

CASE STUDY

Stress test

Ann Collier and Adam Pacifico reveal how they developed dawn raid scenario training at SJ Berwin

KEY TAKEAWAY POINTS

- 1 For an experiential learning programme to be effective, it must be as close to real life as possible. It should also aim to be challenging but fun.
- 2 It will require a significant investment of time upfront to develop the exercise and get it right. The return on this investment comes in the learning gained from the experience compared with more traditional training methods, which tend to result in more perishable knowledge gain.
- 3 Observation of core competencies can provide valuable individual feedback after the event and feed into personal development plans for each participant.
- 4 Use the opportunity to refine existing precedents and processes and improve upon existing best practice.
- 5 There is great value in bringing together project teams to rehearse their familiarity with processes both in terms of developing team dynamics and improving internal networking.

It's 6am. Your client is woken abruptly by a loud knocking at his front door. It's the Serious Fraud Office (SFO), with a warrant to search your client's home. The lead officer tells your client that another search team has been dispatched with a warrant to search his office premises and a third team is heading to your offices seeking access to your client's files. Your client phones you in a panic and asks for your advice. Can he refuse them entry? Can he ask them to wait for you to arrive? Does he have to hand over the password to his laptop?

A client facing a stressful experience such as this needs his lawyers to act swiftly and decisively, while projecting calm reassurance. This is no time for uncertainty, hesitation or learning on the job. And yet such instances are not so commonplace as to be a regular experience for most lawyers.

Recognising that investigations by regulators were an increasing concern for corporate clients, earlier this year SJ Berwin joined forces with Pacifico Partnership to develop an innovative, experiential training programme to help us prepare our junior lawyers to be ready for action in such a crisis.

By drawing on the types of training exercise more commonly used by emergency services incident response teams, together we developed a simulation exercise which immersed the participants in a real-time dawn raid scenario and gave them an opportunity to rehearse their responses in a challenging but supportive learning environment.

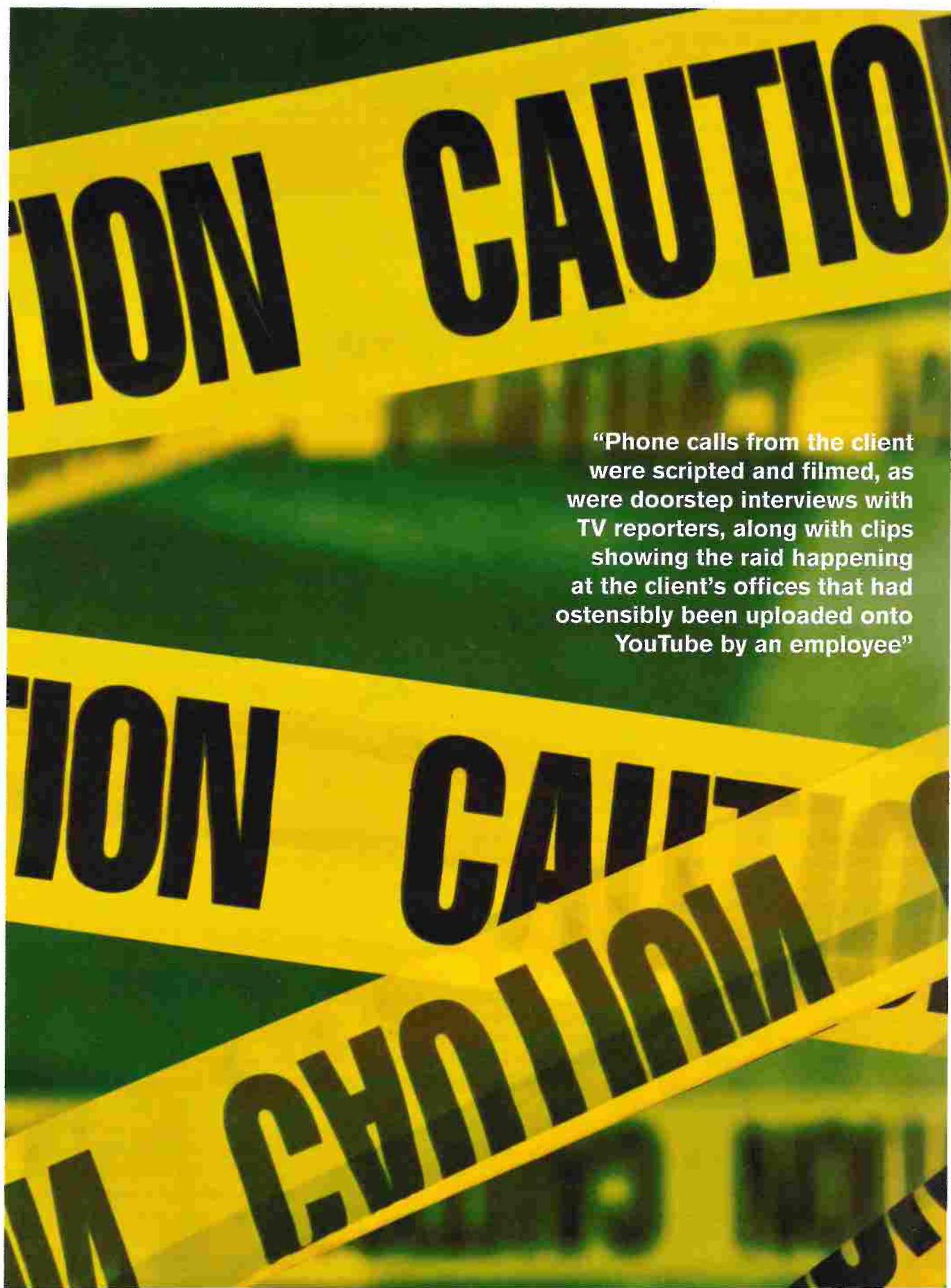
In order for the exercise to be successful, it was important to make it feel as real as possible for the participants. Preparation for the exercise involved a number of in-house experts from across the firm: head of risk management; head of learning and development; professional support lawyers from the EU and competition, litigation and financial markets teams and a litigation partner. Not only did this help to ensure that the scenario was both realistic and technically accurate, but it also enabled us to identify the best practices we would expect to see being adopted throughout the exercise.

With the technical scenario in hand, we then set about creating a suite of multimedia inputs to be used throughout the course of the simulation exercise as the story unfolded. Phone calls from the client were scripted and filmed, as were doorstep interviews with TV reporters, along with clips showing the raid happening at the client's offices that had ostensibly been uploaded onto YouTube by an employee.

By way of additional preparation, entries were made on the firm's client contact database, conflicts checks were carried out for the matter and a website was created for the client company.

On the day, we also called on the talents of a small team of actors to role play the parts of the client and the SFO investigators. This enabled the participants to advise the client live over the telephone throughout the course of the exercise.

As the simulation played out, the participants received additional material via



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emails and phone calls from the client. They were also provided with iPads on which to watch the (pre-recorded) 'live' video clips. The strategy adopted by the participants and the advice given to the client dictated which video clips the participants were shown, enabling different teams of participants to experience the simulation differently, resulting in different outcomes.

Interpersonal skills

As well as rehearsing the legal responses to a crisis situation, the dawn raid simulation also presented us with an opportunity for the individual development of interpersonal skills. From the firm's skills competency framework, we focused on three key skills: leadership, teamwork and communication.

Throughout the simulation, the participants were filmed using a discreet CCTV setup. Although the cameras were of some interest initially, they were very quickly forgotten and did not unduly intrude on the exercise. This arrangement enabled the facilitator team to leave the participants to their work and observe them discreetly from another room: the control room.

With enough observers present, we were able to note the individual contributions of each participant, with a view to providing individual feedback subsequently on the three key skills displayed. A similar format could easily be adapted for use at an assessment centre.

Multi-disciplinary teams

As part of the simulation, the participants were formed into small work groups comprising lawyers from different practice areas and different levels of experience. This reflected the different disciplines that would need to be brought together to provide support to a client facing a dawn raid situation for real.

As a number of these lawyers had not worked together previously, it was interesting to watch how their personal relationships and roles within the team developed during the exercise.

Learning outcomes

In order to measure how effective the experiential training had been in raising lawyers' confidence in dealing with such situations, the participants were asked to rate their own confidence levels in a

CREATING AN EXPERIENTIAL LEARNING PROGRAMME

Do

- ✓ Expect the unexpected – lawyers are creative people and may well consider steps you had not anticipated. We suddenly needed to provide a head of PR for the 'client' company to be available at the end of a phone to speak to one team of participants.
- ✓ Embrace the latest technology to add to the realism, but test all of the technical equipment well before the event to avoid last-minute letdowns.
- ✓ Label the different phones being used in the exercise – one for each role player (or role played).
- ✓ Build in opportunities during the exercise to regroup and level the playing field in case one group has made a mistake. The different groups will learn as well from each other as from their own experiences.

Don't

- ✗ Forget to warn your reception team if you plan to have someone role playing the SFO present themselves and ask to see the managing partner.



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number of respects, both before and after taking part in the simulation exercise.

The results showed significant increases in reported confidence levels of up to 90 per cent. The expectation is that this increase in confidence will translate into more proactive and assertive responses when these lawyers are called upon to advise clients in real situations.

By providing the environment for these lawyers to be able to apply their knowledge and practice their skills, rather than simply providing them with theory, they have had a greater opportunity to assimilate and embed their learning into long-term memory.

Wider organisational benefits

Through undertaking the 'immerse' training programme, SJ Berwin now has an increased pool of experienced

lawyers available to confidently advise clients facing similar crisis situations. In addition, the exercise has enabled the firm to test and refine internal processes and make improvements to precedents and guidance notes.

Having seen how powerful this form of training can be, SJ Berwin is planning to offer more experiential learning programmes, covering topics such as disaster recovery and whistleblowing. The firm also plans to develop this training for clients so that, in addition to their external lawyers being ready to handle such challenges, their internal legal teams can also rehearse their responses to these critical situations in a similarly supportive learning environment. mp

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