



MCLE

Faculty Guide

A HANDBOOK FOR MCLE PROGRAM FACULTY



- Support from MCLE's Staff
- Tips for Writing Course Materials
- Technical Preparation of Course Materials
- Tips for Speakers
- Facilities and Audiovisual Equipment
- Tips for Using Visual Aids Effectively
- On the Day of the Program

Dear Colleague,

Thank you for agreeing to serve as an MCLE faculty member.

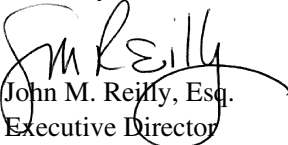
With over 50 years of experience in providing continuing professional education for Massachusetts lawyers, MCLE has earned a national reputation for excellence in CLE. The strength of the organization is based in large measure on the hard work and goodwill of the volunteer faculty who have preceded you. We greatly appreciate your participation, which helps us to maintain our high standards in MCLE presentations and course materials.

This packet contains materials to assist you in preparing for your seminar. We encourage an emphasis on practical content in both your written and oral presentations. Your objectives in preparing these two elements of your program should be slightly different. The written materials should provide comprehensive coverage of your topic, serving as a basic reference for the course participant after the program is concluded and you are no longer available for firsthand guidance. Your oral presentation should be more selective, omitting most of the broad-based information covered in the written materials and focusing on the more complex or troublesome features of your topic where your expert analysis and professional experience are particularly beneficial.

A lawyer's primary reason for enrolling in an MCLE program is to upgrade or expand her or his practice abilities. Ideally, participants will leave your program confident in their ability to incorporate into daily practice the information, insights and techniques presented at the course.

We hope your experience as an MCLE faculty member is pleasant and rewarding. I invite you to contact our staff if you have any questions or concerns regarding preparation for your upcoming seminar.

Sincerely,


John M. Reilly, Esq.
Executive Director



Jonathan C. Small, Esq.
Director of Programs

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Part 1

Support from MCLE's Staff

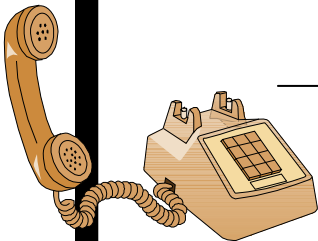
The staff of MCLE is pleased to work with people like you who are willing to offer your time and expertise to other practitioners. We strive to present the best CLE programs in Massachusetts by addressing both timely and timeless topics, using experienced and talented attorneys at our seminars, employing high standards for our written course materials and always trying to improve upon programs that we have done before. Here is a sketch of MCLE and whom you should contact with questions, concerns or problems. To reach the staff members listed, call 617-350-7006 or 800-966-6253, or call the individual's direct line listed on the next page.

PROGRAM ADMINISTRATION

Our programs are usually administered by a program attorney or the program manager. This person may have spoken or corresponded with you already. Most questions should be directed to one of these staff members, or their assistants.

MCLE CONTACT NUMBERS

Jonathan Small <i>Director of Programs</i>	617-896-1244 jsmall@mcle.org
Allison Ladue <i>Program Assistant</i>	617-896-x1868 aladue@mcle.org
Elizabeth Mooney <i>Program Attorney</i>	617-896-1234 emooney@mcle.org
Jessica Bensen <i>Program Assistant</i>	617-896-1245 jbensen@mcle.org
Danielle Simmons <i>Program Attorney</i>	617-896-1243 dsimmons@mcle.org
Aubrey Proctor <i>Program Assistant</i>	617-896-1312 aproctor@mcle.org
Jonathan White <i>Conference Center Manager</i>	617-896-1238 jwhite@mcle.org
Kevin Osborne <i>Audiovisual Assistant</i>	617-896-1257 kosborne@mcle.org



MCLE**617-350-7006****800-966-6253**

FACILITIES

If you have questions about our facilities or need accommodation because of a disability, contact the **Jonathan White, Conference Center Manager**, 617-896-1238.

WRITTEN COURSE MATERIALS

When you submit your contribution to the course materials, the program administrator turns them over to an assistant to obtain any necessary reprint permission. Then, MCLE's production assistant organizes the materials and compiles the book. If you have questions about the technical specifications or format of your written materials, **contact your program administrator or his or her assistant.**

AUDIOVISUAL EQUIPMENT

The use of audiovisual equipment to enhance your oral presentation is encouraged. MCLE has several options for presenting audiovisual displays, including an overhead projector, a video scanner, a slide projector, videocassette recorders and scan converters for computer presentations. For more information about available equipment, see "Facilities and Audiovisual Equipment" at Part 5 of this guide. The Audiovisual Assistant who will be assisting you on the day of the program is **Kevin Osborne**, 617-896-1257.

CUSTOMER SERVICE AND REGISTRATION

The customer service department provides front-line assistance to callers and visitors to our bookstore. MCLE's Registrar is **Frank Novo**, 617-896-1230 (fnovo@mcle.org). If you would like to register someone for your program (even if you are using a complimentary ticket), **call MCLE's main number:** (617) 482-2205 or 800-966-6253. MCLE's bookstore can be reached at 617-350-7006 x1250.

REGISTERING A GUEST

Because of the dedication of our panelists to MCLE and continuing legal education, each faculty member may invite a guest to his or her seminar free of charge. This offer is limited to the MCLE program in which the panelist participates. Also, please note that not all programs (*e.g.*, limited enrollment courses such as Trial Advocacy Workshops) are subject to this offer. To register a guest for your program, **simply contact your program administrator or customer service** prior to the day of the program and provide them with the name of your program and the name and address of your guest. We encourage advance registration so as to avoid any confusion or misunderstanding.

Thank you again for your generous contribution of time and energy to MCLE.



Part 2

Tips for Writing Course Materials

MCLE's focus is applied law. Course participants are eager for you to share your practical experience. As an extension of your oral presentation, they need a how-to text that can serve as a reference handbook in daily practice. To accomplish this objective, we provide the following guidelines to assist you in preparing the written materials for your program.

Know your reader.

Keep in mind the proficiency level of the target audience. Basic-level course materials require definitions of terms and a more thorough breakdown of procedure.

Organize the text within the framework of a general outline.

The text should begin with the title of your section of the course, your name, affiliation and city of affiliation. The body of the text should support the points you have delineated as outline subdivisions for your topic. Assign

each subdivision a brief, descriptive heading; these headings create a uniform style throughout the course handbook and help the user to reference information easily. See sample at page 11.

Keep background material brief.

You may wish to present your topic in the context of recent developments or historical perspective, but try to limit the scope of background information. The bulk of your text should concentrate on practical application rather than theoretical or general discussion.

Use citations sparingly.

Citations should support, rather than dominate, your text. Ideally, citations are used in a practice-oriented context only to highlight key or recent decisions and statutes. Of course, citations are appropriate if your text focuses on substantive law, especially recent legislative and judicial developments.

Distill formal opinions, statutes and articles.

If a particular case, statute or article contains valuable information, try to summarize the key points and your interpretation of their significance for your reader. Original texts of such materials should be appended only if central to your presentation.

Share your experience in writing.

Course participants look to you to condense the subject matter for them in writing, but they are also seeking

your practical interpretation of the law and your suggestions on practice strategy. Practitioners cannot obtain this information by reading statutes, case law, regulations or treatises. This is where hypothetical fact patterns, accompanied by your advice on how to work through the issues raised, will be useful to the newcomer to your practice area.

Identify ethical issues and common practice errors.

Because your materials reflect your practical experience and your substantive expertise, they will benefit attorneys who are not familiar with your practice area. Expose the reader to common mistakes and ethical issues, and address how to avoid them. Even if the issue is unresolved, at least mention it briefly.

Consider using attachments.

Attachments can be as helpful to your reader as your written text. Of particular interest are forms and documents that you use in your practice. Consider including the following (*please redact names and other identifying information of the parties in the interest of privacy*):

- checklists
- timelines
- sample pleadings
- sample letters
- documents providing guidance on an agency's interpretation of regulations

- the ten most commonly asked questions about your subject (with answers)
- charts
- annotated form documents
- completed form documents
- bibliographies of materials that you use in your practice
- indexes of pertinent statutes, cases or regulations
- unpublished opinions

Attachments should be free of blemishes and reproducible as is. MCLE will reproduce your documents so that they fit into MCLE's special margin requirements. (See "Technical Preparation of Course Materials" in Part 3 of this guide.) In addition, please provide copies of any overheads or slides that you intend to use during your presentation for inclusion in the printed materials.

Provide a "scope note."

Once you have finished your article and selected supporting exhibits, please distill your work into a one-paragraph "scope note." The scope note should describe your article and exhibits succinctly, so that the reader can see exactly what is covered in the materials. Think of the scope note as an abstract that also serves to whet the reader's appetite for the information you have provided. The scope note should appear as the first paragraph of your article.



Part 3

Technical Preparation of Course Materials

MCLE produces bound course materials for almost every program. Following these specifications will help ensure that your contribution is suitable for printing.

Please submit an electronic copy of your materials whenever possible—via email, diskette or CD. The electronic file will be repaginated in a desktop publishing system. If you are submitting material that is not electronic, please send us a clean copy. Do not fax!

FORMATTING YOUR TEXT

Keep it simple! In order to present a consistent look throughout the book, we will apply a standard formatting style to your text once we receive it. Therefore, when preparing your materials, you need apply only the most basic formatting elements: levels of heads and subheads, quoted material, bulleted lists, etc. Please avoid using more advanced features such as

automatically generated cross-references and box text, as these elements do not always convert properly.

Your page margins should be set at:

Top and Bottom Margins: 1¾"

Left and Right Margins: 2"

The typeface for the materials is Times Roman, 10 pt., single spaced with double spaces between paragraphs.

The beginning of your article should include the following:

Title of article (not of program)

Your name

Firm name and your city of affiliation

The headings in your article should be set up in outline form, using the following numbering scheme:

I.

A.

1.

a.

i.

(a)

(1)

See the following page for a sample course materials page.

Note to PowerPoint users: If you are creating a PowerPoint presentation for use during the seminar, please provide us with a Word version of the content of the slides for use in the course materials.

Section 1

UNDERSTANDING CAPITAL STRUCTURES

Peter M. Rosenblum, Esq.
Foley Hoag LLP, Boston

I. SCOPE NOTE

This article sets forth the simplest model for categorizing the securities that make up a business's capital structure; that is, by distinguishing between debt and equity securities. Beginning with equity and then moving on to debt securities, Part II presents the five or six characteristics of each structure that are most significant in a general business environment. Part III discusses basic concepts that should be applied in the planning and development of capital structures. Part IV covers capital structures that are debt/equity hybrids, including "bond-like preferred stock" and "debt with an equity kicker." Part V lists and discusses several devices, such as stockholder voting agreements and voting trusts, used by stockholders in a corporate context to gain voting control and to accomplish such objectives as preventing a merger or creating a deadlock of a board of directors that can result in dissolution of the entity.

II. BASIC CAPITAL COMPONENTS OF AN ENTERPRISE

The conventional division of securities comprising an enterprise's capital structure categorizes the securities as either debt or equity. In this very simple model, debt and equity are identified by certain fundamental characteristics. The specific defining characteristics may vary depending on the person performing the analysis and the purpose for which it is being performed. Thus, a tax lawyer and a bankruptcy lawyer may reach different conclusions about the boundary between debt and equity for their purposes. However, certain general business assumptions about debt and equity can be identified outside these technical environments.

A. Equity

1. *Permanence of Investment*

Ordinarily, parties to an enterprise expect that most of the equity securities of the enterprise will remain outstanding for the duration of the enterprise. The enterprise's equity is the bedrock foundation for its capital structure. Lenders to the enterprise will want to treat

When printing out a hard copy of your materials, please use 8½" x 11" letter-size white paper, printed on one side only.

DISKETTE AND CD SPECIFICATIONS

If you are submitting a diskette or CD, please submit it in IBM-compatible (PC) format. While we will accept files in **any** format, MS Word (any version) is preferred. We will also accept Macintosh documents saved in a PC-compatible format.

E-MAIL SUBMISSION

You should submit your materials to MCLE via e-mail by attaching a copy of the source document to an e-mail message sent to your program administrator.

MATERIALS TAKEN FROM OTHER SOURCES

If you are submitting copies of articles or other materials that are being reprinted from other sources, please review the following:

- Make sure materials are up to date.
- Submit clear and legible copies, without any handwritten marks on the page.
- Adhere to the deadline for materials so that reprint permission can be obtained. Note that many publishers require more than two weeks for written permission to reproduce materials.

- Provide us with the source of reprinted materials if it is not indicated in the materials themselves.

RELEASE AGREEMENT

Please review, sign and return the enclosed release agreement granting MCLE the right to publish your written materials and oral presentation in any media or form.

DEADLINE

Please be aware of your deadline for all written materials. Your program administrator will inform you of your deadline. Generally, all materials should be sent to your program administrator one month before the date of the program. Because it takes substantial time to organize the materials, prepare a table of contents, get reprint permission where necessary and print a sufficient amount of materials for the course, late submissions may not be included in the seminar materials.

On or before your deadline, please mail or e-mail the following to your program administrator:

- list of enclosures
- clean original of your text (with attachments)
- diskette of your materials
- signed release agreement (see attached form)

- biographical abstract (see attached form)

BIOGRAPHICAL ABSTRACT

Please provide a biographical abstract (“bio”) to be included in the printed materials. Of course, you are welcome to include any information you want in your bio, however, most bios include the following information:

- where you practice
- type of practice and areas of specialty
- educational background
- work experience
- articles or books published
- prior presentations

Please complete the enclosed form and return it to MCLE with your written materials by the deadline.

HANDOUTS

If you are providing material to be distributed as a handout on the day of the program, please secure reprint permission. MCLE cannot distribute materials from other sources without proper authorization to do so.

Part 4

Tips for Speakers

If you are a new MCLE volunteer, you are probably eager to begin preparing your presentation. Before you do, there are some things you should know about training. Lecturing is one way to present material to a large group, and if “covering” the material is your primary goal, then there is probably no other way that is more efficient. But if teaching attorneys how to be better lawyers is your goal, then there are some things that you can do to enhance the learning experience.

Research has shown that people retain:

- 10% of what they read;
- 20% of what they hear;
- 30% of what they see;
- 50% of what they see and hear; and
- 90% of what they do and discuss.

To assist you in preparing for your upcoming presentation, the MCLE staff offers the following checklist. These tips come from four decades of experience in organizing quality professional education seminars.

Understand your assignment.

What have you been asked to discuss? What will the participants be able to do after hearing your presentation? Your success as a speaker depends upon whether you teach the audience what the course brochure said they would learn.

Know your audience.

What is the general level of expertise of your audience? Tailor the scope of your presentation to the target audience defined in the program brochure. If the program is designed for lawyers new to practice or to your practice area, focus on the basics of the practice area, define the terms and cover all of the key steps. Your audience may understand better if you provide an example along with the definition. Certain practice strategies that are instinctive to you may need more detailed explanation for course participants who do not have your level of practical experience. If your presentation is intended to instruct sophisticated practitioners, your audience may be interested in the more subtle implications of recent legal developments and a more sophisticated approach to practice issues.

Speak from an outline.

Having a written outline will reduce the likelihood of omitting an important point. List the key points you wish to cover. Introduce your subject with a brief overview of the key points; close your presentation with a summary. Having an outline, however, does not mean reading from a script. Many negative comments on course evaluations pertain to the instructor's lack of eye contact with the audience.

Include ethical issues and common errors relating to your topic.

Your audience will benefit from having practical problems brought to their attention. Discuss them briefly even if there is no clear-cut solution to the practice problems. Being aware of the implications of an action, an attorney is able to avoid a potential error and can seek advice early in the transaction.

In addition, make reference to relevant ethical issues. Cite ethical rules and principles and provide guidance on where to look for answers to questions of professional responsibility.

Use examples, demonstrations and hypothetical cases emphasizing practical application.

Emphasize the practical—what the lawyers in the audience will encounter 90% of the time in practice. Illustrations can make a presentation come alive. Without application to particular factual situations,

principles of law are not only harder to understand but much more difficult to remember. Share the lessons of your experience. Point out common practice pitfalls and strategies for avoiding them. Discuss the advantages and disadvantages of various approaches. Describe techniques for handling specific problems. Opt for typical examples rather than unique or academic hypotheticals. Avoid lengthy background material and historical development. If appropriate, illustrate your talk with effective visual aids and demonstrations.

Vary your presentation.

To keep your audience engaged, it may be useful to “shift gears” periodically. An occasional pause or change of pitch, pace or volume will keep the audience’s attention. Use an audiovisual aid, interject an interesting and relevant story or pose questions to the audience to vary your presentation. Consider using demonstrative exhibits, such as charts, spreadsheets, diagrams, graphics and other visual enhancements that will hold the audience’s attention and provide variety in your presentation. Also, use brief illustrations from your practice to enliven the material.

Also, be aware of your time constraints. Know how long your presentation will take and be prepared to modify it if time is short.

Use visual aids for impact.

As long as they are clear and visible, visual aids can enhance your presentation and clarify concepts for your audience. Unless you are merely showing what a form

looks like, and not showing it for content, do not project a complex form on an overhead! The MCLE Conference Center has sophisticated audiovisual equipment available for your use. Please refer to “Facilities and Audiovisual Equipment” at Part 5 in this guide for more information.

Practice your oral presentation.

In-depth knowledge of your subject and the effective communication of that expertise are two different capabilities. One key to a successful presentation is adequate preparation. Remember—you have something worthwhile to say. The best way to present it is to talk naturally (though you should certainly avoid harsh language and off-color remarks). A practice run-through will allow you to check your timing and organization and make any necessary adjustments. Feel free to consult with our program attorneys for advice on the most effective teaching techniques or to schedule a time to practice your presentation.

Connect with your audience and show interest in your subject.

Make eye contact with the audience: look in their eyes. Speak in a conversational tone. Avoid the extremes of reading directly from your text and sounding like a know-it-all. Watch for audience reaction to gauge whether they understand the material. When appropriate, repeat important points. You might ask the audience questions or use some humor to break the ice (although jokes should be avoided). By demonstrating your own enthusiasm for the subject matter, you can

enliven the learning experience for participants. Because time is short in many of our programs, **do not**: tell lengthy war stories; give a lot of background detail or historical perspectives; or exceed the time you have been allocated.

Refer the audience to your written materials.

To the extent that your written materials expand upon or reinforce your oral presentation, tie them together with an occasional comment. When appropriate, urge the audience to look at particular items in the written materials.



Part 5

Facilities and Audiovisual Equipment

FACILITIES

In Boston, MCLE holds programs at our Conference Center, located at 10 Winter Place at Downtown Crossing. There we have an auditorium, Milstein Hall, that holds approximately 300 people. We also have dividable seminar rooms that each hold up to 100 people. When appropriate, we utilize breakout rooms throughout our facility. These flexible facilities allow us to offer programs for groups of all sizes.

MCLE also conducts programs outside of Boston to serve attorneys throughout the state. Audiovisual equipment is also available for programs located outside of MCLE's Boston facilities. However, please notify your program administrator of your audiovisual needs at least 2 weeks in advance of the program so that the appropriate equipment can be ordered and made available for your use on the day of the program.

Unfortunately, last-minute requests for audiovisual aids may not be accommodated.

EQUIPMENT

The audiovisual equipment described below is available for use by faculty during programs held at the MCLE Conference Center. We encourage instructors to use a wireless microphone when using electronic visual aids. In addition to electronic equipment, we can provide flipcharts, easels or a whiteboard.

We encourage instructors to familiarize themselves with the equipment and to practice using it before the program. You may arrange an appointment for on-site guidance on use of the equipment prior to the program. For further information, contact Jonathan White, Conference Center Manager, at 617-896-1238. **Please be sure to notify your program administrator of your audiovisual needs at least one week prior to the seminar.**

PowerPoint[®]

LCD projectors and laptops are installed in all of our seminar rooms. Please email your PowerPoint presentation to the Program Administrator. If you are unable to send your presentation in advance, please bring a copy with you on a CD or USB flash drive on the day of the program.

Please **do not** save Powerpoint files as Powerpoint 2007. MCLE is currently using Powerpoint 2002 and cannot open files created as Powerpoint 2007 files.

Overhead Projector

An overhead projector and display screens are available in Milstein Hall and all seminar rooms. Instructors should prepare their own documents on transparencies for projection (if you're not sure how to do this, contact your program administrator for assistance). To be functional, text on projected materials should be large enough for the audience to read (e.g., a 24-point font size), unless a form is being projected simply to illustrate key points such as format or appearance, not prose. If you will be using transparencies, please provide a copy of each overhead for publication in the written materials.

Document Camera

The Document Camera—which can be used to project text or graphics on paper, or any two- or three-dimensional object—can be used in both Milstein Hall and the Upper Level seminar room. It will be connected to the video projector for display on the large screen. Instructors should be aware that the Document Camera projects, but does **not** enlarge, the object being scanned. If displaying text, instructors should greatly enlarge the font size.

Please give advance notice when requesting the Document Camera for it takes about 15 minutes to make the connections to the video projector.

Slide Projector

The slide projector accepts standard 35-mm slides and can be used in Milstein Hall and the seminar rooms. A

carousel is available. A wireless remote control is available to advance the slides.

DVD Player and VHS Videocassette Player

DVD players and VCR's are dedicated to the MCLE classrooms and are connected to the video projector to be viewed on the large classroom screen.

DVD players and VCR's are also available on a cart connected to a 20" television monitor when requested.

DVD Camcorders

DVD camcorders are available for classes requiring critique of student presentations. A DVD camcorder is setup in any classroom at MCLE where students can record themselves giving their presentations. Presentations are recorded on a 1 hour Mini-DVD disc. This Mini-DVD disc can be taken out of the camcorder and viewed immediately on a DVD player and television setup outside the classroom or be taken home and viewed on the students home DVD player or computer.

Classes utilizing DVD Camcorders must allow about 15 minutes for training students on how to use the DVD Camcorders.



Part 6

Tips for Using Visual Aids Effectively

Audiovisual aids can greatly enhance your presentation. Good use of visuals can reinforce the learning experience, but poor use of visuals can actually detract from a presentation. The following tips have been collected to help you incorporate visual aids into your presentation.

Practice using your visual aids prior to your presentation.

Using visual aids is a learned skill. If you do plan to use a PowerPoint presentation, overhead projector, VCR or other audiovisual aid, practice using the tool when you practice giving your presentation. There is a certain amount of coordination necessary to use these tools effectively. Also, you are encouraged to use a cordless microphone when using visual aids. The Audiovisual Assistant helping with your program can provide you with one.

Communicate a single idea with each visual.

Illustrating a single idea is the most effective use of a visual. Expecting the audience to read an entire form document from their seats will only detract from your presentation. If you want the audience to see what a form document looks like, then you are communicating a single idea with the visual. If you want the audience to read anything on the document, then you are pulling their attention from your oral remarks rather than enhancing your practical advice.

Apply the “rule of six” when using overheads.

When creating transparencies, you can be sure that the audience will see your overhead if the overhead can be read from a distance of six feet when it is not projected. If you are placing text on an overhead, you should not exceed six lines of type and each line should not exceed six words.

Use a new visual frequently.

As consumers of television, we are accustomed to rapidly changing visual images. You should change visual images every 30–45 seconds. If you have no additional visuals to present to the audience, turn off the overhead projector.

Provide copies of overheads or slides.

If you are planning to use overheads or slides, please provide copies to be used as handouts so that the audience can follow along. If you are using a

PowerPoint presentation, please also provide us with an outline of your slides in Word format for publication in the course materials.

Please contact your MCLE program administrator if you have additional questions about the effective use of audiovisual aids.



Part 7

On the Day of the Program

The time has come for your presentation. Here are some last-minute reminders:

- Unless otherwise arranged, please arrive at the program site (usually MCLE's Conference Center) at least 15 minutes before the program, or at least 15 minutes before your segment begins. Please notify your program administrator or his or her assistant if you do not intend to arrive before the program or if you will be late.
- Check in at the registration desk. This gives us the opportunity to greet you, confirm that you have everything you need for your presentation and provide you with copies of the agenda and printed materials.
- When it's your turn to speak, **relax!** The audience will appreciate you most if you are prepared, comfortable and speaking naturally.

- Feel free to ask the MCLE staff for assistance. We appreciate your generosity and we want to make this a rewarding experience for you.

VOLUNTEER FACULTY TIMELINE

Prior to Program Date . . .

. . . You Should Do This

8–12 Weeks

Attend faculty planning meeting to determine program content, format and your speaking and writing assignments.

4 Weeks

Submit written materials, publishing acknowledgment form, copyright permissions and biographical abstract for inclusion in written course materials

1–2 Weeks

Attend faculty “dress rehearsal” to review and coordinate presentations.

Order Audio/Visual equipment.

Make arrangements for guests.

MASSACHUSETTS CONTINUING LEGAL EDUCATION

Ten Winter Place Boston, MA 02108

(800) 966-6253 Fax (617) 482-9498

www.mcle.org