



National Conference Catalogs Perspectives

A major National Conference on Judicial Education, conducted in Williamsburg, Virginia, January 29 - 31, 1987, brought together nationally-based program sponsors, state-based providers, and representatives of American law schools, together with leaders of professional groups of judges and others routinely served by CJE activities. The Marshall Wythe Law School at the College of William and Mary and the National Center for State Courts jointly served as host site to the gathering. The National Association of State Judicial Educators, the National Judicial College, the National Council of Juvenile and Family Court Judges and the American Association of Law Schools, along with the host institutions, prepared the activities for the Conference.

Among the more than 100 attendees were state judicial educators participating from Florida, Georgia, Kentucky, Virginia, New Jersey, Connecticut, Ohio, Michigan, Wisconsin, North Dakota, Washington and California. Papers prepared in advance of the meeting and circulated for participant review targeted: "State Judicial Education: The State-National Fit," "State Judicial Education: The Role of Law Schools in Continuing Judicial Education," and "National Programs: Background and Issues." A dinner served in William and Mary's Great Hall hosted by the College President, Paul Verkeuil, provided a festive respite during an otherwise intensive array of sessions.

The conference mainly served to educate the law schools, together with policy board leaders of nationally-based CJE providers and the constituent groups served, as to the breadth of activity presently ongoing in CJE, and the relative sophistication of offerings at many provider levels and in all subject matter areas. Segments of the conference focused on describing the current state-of-the-art in areas such as: state-based activity, nationally-based activity and multi-disciplinary (non-traditional) activity. The relatively low profile of law schools' involvement institutionally in support and sponsorship of CJE was also explored.

Participants articulated throughout the meeting a wide range of needs for improving American CJE. No attempt was made to arrive at a consensus for prioritizing how to meet these expressed needs. The diversity of perspectives was significant with different attendees variously calling for: fundamental research into adult CPE needs assessment and learning evaluation; centrally accessible lists of dynamic speakers on current or "hot" topics; more training of actual

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SJI Encourages CJE

NASJE executive board members Carol Weaver (Washington), Rita Stratton (Kentucky) and Rich Reaves (Georgia) were among a group of judicial educators who met on January 31, 1987, with three directors of the newly created State Justice Institute and its staffers. The meeting took place in Williamsburg, Virginia, following the recent National Conference on Judicial Education. Deans John Kern (National Judicial College) and Lou McHardy (National College of Juvenile and Family Courts) orchestrated the get together. Professor Dan Meador and Judges Janice Gradwold and John Daffron represented the SJI's leadership.

Funding of judicial educational activity by SJI served as the meeting's focus. The SJI representatives encouraged research and model program development in judicial education through use of SJI funds. They perceived that projects initially funded by SJI should have a relatively dramatic and near-term payoff, however, in order to quickly demonstrate to Congress the desirability of providing additional and continuing appropriations after FY '87.

Judge Daffron stressed that, his personal impression was, SJI would not operate like LEAA. Rather, the SJI board of directors planned to exercise a hands-on approach to management, and state-level projects and state agencies would be the preferred recipients of SJI grants. Any state project with potential for replication in other states, and targeting an as yet unmet need, would be a prime candidate to seriously contend for SJI funding. The national impact of a project would serve as a key ingredient to its eligibility for funding. Yet, the SJI representatives were quick to underscore that national impact did not mean a project targeting a nationally-based constituency of participants, but merely an activity of potential value to a large number of states, even if initially developed by a single locale or state.

David Tevelin, SJI's new executive director was introduced to the meeting participants, as was deputy director Dick Van Duizand. They reported that the search for office space was moving successfully, and that SJI staff operations would be actively functioning by early spring.

Note of interest—The address for SJI is:

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practitioners to function competently in different adult CPE instructional roles; education of policymaking board members as to the impact of their decisions and the pivotal role for program quality of their most mundane determinations; program design routinely encompassing literary, philosophical and other multi-disciplinary or nonlaw-based perspectives on judicial practice; refocusing of training efforts from improving individual performance to systemic development of adjudicative processes, together with their implementing support personnel and services; and emphasis on judicial skills development rather than refinement of legal or organizational development knowledge.

Tony Fisser (Connecticut) coordinated the panel presentation on orientation training for new judges, and Paul Li (California) spoke in the concluding session regarding the future of CJE from the perspective of a state provider. Dee Lawton (Florida) served on the orientation program panel, while Debbie Plog (Michigan) spoke about court management training by a state provider. Rich Reaves (Georgia) presented the overview describing current state-based CJE as a richly varied landscape in areas such as administrative structure, groups served, financing, subject matter treated, and mandatory plans of participation.

Videotapes of the entire conference may be borrowed from the National Center for State Courts. A summary of the proceedings is in development. Publication of the papers prepared for the conference is also being planned. Geoff Gallas, Research and Special Projects Director, at the National Center for State Courts, may be contacted for more detailed information regarding availability of these tangible products of the conference.

Program Profile: The Texas Center . . .

by Kay Boothman, SJEO, Arkansas

Since its beginning in 1973, the Texas Center for the Judiciary has effectively participated in improving the state's judicial system. It has been guided by the belief that to attain true justice it is necessary to first have an informed judiciary — one possessing an assured knowledge of current law and judicial procedure. Educational programs of the Texas Center contribute to maintaining an informed judiciary.

The Center was established January 1, 1973, by the members of the Judicial Section of the State Bar of Texas and utilized Law Enforcement Assistance Administration (LEAA) funds granted to the State Bar of Texas through the Governor's Criminal Justice Division. It was created and still functions as the central agency in Texas providing continuing legal education programs for members of the state's judiciary and supportive personnel.

In 1980, after the loss of LEAA funding, the Center was reorganized into a non-profit organization.

Pursuant to the Rules of Judicial Education promulgated by the Supreme Court of Texas, each judge of an appellate court, district court, statutory county court, and constitutional county court performing judicial functions must complete, within one year of taking the bench, 30 hours of judicial education and each calendar year thereafter complete at least 16 hours of such instruction. Retired and former district judges are required to complete 30 hours of instruction each year if they elect to continue to serve by assignment as judicial officers.

The Texas Center for the Judiciary, Inc. is the primary source of judicial education for the 98 appellate judges, 372 district judges, 165 statutory county court judges and approximately 100 retired or former judges covered by this Supreme Court Order.

The Center sponsors fourteen educational seminars per year, including five regional conferences for judges, two conferences for court support personnel, the Texas College for New Judges and several conferences with specific curriculum.

Texas judges, attorneys and law professors as well as other legal experts from across the nation serve as speakers, discussion leaders and panelists. Regional seminars, held throughout the state, provide an overview of current legal trends, and also offer participants an opportunity to discuss administrative matters with their presiding judges.

Several seminars address the needs of special judicial groups. The Criminal Justice Conference in Huntsville is open to Texas trial and appellate judges with criminal jurisdiction. Tours of Texas Department of Correction facilities, conducted by TDC personnel, generally are included in the program. The Seminar for Juvenile Judges covers a wide range of issues found in courts with juvenile jurisdiction, especially as these courts are affected by revisions of the Texas Family Code through legislative action or judicial interpretation. The Judicial Section Conference, with the largest attendance of any judicial conference annually held in Texas, and perhaps the largest judicial meeting in the country, provides separate work sessions for appellate, district and county court-at-law judges. Seminars for supportive personnel, such as clerks, coordinators and court administrators, are also sponsored by the Texas Center.

Perhaps the most ambitious project of the Center is the Texas College for New Judges, a week-long training school for judges who have recently assumed, or are about to assume, the bench. Since its inception in December, 1974, the College has instructed over 600 new judges, and it has proven to be an invaluable training and orientation experience.

While conferences and seminars are the principal part of the Center's work, they are not the sole education resource provided by the Center. The Center also publishes, maintains and revises a variety of procedural manuals and other publications of benefit to the judiciary. Written by Texas judges, the manuals provide practical guides in courtroom procedures. The Texas Center also publishes a newsletter, entitled *In Chambers*, that is distributed to all Texas judges served by the Center.

In 1985 the Legislature created the Judicial and Court Personnel Training Fund in the State Treasury to be administered by the Supreme Court of Texas for the continuing judicial education of judges and court personnel. The Legislature directed that one dollar be added as a court cost on each criminal conviction and that that dollar be paid into the Fund. The Legislature further directed that one-third of the Fund be used for education for municipal court judges and their court personnel, one-third for judges of justice of the peace courts and their court personnel, and one-third for judges of appellate courts, district courts, county courts-at-law and county courts performing judicial functions and their court personnel.

In fiscal years 1986 and 1987, the Texas Center for the Judiciary, Inc. was granted \$679,000 and \$630,500, respectively, from the Supreme Court to provide continuing legal education courses, programs and projects.

The Texas Center for the Judiciary, Inc. is staffed by five employees. They are the Executive Director, Associate Director, Conference and Publications Coordinator, Records Supervisor and Receptionist/Accounting Clerk.

Reflections on the National-State Relationship in CJE

by Carroll Edmondson, SJEO, North Dakota

The recent National Conference on Judicial Education held in Williamsburg provided an unusual opportunity for judicial educators to examine the direction judicial education is headed in this country. One of the primary factors which will affect future development of judicial education as a profession is the type of relationship which exists between national and state judicial educators. As a participant in the Williamsburg conference, I have asked to relate briefly my perceptions of how national organizations view the national-state relationship and what they would like to see occur in this relationship.

During the conference there was a general recognition that the continuing educational needs of the nation's judges and court personnel could not be met by either national programs or state programs alone. Both national and state judicial educators acknowledged that each has its own independent role to fulfill, but the roles and future of each are inextricably linked. In my view this recognition opens the door for forging a relationship marked by collaboration rather than conflict. Gone are the days when state programs are seen as satellites of one or more national judicial education organizations.

As I perceive it, national organizations are seeking to strengthen their relationship with state judicial educators in three basic ways:

1. establishing greater cooperation with judicial educators and state judicial education programs;
2. encouraging a greater sense of esprit de corps between national and state judicial educators;
3. advocating greater clarification and delineation of the independent roles of national and state providers of judicial education.

The desire of national CJE providers for greater cooperation with state judicial educators is exemplified in various forms. National judicial education organizations such as the American Academy of Judicial Education, the National Judicial College, and the Institute for Court Management have jointly sponsored programs with state judicial education organizations, assisted state programs in the design and development of programs, and explored other avenues of technical assistance with state providers. Whatever the means, they have begun to emphasize the need for more extensive linkages with state judicial education programs.

Hopefully, these demonstrations of a desire for a cooperative working relationship will help to supplant fears of control which have dominated the national-state relationship throughout much of its history. Undoubtedly, some tensions will always exist between national and state programs because each has differing institutional interests and constituencies, yet both perceive that they often compete for financial support from the same sources. But as the Williamsburg conference illustrates, many of these differences can be more easily dealt with when both national and state judicial educators are communicating with one another about them.

Based on my various conversations with judicial educators from national organizations, I also detected a yearning for a greater sense of unity between national and state judicial educators. At present,

judicial education is fragmented not only along national-state lines, but also lacks consensus on CJE standards, what judicial education is or should be, and the setting of priorities between different categories of judges and different kinds of court personnel. While national judicial educators are certainly not the only advocates for greater esprit de corps, they seem more attuned to it as a necessary ingredient for fostering the developing of judicial education as a broad based and established profession. For various and sundry reasons, if this unity is to develop, NASJE should take the leadership in promoting it. Until this is done, the cooperation and collaboration sought by both national and state judicial educators will be seriously hampered.

In seeking greater cooperation and unity with the state judicial educators, national judicial educators also favor a clear delineation of identifiable roles for national and state judicial education providers. National providers believe that less duplication of educational services will enhance the efficient allocation of limited CJE resources for both providers and consumers of judicial education.

In practice, however, a uniform definition of national and state roles in judicial education faces severe limitation. A vast gulf separates judicial education resources in the fifty states. Consequently, the needs shaping the relationship between national providers and judicial education programs in California and Michigan will be dramatically different from those which govern the relationship between national providers and state programs in North Dakota or Ohio. Thus, if clarification of roles is to be meaningful, it must be done individually between state and national providers. NASJE may serve a facilitative role in this clarification process.

In sum, the Williamsburg conference showed signs of a maturing relationship between national and state providers of judicial education. Especially important is the recognition that both have broader professional interests that transcend the interests of a particular state or national provider. Hopefully, this promise for greater cooperation will crystallize into a sense of unity which has previously alluded us.

Reflections on Law Schools and Continuing Judicial Education: Is There Any There There?

by V. K. Wetzel, SJEO, Wisconsin

"There are" law professors and there are law professors, more than a thousand of them in more than 150 American law schools. This I know. Then I learn something I didn't know I knew: less than two hundred of them participated in judicial education seminars, according to a survey by the American Association of Law Schools, one of the many co-sponsors of the National Conference on Judicial Education. Why so few, the moderator asks as he opens the afternoon session.

I quickly find myself imagining myself as a law professor; heck, I was one for a decade not too long ago. Imagine I receive an invitation from a judicial educator to do some pro bono teaching for a couple of hours for a judicial education seminar three months from now at an overnight location. I am told the attendees are students of the law who are adults working in and with the law, applying it every day, especially to different factual scenarios and people; many know what they need to learn in class and why; those who don't will expect that I know what they need to learn because I have experience with them

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and have observed them on the job. At any rate, they expect my teaching to be immediately relevant to their needs; they don't have or don't want to spend much time learning from me; they don't want to be bored by substance or delivery, and I won't have a chance to do better next time class meets — it doesn't. They expect me to be knowledgeable, brief, extemporaneous, animated, humorous, congenial, and innovative; and they expect me to let them, ask them, prod them to participate as equals in the learning-teaching process, to listen to and guide them to learn more from each other and from their collective experience and wisdom than from me.

Enough is enough. I stop imagining! Is there any there there? Back to the conference program.

Why so few? I learn from the moderator, panelists and a few testimonials from the floor that numerous law professors have been involved in judicial education and really love it, many have been instrumental in designing and participating in early efforts of organized judicial education. Many continue to be involved, especially at the level of programs for federal or appellate judges, and in national programs, original or seed programs, and programs dealing with specialized topics in developments of national concern, interdisciplinary programs, law synthesis programs, programs dealing with jurisprudence, judicial discretion, federal evidence, etc. The panelists agree that law professors are especially good at providing judges with perspectives, theory, and synthesis, that it is a pity that only a few participate. There are more out there to be asked by judicial educators; the panel consensus is that it is the latter who must initiate the contact.

I am tempted to quickly imagine myself again — this time as a judicial educator doing the initiating, and then some. But I resist such a quick return to the harsh realities of judicial educating; after all, this time I am at a conference as a participant. Enjoy!

The major speaker offers a few lessons about reality, so I don't have to role play. He is a law professor who used to participate in state judicial education programs, teaching evidence to large groups of state trial judges, at several overnight sessions at various locations throughout his state. He loved the interaction with judges, learned a lot, and benefited from the sessions in many ways, partly because he was also writing an evidence practice book at the time. However, he does not participate in judicial education today. Lessons he learned: no pay; little or no credit for such activities by law school administrators and colleagues, especially not toward salary or tenure decisions; overnight travel to unexciting communities; unproductive planning meetings; paternalistic judges; little assistance with production of seminar materials; a sense that time-consuming materials prepared for the judges have little or no shelf life, partly because they lack indexing; few supporting resources; and by now he has finished and sold his evidence practice book. The lessons to be learned from his experience by judicial educators are obvious.

Not discussed at this session are the specific resources necessary to translate some of these lessons into behavioral change on the part of judicial education officers, nor are there suggestions about what can be done to provide those resources.

The session ends with a brief discussion about what judicial education can offer law professors and law schools. Mentioned is the obvious enrichment experience for law school professors, and indirectly, law students; collaborative research opportunities about law in action; sharing of facilities; law alumni relations; judges as teaching resources for law school classes; and student intern/externships. However, the brief discussion about judges as resources, like that about law professors as resources, lacks specificity

and imagination, and stands out in my judicial educator's mind by what is not discussed, e.g., how to create law school teaching sabbaticals for highly qualified "burned-out" judges, how to train law professors in adult education teaching techniques, what roles law schools can play and do play as institutional providers of judicial education, to mention only a few.

I remember that an excellent background summary or position paper regarding "The Role of Law Schools" had been prepared by NASJE President Rich Reaves. It was distributed to participants in advance, and could have served as a springboard for a constructive, structured adult education session, and give and take discussion this afternoon. Symptomatic of the anecdotal drift of this conference segment, it wasn't referred to once by the session's panelists and participants. Perhaps that is because it was part of an unindexed conference materials binder, and so it goes. Perhaps it is ahead of its time and has to wait for a sequel to this conference and session.

I again find myself imagining, what if I would plan this kind of session . . . but no, the sequels surely will be at the annual NASJE conferences. Besides, I am up to my neck in seminar planning in Wisconsin! That's what's nice about this conference — for a change I can relax; I can sit back and view the landscape; I can gain perspective, rediscover what I know, share and compare away from my urgent day-to-day business in Wisconsin. I remember a cliché phrase frequently mentioned at this conference: "The urgent drives out the important." I leave this session and this conference thinking that in many respects this conference seemed to have been designed with a sense of urgency related to the birth of the State Justice Institute, a possible funding source for most of the co-sponsors, some of which have shown only low-key interest in the more nuts-and-bolts judicial education conferences held annually by NASJE for years. So I leave thinking that the conference also will prove to be institutionally important if the multiple repeat players in judicial education will continue to make an effort to get together in this fashion in the future. The NASJE meetings lend themselves to this kind of exchange — and no special invitation is required.

Book Review: *The Judge* by James F. Simon

By Joanne Slotnik, *SJEO*, Utah

James F. Simon, sporting a law degree from Yale and editorial experience with *Time Magazine*, has tried in *The Judge* to capture the essence of a judge's work, thought, and spirit. He approached this task by intensively interviewing an actual trial judge and then condensing and dramatizing the material into one work week in the life of a state criminal court judge in urban jurisdiction in the northeast.

We meet Judge James Barth on a Monday morning as he arises at 7:30 a.m., and we follow him closely until he leaves court on Friday evening. In the intervening time, both the glamorous and mundane aspects of his job are revealed. The reader sits with Barth as he presides over a criminal trial, hears all the evidence, and ponders the verdict. The reader is drawn in by the facts of the case, and seems to actively participate in the decision-making process by agreeing and disagreeing with the judge's shifting view of the case on its merits, the credibility of the witnesses, and the skill level of the lawyers.

The political aspects of the judge's job are also highlighted, as are the sometimes ethically questionable aspects of the judge's

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behavior. As an apparently naive judicial educator in a primarily rural western state committed to merit selection of judges, I found this aspect of the book particularly interesting. The judge's clear intrusion into the plea bargaining process was troublesome to me, as was the continual and less than subtle political influence-peddling.

The primary value of this book rests in the detailed picture it paints of the nuts-and-bolts work of a particular kind of judging. It is not, by any stretch of the imagination, a work of great literature. It is, however, enjoyable and informative reading. While not flattering in the depiction of some judges as political hacks, and surely dated in all of its financial references, the book has a place for the judicial educator who wants to see the judiciary, or at least one perception of it, from a different viewpoint.

NJC Seeks New Dean

John Kern, Dean of the National Judicial College has announced his resignation effective June 12, 1987. Dean Kern will be returning to the District of Columbia to assume Senior Judge status with the D.C. Court of Appeals.

The "new" Dean at the National Judicial College explained that his personal goals for the College appear to have been achieved. Now may be the most appropriate time to turn leadership of the College over to a person more skilled in program administration, in order to implement the policy and operational reforms set in motion during his brief tenure. Dean Kern stressed that cooperation between NJC and the states, in more concerted and demonstrable ways, was something he has urged the College's Board to continue pursuing. He believes that the Board genuinely intends to enable the NJC staff and its programs to be responsive to the CJE needs of individual states.

Kern cited installation of new professional staff, conduct of an intensive self-assessment, revision of a number of standard course offerings, training of new faculty, funding of a \$5 million plus endowment, and establishment of a new Board of Directors as necessary changes brought about during the last few years, which leave the College in a position to move ahead focusing primarily on refinement of its basic CJE consumer services and products. The outgoing Dean was quick to note that most of these changes could not have been accomplished without the generosity and dedicated support for the College given by others, especially its alumni and

faculty. Dean Kern also acknowledged that he was ready for a change of pace in both his professional and personal life. While he enjoyed his service at NJC and his association with judicial education, the separation from his family and from more reflective pursuits in the law that came with the job of Dean would not continue in the unfolding of his future plans.

Michigan Judicial Institute Receives W. K. Kellogg Foundation Grant

The Michigan Judicial Institute has recently been awarded a \$734,550 grant from the W. K. Kellogg Foundation to strengthen its program for judges and court personnel.

The four-year grant has essentially two major components. The first component is designed to improve the quality of instruction provided to judges and court personnel in the Institute's formal seminars. This will be accomplished through a series of basic and advanced faculty development programs and through the development of instructional packages and material which can be used by the faculty, in lectures, workshop and group discussion sessions.

The second major component is the development of a series of publications and benchbooks. This will include benchbooks covering civil, criminal and juvenile procedure. In addition, a quarterly judges' journal will be published, analyzing major areas of Michigan law and procedures.

The W. K. Kellogg Foundation, established in 1930, to "help people help themselves," has distributed more than \$850 million in the support of programs in agriculture, education and health.

Areas of emphasis within these broad fields include adult continuing education, betterment of health through community-wide coordinated, cost-effective health services, a wholesome food supply and broadening leadership capacity of individuals.

The Kellogg Foundation is among the largest private philanthropic organizations in the U.S. It supports programs in the United States, Latin America and the Caribbean, as well as international fellowship programs in other countries.

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NATIONAL ASSOCIATION OF STATE JUDICIAL EDUCATORS

Newsletter
