

# NATIONAL ASSOCIATION OF STATE JUDICIAL EDUCATORS

## Welcome to NASJE's First Newsletter

In additional, reportorial style, the why, what, and who of the Newsletter itself should be explained.

The WHY. The main objective of the Newsletter is to provide a forum for the exchange of information about judicial education and training activities in state court systems. With the reduction of LEAA funding, state court systems have begun to devote more resources to education and training. The increase in resources has been accelerated by two other factors. First, a new awareness exists that courts are labor intensive organizations whose quality of output - public services - reflects the quality, abilities, and effectiveness of their human resources. As discovered by thousands of private sector organizations throughout the world, improvements in an organization's output will result from effective training if the scope of training is broad enough to include all employees. A second factor is increased recognition that state court training functions are in the best position to respond to increased expectations for improvements. In many states the result has been a dramatic and exciting expansion of in-state judicial education and training opportunities. This Newsletter will attempt to keep readers informed about such activity.

Other objectives of the Newsletter are to provide information on national projects or grants affecting such education and training; to inform readers of new ideas and practices that can make state efforts effective in terms of cost and results; and to increase knowledge about and foster use of adult education principles and methodology.

All the objectives are directed toward the common goal of NASJE members to promote improvements in the quality and quantity of state and national educational opportunities afforded to judges and court support staff.

The WHAT of the Newsletter will become more apparent as you read the contents of this and future issues. The editor will attempt to bring to readers items relative to recent state programs for judges and court personnel; book reviews of interest; national events that impact on state judicial educators; and information about activities of state judicial educators' offices.

The editor will attempt to bring to readers items relative to recent state programs for judges and court personnel; book reviews of interest; national events that impact on state judicial educators; and information about activities of state judicial educators' offices.

WHO. The National Association of State Judicial Educators was founded in 1975. It is a non-profit organization of professionals involved in state judicial education and training. Its regular members represent the court training function in more than thirty-five states. A separate membership category exists for individuals representing such national organizations as the National Center for State Courts, the American Academy of Judicial Education, the National Judicial College, and the National College of Juvenile and Family Court Judges.

It is hoped that you will find the Newsletter a useful resource, and contribute to its development.

- Anthony B. Fisser

## Expanding Local Magistrate Training

What do you do when you're asked to work out your magistrate training without submitting a budget which will exceed the gross national product? New York is in the process of doing just that this year.

Prior to 1981, New York's non-lawyer town and village justices, whose number exceeds 1700, were required to attend a two-day advanced training course. There were from six to nine advanced courses throughout the state. Attendees

were required to pass an examination every term of office. For most of them, this meant every four years. The more than 400 lawyer justices were invited to attend, but were never required to do so.

Amidst a general consensus that more training should be required, Chief Judge Lawrence H. Cooke, with the full support of the State Magistrates Association, modified the training requirement to make it an

annual requirement and at the same time expanded its coverage to include the lawyer justices.

A major problem with the new training requirement was that many of the municipalities, could not afford to send their two justices away overnight every year.

A plan was developed to provide a course site within 75 miles of every justice in the state, so that

the necessity of overnight stays would be eliminated. This plan called for 31 course locations in the state to be utilized twice each year.

Solving one problem, however, created another: the previous faculty of about seven regular instructors in the course could not be expected to cover 31 course locations. To meet this challenge, about 100 new faculty members were recruited through the state's District Administrative Judges. They all attended a training session in early spring to go over instructional methods and course content. In addition a course administrator was named by each District Administrative Judge to handle the administration of each course.

This solution, in turn, gave rise to another problem: How does the State maintain quality control over the presentations at 31 locations? Several solutions are being implemented. First, the syllabus that the faculty teach from was made so detailed that one could almost read it in presenting the course. Second, the instructors are not shown the examination before they teach the course—all they know is that all examination questions are taken directly from the course outline. Third, evaluations from the course attendees are collected. Fourth, to the extent possible,

#### National Association of State Judicial Educators

Anthony B. Fisser  
*President*  
Dennis W. Catlin  
*President Elect*  
Richard D. Reaves  
*Secretary/Treasurer*  
Patricia A. Brackeen  
*Director, Western Region*  
Jerry K. Beatty  
*Director, Midwestern Region*  
Donald A. Taylor  
*Director, Northeastern Region*  
Rita Stratton  
*Director, Southeastern Region*

staff of the state's Education and Training Office or the District Administrative Judges' offices monitor many of the courses.

What about costs? At this point, it appears that there are enough full-time judges, members of court legal staffs, and private practitioners willing to volunteer, so that the faculty expenses are negligible. Indeed, the only significant new expense was the training session for new instructors.

In the Spring of 1984 the first six-hour segments of the course were held in 31 locations with 1700 persons attending. The second six hours are now being held and will be completed in November. In addition, at a state magistrate's convention held in 1984, 400 persons completed both segments of the course.

Further information can be obtained from Don Taylor or Ed Borrelli at the New York Office of Court Administration.

#### Kentucky Holds Appellate Seminars

The first judicial education seminar designed specifically for Kentucky's two-level appellate judges was held in May, 1984.

Supreme Court Justice Charles Leibson, Court of Appeals Judge Anthony Wilhoit, and Judicial Educator Rita Stratton developed the two-day program which provided an update of federal decisions, a

#### Victims' Rights Manual Available

The development of a training and a participant's manual for use at state and regional judicial conferences and seminars on victims' rights is one of the products of recent activity at the National Judicial College.

The 104 trial judges who participated in the National Conference of the Judiciary on the Rights of Victims of Crime provided the framework for the manual.

The suggested format is advisory and can easily be modified to fit the needs and circumstances of the various states. In addition to the substantive material outlining issues for discussion, the Manual refers to videotapes from the Conference which can cover various topics in lieu of live presentations.

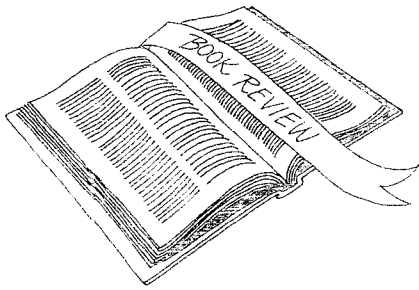
For further information, contact: Judge Robert Payant, Associate Dean

lecture/discussion session on humanities and the law, and a mock oral argument designed to illustrate some of the difficulties encountered by attorneys who appear before appellate panels. Workshops and problem solving sessions were included on the agenda.

Twenty of the state's appellate jurists attended the seminar and unanimously indicated on program evaluations that they wished to have appellate judges' seminars held annually.



New York University Law Professor Robert D. McKay (left) discusses a point made during his update on federal decisions with Kentucky Supreme Court Justice Calvin Aker during an appellate judicial education seminar held in May.



## In Search of Excellence

Peters, Thomas J., and Waterman, Robert H., Jr.  
Harper and Rowe, (New York) 1982.

Reviewed by: Ray Crapo  
Office of Court Administration  
New York, NY

While it may seem rather late to review a book that has been on the national non-fiction best seller list for more than a year, little has been said about the applicability of the ideas IN SEARCH OF EXCELLENCE to court systems.

Peters and Waterman both emphasize that while they do not dwell on the public sector in their volume, the points they make are directly applicable to it. As judicial educators, we must agree with the authors. Increasingly, we are

forced to move into the administrative areas of court operations as our judges become more involved with them. The increase in litigation in almost every jurisdiction brings with it more administrative burden and a larger support staff, most often without legal backgrounds. Thus, it is important for the members of the judiciary who are both directly and ultimately responsible for the operations of the courts as a responsive, efficient public service to pay close attention to the principles Peters and Waterman expouse.

Managing in a legal environment produces a number of contradictions. Judges have been traditionally rewarded through the development of greater legal expertise. Now, they are being held accountable for things such as "productivity," "motivation," "goals," "value setting," "employee accountability" and improvement of administrative and legal procedures. Practically none of these areas came to their attention when they were in law school, nor is it likely that their qualifications for handling these areas were criteria for their election or appointment to their current positions. In short, the rules have changed, and it is necessary for judges with administrative responsibilities and their key subordinates not just to react to these changes but to lead the way in court reform.

The best seller is filled with practical ideas and notes about how people work, why they work, and how to take advantage of the great expertise that may already exist in their support staffs. It shows how important that intangible factor called "morale" is, and how morale is kept at high levels in excellent organizations whether or not it happens to be a time of growth or a time of pressure and decline.

Starting with "Man Waiting for Motivation" and going through "Simple Form, Lean Stuff," chapter after chapter reveals very useful hints for improving the courts with or without the infusion of additional monies. Most, if not all, of the resources needed to bring court systems and individual courts to the level of "excellence" already exist according to this book. Their utilization simply may not be proper. Even some of the most overworked employees are underemployed!

The Judicial Educator needs to read or reread this important book with a new bias. "To what extent, if any, can the ideas discussed here be applied in my court system?", would be a very useful question to ask during the reading. It is likely that you will find a surprising number of readily applicable, highly useful and cost effective ideas which can be applied in your function or can be the basis for a management development program.

## Judging & Humanities Seminars

"Doing Justice" is a title for an optional individual study opportunity focusing on judging and the legacy of wisdom available to its practitioners from the intellectual disciplines comprising the humanities. It is an effort to consciously program to meet the goal for Georgia judicial education established by the ICJE trustees: "to encourage and sustain judges' fuller appreciation of the historical significance of judging, of the influence of their decisions on private human affairs, and of the consequences for the commonwealth of their work in the community". This study will be offered on a voluntary participatory small group discussion basis in connection with routine CJE activities.

Individual faculty members from the fields and departments of English literature and creative writing, classics, comparative literature, and philosophy will prepare the lesson designs, select materials and conduct seminars. Each group of seven to ten judges will be moderated by two humanities scholars, who will take turns in facilitating the group discussion.

Advanced preparation, principally in the form of reading, will be required of all participants. ICJE will provide the books or other study materials upon preregistration. The seminars will be conducted the afternoon and early evening before the start-up of a regular ICJE program. They will run about 5 hours in total length, with a one hour open period late in the afternoon, followed by a common evening meal, breaking the discussion into three and two hour segments.

## Utility Rate Seminar

A three-day conference, November 13-15, will be held for Iowa judges designated to preside in judicial review proceedings involving public utility rates. Among the topics to be addressed at the conference are: utility rate making, rate structure reform, excess capacity, conservation deregulation, jurisdictional authority, revenue requirement and pricing. A featured speaker at this seminar will be Dr. Henry M. Trebing a national authority on utility law and regulation.

Legislation requires that the Chief Justice of the Iowa Supreme Court designate one judge in each of the eight judicial districts to preside in judicial review proceedings involving public utility rates and recent developments in access charges and other issues arising from ATT's divestiture.

For further information contact: Jerry Beatty (515) 281-6869.

## Gender Bias in the Courts Courses

Lynn Hecht Schafran, Esq., Director of the National Judicial Education Program to Promote Equality for Women and Men in the Courts, reports that since she addressed our October 1982 annual conference NJEP has been active throughout the country in judicial education programs. NJEP, established in 1980, is a project of the NOW Legal Defense and Education Fund in cooperation with the National Association of Women Judges. The programs are intended to help judges understand how stereotyped thinking about women and men affects judicial decision-making and courtroom interaction and to provide an opportunity for judges to exchange views about gender bias in the courts.

NJEP recently participated in judicial education programs at the Alabama Judicial College, the Connecticut Judges Institute, the New York Judicial College, the Oregon Supreme Court Judicial Bias and Prejudice Program, the American Academy of Judicial Education and the Federal Administrative Law Judges Annual Conference. Later this year the Program will participate in the New Jersey Judicial College, as it did last November. In some states NJEP's work has led to statewide projects on gender bias in the courts.

The program addresses a wide range of topics including women's lesser credibility relative to men, gender bias in judicial communication, and in the statutes involving rape, domestic violence, support awards and enforcement, custody and juvenile and adult sentencing. NJEP works with local judicial educators, judges and attorneys to determine the content, length and design of its courses and speeches, based on local concerns and statutes. The NJEP Director is available to participate directly in presentations or provide technical assistance. A printed transcript of the Instructor's Manual and Participant's Binder from NJEP's pilot course, "Judicial Discretion: Does Sex Make a Difference?", may be purchased.

For further information contact: Lynn Hecht Schafran, Esq., Director, (212) 354-1225

## Comparative Judicial Studies in London and Cambridge

The Michigan Judicial Institute and the School of Criminal Justice at Michigan State University cooperated in a joint project to provide Michigan judges with the opportunity to study the English judicial system firsthand. This program, in the planning for two years, became a reality when 18 Michigan trial court judges spent two weeks in London and at Cambridge University studying the jurisprudence, philosophy, and management of the English court system. Professor John K. Hudzik from the School of Criminal Justice at Michigan State University led the program. Also cooperating in the program were the Institute of Criminology at Cambridge University and the British Academy of Forensic Sciences.

Topics covered during the two weeks included: Law of Arrest; Bail; Search and Seizure; Organization and Structure of Legal Profession and Civil Law; Organization of the Courts; Selection of Judges; Legal Aid in Criminal and Civil Cases; Jury Selections; Sentencing; Court Administration; and the Appellate Process.

## National Organization Appointments

Chief Justice Albert W. Barney (ret.), Supreme Court of Vermont, has become the Associate Director of the American Academy of Judicial Education. Chief Justice Barney served 30 years in the Vermont judiciary, on limited, general, and appellate jurisdiction courts. He has served as chairman of the National Conference of Chief Justices.

John W. Kern III, a judge on senior status with the District of Columbia Court of Appeals, became dean of the National Judicial College in Reno, Nevada, on October 3, 1984.

The American Academy of Judicial Education and the National Judicial College are privately funded judicial educational and training institutions.

## Chief Justice Gains Legislative Recognition of Educational Needs

From its inception in 1978 as a division of the State Administrative Office of Courts, the Alabama Judicial College has offered a continuing education curriculum for both state judicial officials and court employees.

Under the leadership of State Chief Justice C.C. Torbert, Jr. the College and judicial education in Alabama has gained both legislative recognition and funding. In 1983, the chief justice fought for and obtained for continuing judicial education, a separate line-item appropriation in the state court budget. This appropriation was part of the 1984 state budget and assures that Alabama's in-state judicial education program will continue.

With such funding for in-state programs, the Alabama Judicial College again offers a comprehensive array of seminars for appellate, circuit, district, and municipal judges; clerks of court and employees in their offices; court reporters; judicial secretaries; and instructors in DUI Court Referral Schools. There are six conferences annually, for circuit and district judges, including orientation for new judges, juvenile and family court topics, law updates, topics of current interest, and in-depth studies of selected topics or procedures.

The College annually offers two conferences for clerks dealing with management topics, discussion of procedures, and legislative updates. The other two conferences include clerks' employees, as well as the clerks, on such subjects as appellate procedures, accounting, and warrant issuance.

Alabama initiated its state-funded unified court system in 1977. The comprehensive judicial education program has provided an invaluable tool for aiding its implementation. Its activities keep judges abreast of changes in legislation, and contributes to improvements in practices and procedures.

## Regional Approaches

• Are your judicial programs getting stale? Do you keep bringing back the same judges to the same place at the same time each year? Perhaps you'd like to send them all to Reno or some such place for a week this year, but your budget couldn't begin to cover the costs. Well, Frank Brocrolina (MD), John Fisher (DEL), Caroline Laden (PA), and Richard Saks (NJ), may have the antidote. They staged a regional judicial program, inviting judges from all four states. The two-day seminar topic was Search and Seizure an area of interest to judges of any state.

Each of the four states contributed to the program: Delaware supplied the site, New Jersey and Maryland supplied faculty, New Jersey produced announcements and reproduced materials, and Pennsylvania provided evaluations.

Frank, John, Caroline and Richard all feel that regional programs are cost effective, and they encourage all of us try it.

• Last year Indiana joined Texas, Iowa, Ohio, Kansas and other midwestern states in providing training for judges in the state's new drunk driving law. Most states report that drunk driving is the single most frequent criminal offense above a simple misdemeanor.

• Several midwestern states including Iowa, Indiana and Minnesota have provided training for judges in stress management. All three of these states used Dr. Isaiah M. Zimmerman, Director of the Northern Virginia Psychotherapy Center. Dr. Zimmerman is a frequent speaker at judges conferences throughout the country. His presentation on identifying the sources of hidden stress and coping with the factors contributing to stress involves spouses as well as judges.

• On August 20-23, 1984, South Dakota hosted the annual Six-State Judicial Conference in Spearfish, South Dakota. Justices and judges from the states of North Dakota, South Dakota, Wyoming, Idaho, Montana, and Alaska were in attendance.

The conference agenda included: sections on Opinion Writing presented by Dr. Elizabeth Francis from the University of Nevada, Reno; Recent U.S. Supreme Court Decisions by Professor Charles Whitebread; and a section on Recent Litigation in Capital Punishment Cases presented by Professor David Baldus and Mr. Richard VanDuizend.

• For the second year the Wisconsin judicial department sponsored a Bi-state Specialty Seminar on "Issues in Law and Medicine." The seminar included approximately 45 judges from Wisconsin and Minnesota. The program dealt with issues on the cutting edge of the law and included a faculty with a national reputation and excellent didactic skills. Among topics covered at the conference were: Physician Competency; Malpractice; Informed Consent; Terminating Treatment; Child Abuse; Reproductive Rights; and Organ Transplants.

## From the States

• ARIZONA The Arizona Supreme Court has established by administrative order the Council on Judicial Education and Training to oversee an educational system for all judges and court employees in the state.

The council, chaired by Vice Chief Justice F.X. Gordon, Jr., consists of a trial court judge, a judge from limited jurisdiction court, a law school faculty member, a representative of the State Bar Association, a clerk of the trial court, and a representative from Probation Services.

The order provides that all educational programs be coordinated with the Administrative office of the Courts and that training or course materials of such programs meet standards established by the Council and approved by the Arizona Supreme Court.

• GEORGIA Georgia's Institute of Continuing Judicial Education's annual specialty course affords a small group of academicians, lawyers and judicial officers the chance to study a Georgia law and judicial administration topic in depth. Program participation is not restricted to members of a particular class of court as is standard for most ICJE activities. Audio and videotaping

of instructional units, together with retention of prepared papers should enable both self-study and subsequent replication of the instruction presented.

The projected date for the next seminar is May 13-15, 1985.

• KANSAS Judicial and support staff training in Kansas has been focusing on the implementation of case processing time standards and jury utilization of guidelines. The Kansas time standards call for median disposition times of 120 days, felony; 60 days, misdemeanors; 180 days, regular civil; 60 days, limited actions; and 120 days, domestic relations.

• WISCONSIN With the assistance of a grant from the Johnson Foundation the Wisconsin Supreme Court Office of Judicial Education sponsored a unique seminar for approximately 35 trial judges and spouses on: "Doing Justice: Law and Humanities." The seminar was designed to provide an opportunity for judges to re-examine their judicial philosophies, attitudes and roles, for the purpose of revitalizing their perspectives and dedication to public service. Most of the discussion focused on two books read by the judges and spouses - King Lear and The Secret Sharer, and two film strips: "A Jury of Her Peers" and "Rashomon". The seminar was enthusiastically received and plans are being developed to repeat it periodically.

• MINNESOTA Michael Moriarity has been appointed Director of the Minnesota Legal Education Center. He replaces Paul Westphal who resigned to become district court administrator in Minnesota.

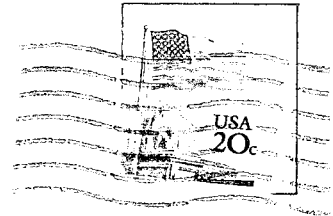
In March 1984, the Center sponsored a 2-1/2 day training session for the 12 recently appointed judges of the new intermediate appellate court. The seminar focused on the nature and functions of an appellate body, with emphasis on collegiality.

A judicial skills practicum for new and experienced judges has been very successfully also. Professor Steve Simon of the University of Minnesota Law School designed the program which is highlighted by a videotape of a mock trial featuring each new judge. The performance of each new judge is reviewed and critiqued by the subject as well as by more experienced judges.

# NATIONAL ASSOCIATION OF STATE JUDICIAL EDUCATORS



Jerry K. Beatty  
 Deputy Court Administrator  
 Office of the State Court Administrator  
 State Capitol Building  
 Des Moines, IA 50319



## ANNUAL CONFERENCE HELD IN SAVANNAH

NATIONAL ASSOCIATION OF STATE JUDICIAL EDUCATORS  
 PROGRAM AGENDA

SATURDAY, OCTOBER 13, 1984

8:30-10:30 p.m. EXECUTIVE BOARD MEETING  
 3:00-5:00 p.m. ANNUAL MEETING AND REGISTRATION  
 5:00 p.m. RECEPTION  
 5:30-6:30 p.m. INTRODUCTION TO HISTORIC SAVANNAH  
 Presented by: Historic Savannah  
 Foundation

MONDAY, OCTOBER 15, 1984

9:00-9:30 a.m. OPENING REMARKS/PROGRAM NOTES/  
 INTRODUCTION  
 - Mr. Anthony B. Fisser, President,  
 National Association of Judicial  
 Educators  
 - Ms. Rita Stratton  
 Program Chairperson  
 - Mr. Richard D. Reeves  
 Georgia Judicial Educator

9:30-10:30 a.m. HOW TO IMPROVE INSTRUCTORS FOR  
 JUDICIAL EDUCATION PROGRAMS  
 Dr. Gordon Zimmerman,  
 University of Nevada, Reno

10:30-10:45 a.m. BREAK

10:45-12:00 noon PANEL DISCUSSION BY JUDICIAL  
 EDUCATORS WHO HAVE IMPLEMENTED  
 FACULTY DEVELOPMENT  
 - Mr. Dennis Catlin  
 Michigan Judicial Educator  
 - Ms. Mignon "Dee" Lawton  
 Florida Judicial Educator  
 - Ms. Rita Stratton  
 Kentucky Judicial Educator

12:00-1:30 p.m. LUNCH

1:30-2:15 p.m. AMERICAN BAR ASSOCIATION STANDARDS  
 FOR JUDICIAL EDUCATION  
 - Mr. Donald Taylor  
 New York Judicial Educator

2:15-2:30 p.m. BREAK

2:30-4:30 p.m. SHARING TRAINING IDEAS - WORKSHOPS

Workshop Leaders:  
 Group A: Mr. Jack Dillard  
 Texas Judicial Educator  
 Mr. Bob Church  
 Mississippi Judicial Educator  
 Group B: Mr. Scott Smith  
 Texas Judicial Educator  
 Ms. Susan Trippi  
 Massachusetts Judicial Educator  
 Group C: Mr. Ronald Champion  
 Governor's Office, Texas  
 Ms. Diane Appleby  
 Kentucky Judicial Educator

TUESDAY, OCTOBER 16, 1984

9:00-10:15 a.m. IMPLEMENTING A TRIAL SKILLS PROGRAM  
 FOR TRIAL JUDGES  
 - Mr. Mike Moriarity  
 Minnesota Judicial Educator  
 - Professor Steve Simon, Director  
 Judicial Skill Training Program,  
 University of Minnesota Law  
 School

10:15-10:30 a.m. BREAK

10:30-12:00 noon EFFECTIVE USE OF COMPUTER LEARNING  
 EXERCISES  
 - Mr. Mike Moriarity  
 - Professor Steve Simon

1:30-4:30 p.m. WORKSHOP - EXPLOITATION OF LOCAL  
 RESOURCES  
 - Mr. Richard Reeves  
 Georgia Judicial Educator

5:30 p.m. ANNUAL BANQUET  
 Authentic Low Country Social and  
 Dinner

WEDNESDAY, OCTOBER 17, 1984

8:30-9:45 a.m. ANNUAL BUSINESS MEETING

9:45-10:00 a.m. BREAK

10:00-11:30 a.m. WHAT WE CAN DO FOR JUDICIAL  
 EDUCATORS - REPORT FROM NATIONAL  
 PROGRAMS  
 - Mr. Mark Carrigan  
 National Institute for  
 Sentencing Alternatives  
 - Mr. Douglas Lanford  
 American Academy of Judicial  
 Educators  
 - Judge Robert Payant  
 National Judicial College  
 - Mr. James Toner  
 National College of Juvenile  
 Justice  
 - Mr. Sam Conti  
 National Center for State Courts