

News

Online Education: Group learning

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Lawyers may be highly competitive, even confrontational, but when necessary they can get together voluntarily to co-operate on issues of professional interest. In 2004, 14 large law firms got together to start a co-operative online training venture, known as the Online Compliance Consortium (OCC). The OCC first developed training on anti-money laundering (AML) which has proved to be very successful and now has nearly 100 leading firms using the fee earner and support staff versions.

Face-to-face training sessions on a cooperative basis are not unknown, but preparing online courses takes the concept a stage further. There was an exchange of ideas in the discussions as each of us added our own thoughts and, so far as repeatable outside our own offices, experiences.

We have followed the AML course more recently with an online training course on the basic elements of risk management for lawyers, which is being launched imminently. Both courses are produced and marketed by VinciWorks, a Hong Kong-based supplier of online training systems to banks and solicitors in the UK and Hong Kong.

European Union legislation to protect the financial system and businesses from being misused for money laundering and financing of terrorism has increased significantly over recent years and this continues with the requirements of the third money-laundering directive which is coming into force in December. Not only are the regulations in this area becoming tighter, but there is a sense of greater enforcement of regulations by the newly-formed Solicitors Regulation Authority and in the future with reform of regulation under the Legal Services Bill. It is increasingly important to make sure our lawyers are aware of the rules.

The seriousness of the issues and the potential threats of not carrying out the requirements correctly helped foster the atmosphere of full cooperation. This resulted in standardised, potentially industry-wide training.

My own involvement with the OCC began early in 2004 when the content of the AML course was produced by senior representatives of the 14 core City firms, meeting mainly at Lovells, each firm contributing sections then commenting on the rest until we reached a consistent whole to everyone's satisfaction. Drafting the AML course was a good experience although it did take up a considerable amount of time for a number of senior people involved from the firms.

I was particularly keen to develop the risk management course and became chairman of the core project group. Those who are involved with money laundering regulations and management of risk tend to have this as a special responsibility and they find that it takes up a lot of their time, whether they are also fee earners or not. Accordingly, we decided to sub-contract the production of content for the updated AML course and for the new risk management course to Legal Risk. Legal Risk's partners Frank Maher and Sue Mawdsley offer professional indemnity, risk management and compliance legal advice, training and consulting to law firms and professional practices. Frank and Sue advise, write and speak on these subjects already. The core law firms still reviewed and signed off on the content and contributed some case studies.

As everyone knows, risk management is increasingly important for solicitors. Rule five of the new Solicitors Code of Conduct specifically requires that firms “must make arrangements for the effective management of the firm as a whole, and in particular provide for... training... and... the management of risk”, among other issues.

Once we had agreed on the outline of the risk management course, Legal Risk began to write it, so that very soon we had a draft text up and running. It was then a question of progressing that draft. Although our conversations raised a host of issues around risk management that it was felt must be covered by the course, we found as lawyers that it was much easier to focus on the course once we had got words on paper. This is, after all, what the lawyer's craft is all about, though we were conscious that drafting for a course on screen is different from drafting for words on paper — each screen must be limited in content and each concept readily digested.

Howard Finger, chief executive of VinciWorks and a qualified solicitor himself, leads the VinciWorks team which turns bare plain text into a fluid, user-friendly and easily digestible online course. Howard joins other members of his team at meetings in London as each course develops.

The risk management course we have created consists of three modules. The first looks at conflict checking, explaining where conflicts of interest can arise and how to avoid them. The second concerns client engagement. This covers a wide remit concerning who firms can safely act for and which types of work they should undertake. The third module refers to matter management and looks at what can go wrong during day-to-day work for clients. This can include the simplest common errors that every solicitor and member of their support staff dreads — sending an email to the wrong person, failing to complete a form correctly or missing deadlines.

The course includes real-life case studies, albeit with names and details changed for the sake of confidentiality. It was considered important to use real-life case studies to help participants to relate the course materials to their own experiences and to bring home to them that these are real risks they run in everyday life.

As an example, conflicts of interest can arise where a firm prepares a business pitch for a new client and the information they acquire on the pitch might conflict with the interests of a different current or future client. It is important to help staff, especially junior staff who might be researching the pitch to think about what to do before they start their research. With the

responsibilities of directors becoming more onerous, the group felt that it was important to look at an instance where a solicitor might find him or herself acting for a director as well as his company or, say, a directors and officers' insurer.

The online format allowed us to use multiple-choice answers and, in some cases, 'free text' for more discursive answers. But we were keen to avoid the idea that this was a one-off exam that had to be passed and could then be forgotten about. An important point made by Maher, which was taken up by the group, is that risk management is a culture rather than an event.

Certainly all the firms involved in the creation of these courses could have done their own research and created courses, but it would have been time-consuming, much more expensive and the final product would inevitably have varied from firm to firm. Having everyone contribute, or at least comment, has undoubtedly made them better courses than if anyone had done it on their own. Whatever the reputation of the individual firm, having the endorsement of so many names adds to its standing as well as its content. Indeed, we may come to be seen to have set a standard.

As with the AML course, VinciWorks has agreed to make its consultants available to demonstrate the course to other firms that might be interested in licensing it. This new form of learning does not replace face-to-face training — nor does it seek to. For example, at Bird & Bird we are using the courses as part of our induction process and as new online refresher courses become available through the OCC website, these provide a time and cost-efficient vehicle for keeping fee earners and support staff abreast of changes in the regulations.

We will continue to provide training for our staff in person like most solicitors but, increasingly, it seems clear that this new online dimension has an essential role to play.

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