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Iterative improvement



After-action reviews can drive continuous improvements in lawyer effectiveness and organisational performance, says H el ene Russell

Debriefs and reflective learning have existed in a haphazard way since time immemorial. After-action reviews (AAR) aim to formalise post-event learning in order to maximise the benefits for an organisation.

AAR appears to offer considerable benefits, producing bespoke lessons learned which are tailored to a particular organisation, its employees, culture, market and competitors. However, many in the legal sector find that AAR either isn't supported or occurs in such a sterile format that little valuable learning is created or shared.

At its simplest level, learning from experimentation has three basic components:

1. conducting the experiment;
2. studying the success or failure of the experiment; and
3. transferring the lessons learned.

Unfortunately, many organisations get stuck in the first component (plan and act). They spend little time on reflective learning, either on an individual or organisational level, risking repeating the problems of the past. Yet continuous learning is a key

“A lesson documented is not a lesson learned”

attribute of successful organisations and enables the obtaining of a competitive edge. One of the most underutilised methods for reflective learning in the legal sector is the AAR.

The AAR is a form of structured debrief created by the US Army in the 1970s to learn the lessons of real and simulated engagements. It is a form of

professional discussion of an event, focusing on performance standards. It aims to enable soldiers to discover for themselves what happened, why it happened, how to sustain strengths and how to improve on weaknesses to drive continuous improvements.¹

The US Army's AAR focuses on four questions:

1. **What was the intent?** – What was the desired outcome? What was the strategy? How was it supposed to be achieved?
2. **What actually happened?** – What was the 'ground truth'? What were the actual events which played out in the heat of the battle, with the inevitable misunderstandings and confusion?
3. **Why did it happen?** – How did all the decisions, reactions and events combine to produce this particular outcome?
4. **What could be improved next time?** – What can be learned from the above three results? How can actions be altered in future to more closely match what actually happened with what was intended?

The US Army recommends that half the AAR time is spent on the first three questions and half on the last one, demonstrating the value it finds in reflective learning. Discussions are facilitated by an experienced officer who is specially trained to help the participants tease out the ground truth and learning points.

All levels of participants attend the discussions and are encouraged to 'leave rank at the door'. The focus is on enabling

individuals to tease out the ground truth and reach their own conclusions. Dialogue is encouraged and participants are encouraged to accept that no one person has all the information or all the answers and that disagreement does not mean disrespect.

The participants identify their own learnings. This means that the results are more accurate than top-down critiques and also promote a questioning and learning atmosphere and team cohesion.

Common problems

AAR is a low-tech, simple, easy to understand, flexible and bespoke method of learning that can strengthen both team cohesion and open communication. It can be a valuable component of a continuous learning programme, supporting competitive advantage. One would therefore expect it to be successfully implemented in a number of law firms. However, it is rarely successfully adopted in law firms or in other businesses.

There are a number of reasons for this. Even when firms aren't tempted to reduce AAR to a form-filling, box ticking exercise, often they still get stuck at documenting lessons learned. But, a lesson documented is not a lesson learned; there is often a failure to follow through with lessons and embed changes.

Firms also naturally tend to focus on avoiding failures or stray into blame, and fail to look at learning from partial and whole successes. By contrast, the army has found greatest value in reviews which include

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elements of failure and success.

Lastly, organisations tend to focus on lessons learned at the end of an event, rather than splitting a large project or matter into bite-sized chunks and learning lessons as the project/matter progresses and while memories are fresh.

In law firms in particular, there are additional practical, cultural and leadership reasons for a lack of enthusiasm for AAR.

Practical

Law firms still tend to reward fee earners on the basis of the chargeable time that they log and the bills that they submit, which naturally creates a focus on time-based outputs rather than on quality, learning and improvement. Individuals can feel too busy to reflect on past matters and fear that non-chargeable time spent on AAR will hinder rather than progress their career.

Of course, all professionals are busy and most organisations run with little 'slack' these days. But, if your firm is serious about learning for competitive advantage, it must find ways to prioritise learning better ways of doing things against simply continuing doing more of the same.

Cultural

A key component of successful AAR is an open, candid culture that is focused on learning rather than blame. There is a natural lack of inclination amongst lawyers to prefer embarking on new matters which promise interesting work rather than raking over past events and risking criticism, blame and losing face.

Strongly hierarchical cultures where there is a lack of recognition of each person's contribution towards success or failure and one person takes responsibility



for successes and distributes blame for failures also militates against the successful use of AARs.

Leadership

Where there is a lack of top-down support for AARs, each lawyer's natural inclination to prefer new matters to old ones holds sway. There is significant benefit to the firm in halting a repeating pattern of mistakes and instead continuously improving.

There is also benefit to the individual in learning from personal experiences and taking time to reflect, but there is a natural preference for individuals to spend chargeable time on new work rather than spending non-chargeable time risking criticism. Strong leadership is needed to support AAR in law firms and to overcome this natural preference.

There is the potential for AAR to make a considerable difference to law firms' practice and learning loops, but firms will need to find ways to overcome these three problems to embed the practice in any useful way.

Making it work

If you want to introduce or revamp AARs in your legal practice, how should you go about it?

Firstly, remember that the AAR needs to be a living practice, not a sterile box-ticking exercise. Holding in-person or videoconferencing meetings and having candid discussions are key parts of AARs. Remember to ask:

1. What happened?
2. Why did it happen?
3. How can we sustain strengths?
4. How can we improve on weaknesses?

A significant part of the learning is in individuals' tacit knowledge gained through their interactions with others. A 'lessons learned' section in a file closure form will not suffice.

The meeting must be held shortly after the end of the project/matter/event or at milestones within a longer project. At this point, events are still fresh and learning can be applied straightaway. AARs should also occur on successful projects, not just those with failures. There is much to be learned from what created a success.

A facilitator is useful to draw out facts. His role is not to analyse what

is said and offer a critique but to encourage participants to reach their own conclusions. An outsider can act as facilitator, but a properly-trained member of your own staff is often best.

The atmosphere of the AAR meeting is a key component of success. It must be dynamic, candid, non-judgmental and professional. In discussing the facts, participants should be encouraged to view the discussion as a frank, respectful dialogue (rather than a debate or lecture) and avoid generalisations and unrelated aspects. Participants should be reminded that no one person has all the information or all the answers. There can be tactful and civil disagreement without disrespect.

“The AAR meeting must be dynamic, candid, non-judgmental and professional”

The spirit of the meeting must be one of shared learning and investigation rather than blame, including an individual's own self-criticism. Law firms can be hierarchical organisations, so a reminder by the facilitator to 'leave your rank at the door' can be useful. The facilitator should also encourage individuals to focus on facts, events and behaviours, rather than personalities and individuals.

A key attribute of the facilitator is an ability to draw out quiet participants. All viewpoints of the event are valuable and a dominant personality must not be allowed to take over the narrative or conclusions.

Once the ground truth is discovered, the facilitator and participants may find it useful to use analysis tools such as 'the five whys' or 'Ishikawa/fishbone diagrams' to get to the root cause of events.

Learning is tacitly absorbed by those involved in the AAR straightaway, but can also be documented in some way to pass lessons on to the rest of the organisation and draw out common themes across a number of AARs. Videos of discussions would capture rich, non-verbally expressed knowledge, but this must always be balanced against the need for participants to feel comfortable with being completely candid.

There is also a balance to be struck between confidentiality of the discussions (to encourage openness) and the need to share the lessons learned with the rest of the firm.

Where that balance lies will depend on the culture of your firm. It may be that a neutral uninvolved third party, such as a professional support lawyer, can take the responsibility of distilling the lessons into a suitable format for sharing, which may change over time as employees get used to AARs.

Whatever method is used, disseminating the lessons learned is important. Remember: a lesson documented is not a lesson learned; candid participation will wane if lessons are not seen to be learned.

Reflective learning

If, having considered AARs, you are unsure whether they could work in your firm, you may wish to consider other ways to incorporate reflective learning into your firm's or your personal practice.

AARs of course have the benefit of providing better team cohesion and open communication (which more personalised forms of reflective learning lack), but all kinds of learning loops tend to be useful to some degree.

Personal learning logs are easy to introduce. Employees simply set aside time (ten minutes is usually sufficient) at the end of the day to write in a reflective learning log about their personal lessons learned from the day. They then also set aside some additional time once a month (again, ten minutes is enough) to review the log for common themes.

The investment of time is minimal and, once individuals begin to see patterns of learning, they will see the benefit in a tangible way. ^{mp}

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Endnotes

1. See *A Leader's Guide to After-Action Reviews*, TC 25-20, Headquarters Department of the US Army, September 1993