10 18.9% 0.2355	53	E,F	2.8491	1.2618	
	3. Non-legal membership organizations	C	1 1.5% 0.01153	8 11.9% 0.1875	7 10.4% 0.89943	21 31.3% A,E 0.02656	16 23.9% A,F 0.0014	14 20.9% 0.30927	67	D,E,F	2.7313	1.3210	
	4. Legal related businesses	D	7 11.9% b,C 0.91909	18 30.5% B,C,e 0.0414	3 5.1% 0.17289	14 23.7% A,E 0.45105	7 11.9% A 0.83359	10 16.9% 0.12522	59	B,E	3.5593	1.6945	B,C,G
	5. Non-legal related businesses	E	11 22.9% B,C* 0.03669	7 14.6% * 0.48709	7 14.6% * 0.44813	4 8.3% * 0.0816	8 16.7% A,f* 0.23226	11 22.9% * 0.55314	48	f*	3.5000	1.9241	b,C,g
	6. Not-for-profit	F	6 18.8% B,C* 0.3009	6 18.8% * 0.97929	1 3.1% * 0.18068	8 25.0% A,e* 0.47258	1 3.1% * 0.18068	10 31.3% * 0.67713	32	*	3.3125	1.9417	
	7. Adult educational institutions	G	0 0.0% ** 0.29217	1 11.1% ** 0.58905	1 11.1% ** 0.98899	2 22.2% ** 0.84793	1 11.1% ** 0.98899	4 44.4% d** 0.32854	9	**	2.3333	1.5000	

Default Comparison Groups: A/B/C/D/E/F/G

Shows letter of the category it is significantly different from at the higher share level

\* Base count warning 50 Uppercase Alpha Level 0.05

\*\* Base count minimum 20 Lowercase Alpha Level 0.1

### Test Response Homogeneity

Response Dimension Label	Sample Dimension Label	LR Chisq	LR PValue	Pearson Chisq	Pearson PValue
8B3. Networking	Provider Type	106.431	<.0001*	97.735	<.0001*

## **Chapter 5 – Conclusions and Recommendations**

This chapter briefly reviews the purpose and research questions to interpret the data analysis findings from the previous chapter. The discussion of these findings describe implications for future practice by Illinois CLE providers and recommend revisions to accreditation Rules from the Court to enhance delivery by providers, all based on practices recommended in the adult education literature and the profession's standards integration literature. Finally, this chapter proposes additional recommendations for the Illinois MCLE program, recommendations for future research to advance integration of CPE practices as new standards for MCLE, and other reflections on the conduct of this research.

### **Review of the Research Purpose and Questions**

The purpose of this study was to explore adult education and CPE methods used by course providers including those methods required in Rule 795 (Court, 2020). Descriptive statistics of Illinois CLE providers' reported use of CPE methods and statistically significant relationships of reported use of CPE methods by provider demographic strata explore three hypotheses:

H1: Providers are meeting the requirements in the Rules.

H2: Providers are exceeding the requirements in the Rules.

H3: Provider demographics are predictive of CPE methods used.

The findings from the quantitative analysis indicated accredited Illinois MCLE providers use the required methods in the Rules. In some particular cases, providers reported using methods considered more sophisticated as described in the literature by adult education authors and recommended in the standards integration literature of the profession. This chapter interprets in greater detail the use of adult education and CPE methods by accredited Illinois MCLE providers and discusses recommendations for the Board and Court.

## **Providers' Use of Adult Education and CPE Methods**

Descriptive statistics of the survey results showed nearly all providers having reported adherence to the Rules, consistent with the accreditation criteria providers must follow to remain annually accredited or to gain individual accreditation of new course offerings. Descriptive statistics also show providers having reported use of some CPE methods beyond those required in the Rules. Inferential statistical tests indicated which demographic strata may be more prone to use various methods. Statistical findings presented in Chapter 4 supported recommendations for providers and the Illinois MCLE program's support to providers.

### **Course Content**

Providers reported several factors influencing course content selection in their survey responses, including content categories allowed in the Rules and the influence of qualified program planners. Learning objectives describing course content seemed to influence accreditation and value-driven participation decisions by attorney learners, despite not being subject to accreditation Rules. This researcher presented recommendations to the Board to capitalize on some demographic groups' reported use of tools for content selection and on proposing Rules regarding course objectives.

**Allowable course content categories.** The literature recommended the update model for course content selection in program planning, with updates including course objectives to close technical knowledge gaps as well as capability building in competencies such as those for lawyers as defined in the MacCrate Report (ABA House of Delegates, 2017; Kenny, 1985; Nowlen, 1988). Additionally, the literature recommended including ethics content in professional CPE program planning (Adelson, 1990; Azzaretto, 1990; Bierema, 2016; Houle, 1980; Nowlen, 1988; Schön, 1983).

In providers' responses to survey question 6 "Which of the following sources does your organization use to identify CLE course topics?", 95% of providers reported selecting content based on one or more of the content categories allowed in the Court's (2020) accreditation Rules, including the practice of law, professionalism, diversity and inclusion, mental health and substance abuse, civility, legal ethics, providing pro bono services, matters of law practice management, legal technology, substantive law, and cross-disciplinary topics. The Board was one of only a few states' regulators which allowed providers to offer content to attorneys for MCLE credit in such a wide variety of categories and thus these states were realizing a fuller extent of the principles of the update model. This wide variety of content categories allowed by the Board, including attorney well-being, legal technology, and law practice management, also demonstrated the fullest extent of standards integration, consistent with the legal profession's most recently published version of the *ABA Model Rule for MCLE*, Section 3A(2)(a), (ABA House of Delegates, 2017). Inferential statistics did not find any statistically significant differences in providers' use of the content categories. The high adoption rate of allowed course categories in course content selection practices, and no adoption rate distinctions in demographics, resulted in no specific recommendations for the Board regarding content categories.

**Planners' influence on course selection.** Nine out of ten Illinois MCLE providers saw the influence of qualified planners as important to the selection of course content, a key principle in CPE literature and the organized bar's standards integration literature (Bierema, 2016; Cervero et al., 1986; Council on the Continuing Education Unit, 1984; Knowles, 1980; Knox, 2016; Phillips & Phillips, 2007; Queeney, 2000; Tisdell et al., 2016). Inferential statistics indicated a statistically significant strength of influence on course content selection by attorneys with subject matter expertise serving on CLE planning committees at membership organizations.

These experts were reported to have brought knowledge of the content most vital to offer members consistent with principles of the update model, while also having led membership organizations to actively expand value for members.

Employers reported in the survey that their planners often know what course content their employee attorneys needed based on organizational objectives, performance in achieving these objectives, expected competencies at career milestones, demonstrated use of the competencies, and gaps in attorney practice found through analysis (ABA Section of Legal Education and Admission to the Bar, 1992; ALI-ABA and ACLEA Continuing Professional Education Association for Continuing Legal Education, 2009; Bierema, 2016; Daley & Cervero, 2016; Houle, 1980; Knox, 2016; Nowlen, 1988, 1990; Queeney, 2000). In survey responses, 47% of employer providers reported using one or more of these more advanced evaluation methods in course content selection, a statistically significant result, partly due to employers' access to the information, and possibly driven by employers' organizational motivations to make their in-house programs or expenditures with outside providers more productive.

The first recommendation for the Board regarding content selection was to highlight the practices at future provider conferences from membership organizations and employers in course content selection, so transferable practices can be identified for use by all accredited Illinois MCLE providers. Another recommendation for the Board on content selection was to broaden use beyond employers of the advanced evaluation methods as input to course selection. Yet another recommendation for the Board was to consider asking the Court to expand the Board's role to collect and anonymize such data about employers' needs, so non-employer providers could target their MCLE program improvements to meet the needs of Illinois attorneys and their employers (Bierema, 2016; Cervero et al., 1986; Council on the Continuing Education Unit, 1984; Knowles, 1980; Knox, 2016; Phillips & Phillips, 2007; Queeney, 2000; Tisdell et al.,



2016). Leveraging its PCAM database, the accreditation process, and the recently deployed course list system, the Board could collect this feedback from employers, aggregate it much like was done in this research study, anonymize the data to protect confidentiality, and summarize the data for use by all providers seeking to better support those employers. The data could contribute to providers' more efficient selection of and design of courses offered. Based on the inferential statistics, it appeared smaller, non-commercial providers may benefit most if such insights were collected and shared by the Board.

**Learning objectives.** Providers reported an average of 85% of courses offered had learning objectives in course plans. Two-thirds of providers reported all (100%) of their courses had objectives. Inferential statistics did not find any statistically significant differences in objectives being in course plans for any particular provider demographic groups.

The Board's staff stated they rely on all submitted materials, including documented learning objectives, when accrediting courses requested by providers. In addition, providers reported attorney learners found information like learning objectives useful. As an example, providers reported nearly 70% of attorney learners had motivations to learn specifically desired content to close knowledge gaps as a method to derive value from their MCLE credit-earning activities, beyond mere MCLE compliance. Documented objectives were reported to be important information, helping attorneys align their motivations and planned value from participating in an MCLE program (Bierema, 2016; Cervero et al., 1986; Council on the Continuing Education Unit, 1984; Knowles, 1980; Knox, 2016; Phillips & Phillips, 2007; Queeney, 2000; Tisdell et al., 2016). With such wide adoption of objectives in course plans already reported and with no distinctions in the demographics, the Board could recommend a Rule be added by the Court requiring providers submit course learning objectives with accreditation applications. If the Rule further required providers publish those objectives, or

permitted the Board to publish them, the available information would aid Illinois attorneys seeking to close knowledge gaps make informed decisions to participate in the MCLE programs with the highest value.

### **Delivery Methods**

Providers reported several factors influencing course delivery methods in their survey responses. In particular, some demographic distinctions seemed to indicate the prevalence of using recorded sessions and interactive methods. The preparedness of presenters to use these methods was also indicated by providers as a factor in using these methods. Many providers seemed to want help from the Board with technology, delivery method selection, and evaluation. Very few providers reported use of learner assessments before course delivery as self-assessments or after course delivery to confirm new attorney competencies were built. Another recommendation was for the Court to expand the Board's role to continuously improve its support of providers use of CPE methods including expert advice on the selection of technological methods, and the use of Board-sponsored technology tools for *on-demand* delivery, interactivity, learner assessments, and evaluation.

**Recorded offerings.** In 2018 and 2019 data from PCAM, Illinois providers appeared to offer delivery by *Faculty-in-Room-with-Participants* in over eight out of ten of accredited Illinois programs. Recorded delivery was only offered for one out of eight programs. The inferential statistics indicate Illinois legal related provider businesses appear to use recorded sessions three times more frequently than other provider types, perhaps having demonstrated more advanced responsiveness to attorney feedback about *on-demand* content availability, compliance flexibility, and more modern delivery. The inferential statistics also indicated smaller providers are limited in their capabilities to deliver anything other than live, in-person programs.

Providers reported nearly 70% of attorneys using CLE to find and learn specifically desired content and 73% of attorneys being motivated to complete their MCLE credits in order to comply and not lose their license to practice. Newer generations of attorneys have had previous experiences with educational technology and expect content *on-demand*, convenience in maintaining their licensure, and modern delivery, expectations which would be met with more recorded sessions (Grotelueschen, September 1985).

Few providers (14%) reported using course design experts to select whether a program will be delivered live, in-person, via technology, exclusively using recordings or using a blend of live delivery and recordings. Course design experts' involvement and their use of attorney motivation data, might influence all providers to increase the number of courses offered via recorded sessions to compete for attorney learners' participation (Daley & Cervero, 2016).

On a related note, in April 2020 while responding to the COVID-19 crisis, the Board rapidly announced fee waivers for changing scheduled dates or delivery methods to ensure availability of more remote delivery options, allowing attorneys to continue earning MCLE credits, and providers to continue earning revenue from their MCLE offerings, all while having abided by governmental shelter-in-place orders. COVID-19 era work-from-home lockdowns were a transformational event for some Illinois providers and attorneys seeking more options for technological course delivery out of necessity. This rapid crisis response by the Board, providers, and attorney learners to return the MCLE program to a fulsome schedule of available courses, represented adjustments based on stakeholders' various objectives (ALI-ABA and ACLEA Continuing Professional Education Association for Continuing Legal Education, 2009; Bierema, 2016; Cervero et al., 1986; Council on the Continuing Education Unit, 1984; Knowles, 1980; Knox, 1986, 2016; Phillips & Phillips, 2007; Queeney, 2000; Tisdell et al., 2016). Based on learnings from the COVID-19 response and the societal transformation in progress, the Board

added Question 25B to the survey “If the Illinois MCLE Board were to provide support to improve your organization’s CLE programs, which topics would be of interest to your organization?”, to which 27% of providers selected course delivery format selection and 48% use of technology in course delivery as topics of interest.

To expand use of CLE expertise, it was recommended the Court support an expansion of Board offerings, to include course design training sessions or course design expert consultation available from the Board staff for use by providers and with the objective of increasing the offering of recorded sessions. With increased recorded session offerings, providers might see course utilization of their CLE courses increase, while also experiencing cost-reductions in course delivery. Increased recorded session offerings could also put the Board in a leadership position to tilt attorney sentiments within the profession away from a long-standing cultural perception of MCLE being a compliance task that competes with attorneys’ demanding schedules and billable hours, to MCLE delivering desired content *on-demand* at the precise moment it is needed in attorneys’ practice (Daley & Cervero, 2016; Grotelueschen, September 1985).

**Interactive methods.** Providers reported using interactive delivery techniques in 64% of accredited programs offered. Some of the sophisticated interactive techniques providers reported using included practice case studies, simulations, action planning, online discussion, booster learning, and the non-threatening introduction of privately-viewed, self-assessing knowledge checks (ALI-ABA and ACLEA Continuing Professional Education Association for Continuing Legal Education, 2009; Bierema, 2016; Brookfield, 2015; Clark et al., 2015; Daley, 1999; Knox, 2016; Phillips & Phillips, 2007). Inferential statistics indicated larger providers used interactive methods more frequently.

Newer generations of attorneys have had previous experiences with technologically delivered simulations or gamification. The Board plans to make sophisticated, mass-customized interactivity more possible so the attorney learner could not only gain knowledge, but could rehearse application in practice with simulated case examples, ask questions of expert instructors to solidify learning, and receive expert support from a network of peers to get clarifications necessary to solve the real-world case the attorney faces in his or her practice (ALI-ABA and ACLEA Continuing Professional Education Association for Continuing Legal Education, 2009; Bierema, 2016; Biggs, 1990; Brookfield, 2015; Clark et al., 2015; Daley, 1999; Houle, 1980; Knox, 1986, 2016; Phillips & Phillips, 2007; Schön, 1983; Taylor et al., 2000).

**Instructors' proficiency.** Adult education and the bar's standards integration literature described both professional practice and educational expertise being important considerations in the selection of presenters (ALI-ABA and ACLEA Continuing Professional Education Association for Continuing Legal Education, 2009; Council on the Continuing Education Unit, 1984; Houle, 1980; Knowles, 1970; Knox, 2016; Queeney, 2000). However, Illinois providers responding to the survey reported legal subject matter expertise as five times more important for selecting presenters than academic or facilitation experience. This seems to have indicated a bias among program planners against selection of experienced educators, even as co-facilitators, and might be an idea for Rule changes to be recommended by the Board to the Court, requiring educator experience for presenters or for presenters without such experience to be supported via an academically qualified co-presenter.

A robust nine out of ten Illinois providers reported asking for feedback about the effectiveness of instructors and seven out of ten found the feedback useful for improving instructors' performance. Of providers answering Question 25B on the survey, 25% said preparing instructors was a topic of interest where they thought the Board could assist. This

resulted in a recommendation for the Court to amend the Rules, permitting the Board meet this need by offering courses and providing advice in the development of presenters' skills through a faculty development course, including the use of sophisticated interactive methods (ALI-ABA and ACLEA Continuing Professional Education Association for Continuing Legal Education, 2009; Bierema, 2016; Biggs, 1990; Brookfield, 2015; Clark et al., 2015; Houle, 1980; Knox, 1986, 2016).

**Technology platform.** Overall, according to PCAM data from 2018 and 2019, Illinois providers appeared to offer sessions delivered via technology four-to-five times more than reported by Kansas providers (Fisher, 2017). Despite this relative strength, inferential statistics indicated non-commercial Illinois providers offered fewer courses overall, fewer with technology, fewer via recordings, collected fewer post-course evaluations from attorney learners, and employed sophisticated interactive methods less frequently.

With 27% of providers having reported wanting help with course delivery selection and 48% in the use of technology in course delivery, building upon its history of technological innovation, it was recommended the Court revise the budget and the Board's assigned functions in the Rules, in order to offer a shared service platform to enable Illinois providers and their presenters to deliver courses using sophisticated interactive and recorded methods. The recommendation included the Board subsidizing subscriptions for non-commercial organizations, similar to the cross-subsidization already built into the Court-approved accreditation fee schedule. This would go beyond but also complement the aforementioned assistance by experts on these topics.

This recommended shared service technology platform would offer an online training environment with tools such as those often used in WebEx Training or Zoom, and integrated with a learning management system. The platform could enable subscribing providers to enter

course objectives, manage enrollments, and collect post-course evaluations. Presenters from these providers would have access to tools that could provide learners the ability to self-assess, complete pre-course screenings, use online interactive discussion boards, have continual access to course content, find *on-demand* recorded sessions, participate in simulations, and receive booster learning content.

A subscription to use these tools hosted by the Board could be an economical alternative for smaller and non-commercial providers who otherwise may not have the means to invest, do not have the CLE experts to operate such a platform, nor see the economic benefit with a very small number of programs offered. Providers using such a platform in conjunction with the Board's recently deployed course list system could improve efficiencies in the Board's monitoring of basic accreditation criteria such as publication of course objectives, session length, provision of online written materials, interactive methods employed, and evaluations collected using data from the platform.

**Evaluations.** Looking more closely at post-course evaluations, 95% of providers reported using post-course evaluations in addition to other evaluation methods including collecting feedback from instructors and employers. Larger providers completed more evaluations. Employers used evaluation of attorney performance to run their MCLE programs. One-third of providers answering Question 25B on the survey asked for support from the Board on evaluation methods.

A recommendation to the Board was to offer a standard template form on the aforementioned subscription platform, built in accordance with adult education practices, to collect and confidentially aggregate attorneys' sentiments on convenience, content availability, delivery format, interactivity, and post-course improvements in practice. The Board would have the benefit of being able to measure attorney sentiments indirectly through evaluations logged

through such a platform, while maintaining anonymity and confidentiality expected by both providers and attorneys. The Board plans to collect further data by offering a way for providers delivering evaluations via their own means to confidentially and anonymously load key data from those evaluations with course list submissions. Evaluation data collection and aggregation by the Board for subscriber and non-subscriber providers will become a source of anonymous course and presenter ratings across all courses approved for Illinois MCLE credit. An expert resource on the Board staff will help providers subscribed to this service with answers to technical questions and suggest CPE methods being used by other subscribers. With such assistance from the Board, smaller and non-commercial providers may expand use of technology, recordings, *on demand* accessibility, evaluations, and advanced interactivity.

**Learner assessments.** Pre-course and post-course self-assessments, hardly used by Illinois providers that responded to the survey, could help learners confirm mastery of concepts and even confirm competency in the practice of law through case study analysis (Cervero et al., 1986; Cervero & Rottet, 1984; Council on the Continuing Education Unit, 1984; Daley & Cervero, 2016). Pre-course screeners could help attorney learners confirm the fit of their learning needs with the objectives of the session offered. Board experts providing advice how providers can implement learner assessments, and the subscription learning management platform mentioned above having this as a capability, would all potentially support broader adoption of this critical CPE method. Expanded use based on a Rule requiring use for accreditation, may help the Board confirm that courses build attorneys' competencies.

### **Summary of Providers' Adherence to Court Rules and Use of Other CPE Methods**

Generally, providers reported adherence to all the Rules, including the quality and timeliness of written materials, conducive physical settings for courses delivered in-person, and session length. No demographic differences were found for adherence to these Rules. Further



recommendations regarding these Rules could include building upon Illinois providers' general adherence to all the Rules, with more objective ongoing post-course measurement of written materials, conducive physical settings for courses delivered in-person, and session length.

Illinois providers, particularly in some demographic strata, more prevalently use recommended CPE methods. Employers reported using evaluation for course selection and legal related business offer more recorded sessions and use more interactivity. Based on the exploration of CPE methods used by Illinois MCLE providers in this study, the Board has planned to provide recommendations to the Court under Rules 792(c)(1, 5) to continue the long-standing tradition of continuous improvement, advanced MCLE standards integration, and innovative program transformation to improve the quality of MCLE for Illinois attorneys (Court, 2020).

### **Further MCLE Standards Integration**

As a result of this research, the Board gained additional insight on adherence to the accreditation Rules it regulates. The Board now has more data about the use of CPE practices by its providers and indicators of which provider types, sizes of providers, and other demographic strata more prevalently use certain CPE practices. The results also indicated additional considerations for the Board and other CLE regulators, which are discussed in this next section.

### **Ongoing Anonymous Measurement by the Board and Court**

The Court (2020) through Rule 797 expects the Board to maintain the confidentiality of all data collected for and generated from its program. The conduct of this research study has demonstrated confidentiality can be maintained through anonymity, while also rendering statistical findings, insights, and recommendations for program advancement.

**Provider adherence to Court Rules.** With increased data collection after program delivery through provider entries in PCAM, some of the shared service learning management

system platform suggestions above, and the recently deployed course list system, the Board could more efficiently and continually evaluate basic accreditation Rule adherence using data rather than document inspection. Rule adherence could be easily measured after each session delivery to include presenter qualifications, session length, interactive methods used, percentage of evaluations collected, timeliness of written materials, and learner satisfaction levels indicating conduciveness of physical settings for in-person programs. This ongoing data collection and review could also simplify annual accreditation reviews for providers and the Board, allowing the Board and a provider to instead celebrate program achievements and together select focused areas for future program improvement.

**Correlations of professionalism behavior and MCLE results.** The legal profession has a profound influence on American society and how it functions. Without other information, the American public can tend to form its perceptions of the profession from the worst cases of abuse as published in the media. MCLE was first started to preclude future challenges to the integrity of the profession.

As stated in Article VIII of the Court's (2020) Rules also known as the *A Lawyer's Responsibilities*, the preamble of the Illinois Rules of Professional Conduct mandates:

In all professional functions a lawyer should be competent, prompt and diligent...In addition, a lawyer should further the public's understanding of and confidence in the rule of law and the justice system because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority...Lawyers play a vital role in the preservation of society. The fulfillment of this role requires an understanding by lawyers of their relationship to our legal system. The Rules of Professional Conduct, when properly applied, serve to define that relationship. (Court, 2020)

The Board has substantial data on MCLE completed by attorneys which the Board maintains as confidential under the Court's (2020) Rule 797. Under the Court's (2020) Rule 751, the Attorney Registration and Disciplinary Commission maintains data on disciplinary cases, also confidentially under the Court's (2020) Rule 766. There could be additional related data on legal malpractice claims available through the Illinois insurance regulator. A third organization, the Illinois Supreme Court Commission on Professionalism, is assigned a duty under the Court's (2020) Rule 799(c)(4) of "Assisting CLE providers with the development of courses and activities offered to fulfill the professional responsibility requirement" (Court, 2020). Like the Board, this Commission also has the duty to make recommendations to the Court under Rule 799(c)(10) (Court, 2020).

It is recommended the Court have the data its Board and Commissions maintain anonymously, indexed to protect confidentiality. From this aggregated, indexed data, confidential statistical analysis could be conducted much like done in this research study to determine, of the MCLE completed, which courses are predictive of attorneys' professional conduct. Insights from such an analysis could assist the Board and Commissions in fact-based recommendations to the Court on continuous improvements to professionalism course content requirements in the Rules (Cervero et al., 1986; Cervero & Rottet, 1984; Kirkpatrick, 1994).

### **The Court's Promotion of Legal Professionalism in Illinois with the General Public**

Whereas 72% of providers rated Illinois MCLE as *extremely* or *very effective* overall, 40% viewed Illinois MCLE as *extremely* or *very effective* in bolstering public perception. The Commission on Professionalism is also assigned the duty in the Court's (2020) Rule 799(c)(9) of, "Facilitating cooperation among practitioners, bar associations, law schools, courts, civic and lay organizations and others in addressing matters of professionalism, ethics, and public understanding of the legal profession" (Court, 2020). Periodically produced confidential,

anonymous, statistical analysis of education, discipline, and malpractice may indicate correlations and generate findings. Any findings and resulting action plans could be included in the Court's annual report and related press releases from the Commission to build public constituents' understanding of legal professionalism in Illinois and the Court's intentions for continuous improvement, while protecting confidentiality throughout.

### **Board-Sponsored Provider Conferences to Promote Broader Use of CPE Methods.**

The Board has previously sponsored provider conferences to share best practices. Based on findings from this research study, the Board intends several forum topics could be on a future provider conference agenda such as legal related business providers showcasing their use of interactivity like online discussion or membership organizations demonstrating how informal, collegial knowledge sharing at networking events could be a form of in-session interactivity replicated in any CLE offering. These best practice sharing forums could be yet another form of assistance and access to CLE experts some providers were seeking in their answers to Question 25B. Providers serving attorney, employer, and regulator constituencies in Kansas, Illinois, and other states may find the comparisons of the two research studies' insights helpful to advancing improvement of their programs. The Board intends to present results of this study to providers at future conferences. During the conferences the Board intends to conduct focus groups to gain more insight through discussion of the findings and possible solutions with focus group participant experts.

### **Advancing MCLE Standards Integration Beyond Illinois**

**Comparisons of Illinois and Kansas survey results.** Generally, where collected data were comparable, findings by Fisher (2017) from the survey of Kansas CLE providers had similar statistical results to those from this research with Illinois MCLE providers. Content selection, use of written materials, and overall learner satisfaction being assessed on post-course

evaluations showed the strongest statistical similarities based on a zero-difference, two-sided proportion test with a 95% confidence interval.

ANOVA tests with the strongest correlations in both states' studies showed the proportion of courses with a delivery option by *Faculty-in-Room-with-Participants* being indirectly proportional to the number of courses offered by the provider. This appears to indicate smaller, non-commercial providers do not have the resources for technological or recorded delivery. The small provider phenomenon, as defined by number of courses offered, also proved statistically significant in both states' statistical tests. Smaller providers in Illinois and Kansas were far less prone to use attorney developmental benchmarks or competency models in course selection and online discussion after course delivery as an interactivity method.

There were also some differences between Illinois and Kansas providers' responses. Data from the two studies seem to indicate twice as many *for profit* providers in Illinois. One-quarter more Kansas providers ask attorney learner attendees to rate topic relevance on post-course evaluations and one-third more ask if courses change attendees' practice of law. The most striking difference was four times as many Illinois providers' courses having a live technology delivery offering, which could be a function of more *for profit* providers answering the Illinois survey, the general advancement of technology over the four years between the two studies, or both. Further exploration of these types of similarities and differences could be helpful for Illinois, Kansas, and other states in their advancement of recommended CPE practices among their accredited providers.

**Sharing conclusions with other states, CLEREG, and the ABA.** The practices highlighted in this research might be proposed by the Board as recommendations for further research and consideration by CLEREG or future model rule changes by the ABA. A number of practices recognized in this research as strengths in the Illinois MCLE program and among its

accredited providers are worthy of consideration by the standard integration constituents of the profession:

1. The advanced state of the Board's technology.
2. The depth of CPE practice by providers.
3. Model rule adoption in the Rules.
4. Illinois providers' Rule adherence.
5. Those providers' extensive use of known CPE practices.
6. The knowledge from this study illustrating selected Illinois provider strata demonstrating particular strengths in their CLE programs.
7. The Board's commissioning of this data-driven research study.
8. The use of the survey instrument.
9. The statistical comparisons of results from Kansas and Illinois.
10. Expansion beyond those two states to anonymize nationwide data analysis.
11. Board recommendations to the Court about expansion of the Board's role and changes to the Rules.

All of these could all be shared by the Board with CLEREG or the ABA. Other states' CLE regulators seeking advancement of standards integration independent of actions by CLEREG or the ABA may similarly benefit from the Board's best practice sharing.

### **Summary of Further MCLE Standards Integration**

Illinois' MCLE program demonstrates advanced regulator adoption of nationally recommended standards, strong provider practice according to Court Rules, prevalent provider practice of recommended CPE methods beyond Court Rules, and some provider types with particular strengths. The Court and Board are innovative, have the technical foundation to support further transformation, a history of past implementation successes, and as evidenced by

the response rate to this survey are able to engage providers in improvements for attorney learners. Lessons learned from Illinois MCLE could contribute to further advancement of standards integration nationally.

### **Future Research**

The profession could benefit from further exploratory research of provider practices by the national standards integrator, the ABA, or by other states, in order to add to insight from this research and Fisher (2017). Such additional research could build on and improve the validity of the survey instrument to measure provider practices in MCLE. Other professions' CPE can build on this provider research with similarly constructed studies.

The researcher also suggests further exploratory research effort with attorneys to gain insights specific to making MCLE more valuable. Traditionally, direct research with attorneys has been viewed as risky, as it may yield objections seeking to overturn MCLE program requirements. However, research with attorneys, with the presumption 45 years of MCLE has made the standards permanent, could yield important insights about learner motivations, learning needs, and delivery method preferences which would advance transformational improvements in regulations, planning, and delivery for the profession.

### **Reflections on Conduct of This Research Study**

This research study was built based on work by the Kansas CLE Commission, the vision of its former academic board member Dr. W. Franklin Spikes, their collaboration to launch the Kansas Educational Initiative, of which the research by Fisher (2017) was one part, and for which the survey instrument was first sent to CLE providers.

An important early milestone was the introduction through the Kansas CLE Commission to the Board. This resulted in the Board's consideration of similar research and launched focused dissertation efforts. The last four years of work with the Board has brought independent,

academic research methods to a welcoming, patient, and innovative partner. Through experts and leaders at the Board, the researcher has been able to learn about the legal profession, the origins of MCLE standards integration within the broader history of the organized bar, and apply these insights to develop a focused, valuable research effort with real-world application for the Illinois MCLE program and its accredited providers. The same period has allowed the researcher to humbly learn and grow through the teachings of many in the field of adult education.

Despite many improvements made to the instrument based on Fisher's (2017) lessons from post-research evaluations of validity and reliability, some remain after its use in this study. In particular, attempts to refine the instrument in conjunction with a statistics expert advisor for both studies, included the collection of continuous data for many demographic criteria and two provider practices. This was done in contrast to ordinal categories used in the instrument by Fisher (2017). While this was intended to create improved construct validity through multiple regression, since most of the continuous data were dependent variables, the use of continuous data in such tests were very limited in the JMP software (Salkind, 2014). The statistician also advised using Likert scales versus yes/no selections on more questions than in the instrument used by Fisher (2017). This provided more possible analytical methods for this research study than were available for the data from Kansas providers. Similarly, question 22 was added with the advice of the statistician, who intended to treat the question like an index score. However, since it was established as a Likert scale, its use as an independent variable in the JMP software was very limited.

Also, despite extensive initial testing of the instrument with the Board starting in 2017, the refinement of the research to be purely quantitative in 2018 at the suggestion of Dr. Jeffrey Zacharakis, the further focus in 2019 on the eight basic accreditation criteria in the Court's (2020) Rules also suggested by Zacharakis, and formal pre-launch piloting of the survey



instrument by the Board in the first quarter of 2020, the instrument still did not directly query providers about adherence to Rules regarding conducive physical settings nor session length. Fortunately, the Board already had confidence in course accreditation requiring adherence to facilities requirements and session length, so validation of provider adherence to these two Rules did not materially affect the results of the exploratory study. Also wording in questions on the instrument did not specify providers answer about CLE programs accredited to Court (2020) Rules. Therefore, there could have been inter-rater or internal consistency unreliability from providers answering more generally about programs accredited according to regulations in multiple states. Nonetheless, these lessons can be applied if the instrument were to be used again in future research.

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## Appendix A - Board Survey

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### INTRODUCTION

Thank you for participating in the Illinois MCLE Board's provider survey. Working with and learning from our providers is an important aspect of our mission.

Through this research questionnaire, we strive to learn about the practices, tools, and methods that your organization finds effective in the continuing legal education of Illinois attorneys. Our goal is to identify, explore, and share those best practices in ways that will help providers create the best possible learning experience for our attorneys.

We will keep all individual responses strictly confidential.

It will take about 15 minutes to complete this survey. You can save your responses and return to complete the survey later should you need to research some of your answers. If you decide to opt-out once you have started completing the questionnaire, simply stop, and we will not include those results in the research.

Please complete the survey no later than Monday, May 18th, 2020, for us to include the answers for your organization in our research.

While we sent this survey to you as a primary contact at your organization, you are welcome to gather input from others in your organization involved in the CLE process. That way, you can submit one set of responses for your organization.

Sincerely,  
Karen Litscher Johnson, J. D., Director

MCLE Board of the Supreme Court of Illinois

(The Board is conducting this research in conjunction with Kansas State University, which has conducted CLE-related survey research in the recent past. If you have other questions about this research survey please contact the Illinois MCLE Board staff at 312.924.2420 or [mcle@mcleboard.org](mailto:mcle@mcleboard.org).)

#### PROVIDER DEMOGRAPHICS

Q2A As a starting point, please share what is/are your role(s) in your organization as it relates to providing CLE to Illinois attorneys?

(please choose any and all that apply)

- ☐ Partner, Director, Officer, Manager overseeing CLE programs (1)
- ☐ Instructor, faculty delivering CLE (2)
- ☐ CLE curriculum design (3)
- ☐ Technology for CLE course delivery (4)
- ☐ CLE course scheduling, data collection, and/or data entry (5)
- ☐ CLE course billing and/or payments (6)
- ☐ Other, please describe (8) \_\_\_\_\_
- ☐ None of the above (9)
- ☐ I prefer not to answer (10)

Q2B

Before we continue, in your opinion, are you the best contact person to answer questions in this research survey on behalf of your organization, about planning, designing, delivering and evaluating CLE offerings targeting Illinois attorneys?

- ☐ Yes (1)
- ☐ No (2)
- ☐ I am unsure and would like to return to this question after viewing the survey to confirm my answer (6)

Display This Question:

If Q2B = 2

Q2C

If someone else is a better contact person to answer this research survey on behalf of your organization, please provide that person's name and contact information in the form below.

- ☐ First Name (1) \_\_\_\_\_
- ☐ Last Name (2) \_\_\_\_\_
- ☐ E-mail address (3) \_\_\_\_\_
- ☐ Telephone number (4) \_\_\_\_\_

Display This Question:

If Q2B = 1

Q2D At this point, if you'd like to continue to view or enter answers in this research survey press the **Save and Continue** button to the bottom, right.

*If however, you would like to exit, simply close your browser.*

Q3A

The next few questions are to gather general information about your organization and can be answered quickly.

Approximately, how many employees are in your organization?

	(3)
In all roles (27)	
In roles planning, designing, evaluating or administering CLE (28)	

Q3B How many volunteers support CLE at your organization?

	(3)
In roles planning, designing, evaluating or administering CLE (5)	
In roles presenting CLE as a speaker or instructor (12)	

Q4 Approximately what percentage of your organization's overall revenue is derived from providing CLE?

(each of your entries below could be up to 100%)

	(3)
For All States' CLE (1)	
For Illinois MCLE (2)	

Q5 Approximately how many CLE courses does your organization offer each year in any location, by any delivery method, and accredited by any State?

(12) \_\_\_\_\_

## CLE PROGRAM PLANNING AND NEEDS ANALYSIS

Q6

Next, please answer a few questions about your organization's planning of CLE programs.

First, which of the following sources does your organization use to identify CLE course topics?

(please choose any and all that may apply)

- ☐ Case law, statutory, or regulatory changes (11)
- ☐ Mandated topics set by CLE regulators (e.g., professional responsibility, ethics, civility, diversity, mental health, substance abuse) (2)
- ☐ Hot topics, recent legal issues, or current developments in the legal profession (3)
- ☐ Planning committee/focus group recommendations (5)
- ☐ Suggestions from previous course evaluations (7)
- ☐ Attorney developmental benchmarks or competency models (8)
- ☐ Attorney performance evaluations (9)
- ☐ Law firm or employer business objectives (e.g., increased client satisfaction, productivity, regulatory compliance) (13)
- ☐ Standards for professionalism and ethical practice (14)
- ☐ Other, please describe (17) \_\_\_\_\_
- ☐ None of the above (18)

Q7 How influential are each of the following CLE planning contributors on the selection of courses offered by your organization?

	Extremely important (61)	Very important (62)	Moderately important (63)	Slightly important (64)	Not at all important (65)
Attendees (1)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Organization leadership or other supervisors of attorneys (5)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Legal experts (21)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Nonlawyer adult educators or training professionals (13)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Nonlawyer administrators or marketing professionals (14)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
CLE director (6)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Program or CLE planning committee (7)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Focus groups (8)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Section officers or members (2)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
University curriculum committee (20)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other, please describe (24)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



Q8A Considering the CLE courses offered by your organization, how often do you ask attorneys why they attended?

- ☐ Always (42)
- ☐ Most of the time (43)
- ☐ About half the time (44)
- ☐ Sometimes (45)
- ☐ Never (46)

Display This Question:

If Q8A = 46

And If

Q8A = 42

Or Q8A = 43

Or Q8A = 44

Or Q8A = 45

Q8B Please enter how often attorneys reported the options below as their reason for attending CLE.

	Always (51)	Most of the time (52)	About half the time (53)	Sometimes (54)	Never (55)
General legal education (25)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Specialty legal education (26)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Networking opportunities (27)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Professional development (28)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fulfilling MCLE requirements (29)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other, please describe (32)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Display This Question:  
If Survey Logic Code = 2

Q9A Approximately what percentage of the CLE credits earned by your organization's attorneys are from...?

(please enter amounts that add up to 100%)

	In house programs - Rule 795(d)(1) (5)	Programs offered outside of your organization (6)
(11)		

Display This Question:

If Q9A [ 11 ] = 0

And Q9A [ 11 ] Is Not Empty

Q9B Which of the following sources outside of your organization do you recommend that your attorneys use to obtain CLE requirements?

(choose all that apply)

- ☐ Commercial CLE providers (legal and non-legal businesses offering CLE for profit) (1)
- ☐ Legal membership organizations (bar associations and legal professional organizations) (2)
- ☐ Adult learning institutions (law schools, colleges or universities) (4)
- ☐ Nonlegal related business or trade associations (5)
- ☐ Courts (federal, state, administrative or local) (6)
- ☐ Legal nonprofit entities (8)
- ☐ Pro bono training (9)
- ☐ Court entities that oversee attorney registration, discipline, or professionalism (10)
- ☐ Lawyers Assistance Programs (LAP) (11)
- ☐ Other, please describe (14) \_\_\_\_\_
- ☐ None of the above (15)

Q10 How important is CLE to your organization's mission?

- ☐ Extremely important (66)
- ☐ Very important (67)
- ☐ Moderately important (68)
- ☐ Slightly important (69)
- ☐ Not at all important (70)

Display This Question:

If Survey Logic Code = 1

Q11A As a bar association or legal professional organization, MCLE Rule 795(d)(3) allows your organization to offer Illinois CLE credit to your members that attend qualifying meetings. Do you provide this credit to your members?

- ☐ Yes (23)
- ☐ No (24)

Display This Question:

If Q11A = 23

And If

Q11A = 24

Q11B Approximately what percentage of your members receive Illinois CLE credit for attendance at qualifying meetings held by your organization under Rule 795(d)(3)?

(10) \_\_\_\_\_

Display This Question:  
If Survey Logic Code = 1

Q11C How important to your organization's mission is offering meetings eligible for Illinois MCLE credit held under Rule 795(d)(3)?

- ☐ Extremely important (27)
- ☐ Very important (28)
- ☐ Moderately important (29)
- ☐ Slightly important (30)
- ☐ Not at all important (31)

#### CLE COURSE DESIGN AND DELIVERY

Q12

You've completed half of the survey questions.

The next few questions will ask about your organization's delivery of CLE courses.

Considering the CLE courses offered by your organization, approximately what percentage have specific learning objectives identified before the courses are delivered?

(2) \_\_\_\_\_

Q13 Illinois MCLE Rule 795(a)(7) allows courses to be delivered in person or via live or recorded technology.

Which of the following factors does your organization use to select course delivery formats?

(choose all that apply)

- ☐ Recommendations of a course design expert (1)
- ☐ Recommendations of a course program organizer or leader (e.g., Partner, Director, Officer, Manager) (2)
- ☐ Feedback from attorneys (e.g., surveys, focus groups, evaluation forms) (3)
- ☐ Financial cost for your organization (4)
- ☐ Convenience for the attendees (6)
- ☐ Other, please describe (10) \_\_\_\_\_
- ☐ None of the above (11)

Q14 How important is it for CLE presenters to have the following qualifications?

	Extremely important (28)	Very important (29)	Moderately important (30)	Slightly important (31)	Not at all important (32)
Subject Matter Expertise (22)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reputation (23)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Practice as an Attorney (5)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Law School Professor (24)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Classroom Facilitation Experience (25)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Adult Learning Degree or Certification (26)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other, please describe (28)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



Q15 Considering the CLE courses offered by your organization, approximately what percentage of your presenters, speakers or instructors are...?

(please enter amounts that add up to 100%)

	Paid for this work (1)	Not paid for this work (volunteer) (4)
(2)		

Q16 Considering the CLE courses offered by your organization, approximately what percentage of presenters, speakers or instructors are...?

(please enter amounts that add to up to 100%)

	Attorneys or professional staff employees from your organization (1)	From other organizations (4)
(14)		

Q17 How often does your organization use the following learning methods in CLE course delivery?

	Always (41)	Most of the time (42)	About half the time (43)	Sometimes (44)	Never (45)
Instructor or speaker lecture (1)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Expert panels (10)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Roundtable or attendee discussion (18)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Specific sessions or times for questions by attendees and answers by instructors or speakers (i.e., Q&A) (2)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Verbal</b> understanding checks such as questions followed by discussion or other feedback involving instructors or speakers (19)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Quizzes, tests or other <b>written</b> understanding checks (8)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Attendee-conducted activities, exercises, time to practice (9)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Mock trials, negotiations, simulations, or practice-based case studies (6)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Written materials and other handouts (e.g., binders, PowerPoint slide copies, photocopies, electronic resources) (3)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Attendees' individual action planning (i.e., planning for practice changes and learning application on-the-job) (21)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Online discussion/bulletin boards/chat rooms as an element of interactivity <b>during the course</b> (4)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Online discussion/bulletin board/chat room as an element of interactivity <b>after the course</b> (20)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Take-home job aids (e.g., checklists, tip sheets) to be considered by the attorney attendee <b>after the course</b> (12)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Booster learning  
(e.g., micro-  
learning email  
reminders,  
quizzes, or  
surveys) **after the  
course** (23)

☐ ☐ ☐ ☐ ☐

Other, please  
describe (24)

☐ ☐ ☐ ☐ ☐

Q18 To best meet the needs of attorneys in attendance at a particular course session, which of the following do your organization's instructors use to refine course sequencing, pace, or learning methods?

(choose all that apply)

☐

Pre-course inquiry, tests or assessments of attorney mastery of the topic(s) (1)

☐

(8)

Attorney attendee demographics (e.g., years of experience, practice area, geography)

☐

Focusing the course session objectives with beginning of course input from attorney attendees (5)

☐

Feedback from previous attorney attendees (6)

☐

Other, please describe (12) \_\_\_\_\_

☐

None of the above (13)

#### CLE EVALUATION AND MEASUREMENT

Q19A

You've completed more than 80% of the survey.

In this section, please answer a few questions about the tools, techniques and methods your organization uses to evaluate CLE courses' impact on attorney learning.

Which of the following methods does your organization use to evaluate CLE courses?

(choose all that apply)

- ☐ (1) Post-course participant satisfaction evaluations (as required by the Illinois MCLE Board)
- ☐ Speaker or Instructor feedback (11)
- ☐ Test scores, grades, or other learning evaluation tools (2)
- ☐ Enrollment or attendance trends (4)
- ☐ On-the-job observation of attorney attendees (21)
- ☐ Follow up surveys, interviews, or focus groups with attorney attendees (20)
- ☐ (26) Follow up surveys, interviews, or focus groups with supervisors of attorney attendees
- ☐ Anecdotal discussion with attorney attendees and/or supervisors (3)
- ☐ Individual performance results by attorney attendees, as reported by employers, supervisors, or others (19)
- ☐ Feedback on business results (e.g., increased client satisfaction, productivity, regulatory compliance) (18)
- ☐ Return on investment calculations (e.g., cost/benefit ratios, payback period) (7)
- ☐ Other, please describe (33) \_\_\_\_\_
- ☐ None of the above (34)

Display This Question:  
If Q19A = 1

Q19B Approximately what percentage of your attendees typically complete your post-course evaluations?

(2) \_\_\_\_\_

Display This Question:  
If Q19A = 1

Q19C Which of the following does your organization assess in post-course evaluations?

(choose all that apply)

- ☐ Overall learner satisfaction (1)
- ☐ Instructor effectiveness, knowledge, preparation (2)
- ☐ Topic relevance to the attorney attendees' practice (15)
- ☐ Fulfillment of course objectives (4)
- ☐ Schedule, session length, timing (5)
- ☐ Facilities (e.g., room, setup, food, beverages, temperature) (6)
- ☐ Usefulness of audio visuals and other materials (7)
- ☐ Attorney attendees' opinions that the course instructional methods helped engage them in the learning process (9)
- ☐ Attorney attendees' opinions that the course has changed the way that attendees will conduct their practice of law (8)
- ☐ Attorney attendees' expectation that their supervisor will encourage application of the new learning in their practice of law (12)
- ☐ Attendees' professional attributes (such as their practice setting) and demographic information (10)
- ☐ Other, please describe (26) \_\_\_\_\_
- ☐ None of the above (27)

Display This Question:  
If Q19A = 1

Q19D Overall, how useful is the feedback from your organization's post-course evaluations for...

	Extremely useful (84)	Very useful (85)	Moderately useful (86)	Slightly useful (87)	Not at all useful (88)
Future course planning (1)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Instructor feedback/training (2)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Venue selection (3)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Assessing attorney learning (4)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Anticipating future improvement in attorney practice (5)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other, please describe (9)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Display This Question:  
If Survey Logic Code = 2

Q20 Does your organization include timely completion of CLE when evaluating attorney performance?

- ☐ Yes, please explain how (23) \_\_\_\_\_
- ☐ No (24)



Display This Question:  
If Survey Logic Code != 2

Q21

Does your organization work with law firms or other organizations that employ attorneys to gather information about how CLE courses have impacted practice or business results?

- ☐ Yes, please explain how (35) \_\_\_\_\_
- ☐ No (36)

#### VIEWS ON CLE OVERALL

Q22

Please share some feedback from your organization on CLE overall.

Overall, how effective is CLE in Illinois?

- ☐ Extremely effective (47)
- ☐ Very effective (48)
- ☐ Moderately effective (49)
- ☐ Slightly effective (50)
- ☐ Not effective at all (51)

Q23

Additionally, how effective is CLE in Illinois for...

	Extremely effective (31)	Very effective (32)	Moderately effective (33)	Slightly effective (34)	Not effective at all (35)
Improving practice of the law (1)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Expanding attorney knowledge and skills (8)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sharing new developments, cases and ideas (2)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Connecting attorneys with their peers (3)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Encouraging ethical practice (4)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Supporting law practice management (5)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Enhancing the profession's public image, the public's opinion of attorneys and views on the judicial system (6)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Increasing attorney job satisfaction (7)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q24 Please add some comments about CLE, covering any of the following topics or any other topics important to your organization.

*What should the purpose of CLE be?*

*What is effective about CLE for Illinois attorneys? ...and why?*

*What is not effective about CLE for Illinois attorneys? ...and why?*

*If you could change one thing about the Illinois MCLE program or its requirements, what would it be? ...and why?*

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Q25A

Only a few more questions about Illinois MCLE...

Do you make available to attorney learners a system that tracks their Illinois MCLE requirements?

☐ Yes (23)

☐ No (24)

Q25B If the Illinois MCLE Board were to provide support to improve your organization's CLE programs, which of these topics would be of interest to your organization?

(choose all that apply)

- ☐ Course selection (4)
- ☐ Preparing presenters (2)
- ☐ Course delivery format selection (5)
- ☐ Use of technology in course delivery (3)
- ☐ Evaluation (7)
- ☐ Other, please describe (9) \_\_\_\_\_
- ☐ None of the above (8)

Q25C If a member of your staff were to use this support, what delivery methods are preferable?

(choose all that apply)

- ☐ Live in-person events (5)
- ☐ Live virtual events (2)
- ☐ Recorded events (3)
- ☐ Online materials (1)
- ☐ None of the above (7)

## SUBMIT FINAL RESPONSES

Q26 You've now viewed all of the questions on this research survey.

If you have completed entries for all of the questions to reflect the final response on behalf of your organization, please press Submit Final Responses to the bottom, right. At that point, you will not be able to re-enter the survey to update your organization's responses.

If however, you would like to return to the survey after further research or to check your answers before submitting them as final on behalf of your organization, please simply exit by closing your browser. When you return to the survey using the link provided in the survey invitation email, the answers you've entered and saved thus far will display for you and you will still be able to edit those entries.

## THANK YOU PAGE

The Illinois MCLE Board thanks you for providing your feedback. Your responses have been recorded and will remain confidential.

We look forward to sharing the results with you soon.

(This research is being conducted by the Board in conjunction with Kansas State University, expanding on CLE-related research in the recent past. If your organization responded to prior research surveys, please answer again for the Illinois MCLE Board, to update your responses particular to providing CLE to Illinois attorneys. If you have other questions about this research survey please contact the Illinois MCLE Board staff at 312.924.2420 or [survey@mcleboard.org](mailto:survey@mcleboard.org).)