The Basics of Grant Writing

by Robert T. Roper

Writing your first grant proposal can seem a monumental task, and indeed, it's not an assignment to be taken lightly. A number of our constituents have expressed strong interest in learning more about the procedures involved. This article is the first in what we hope will be a series on grant writing. Robert T. Roper is a senior staff associate with the Institute for Court Management in Denver, Colorado. —Ed.

Most professionals are aware that funds are available from a variety of sources to implement and investigate their ideas. The process of acquiring those funds, however, is a bit more challenging and considerably more involved than sitting down, putting thoughts to paper, and crossing your fingers.

Good grantsmanship begins before you write your first word and extends long after you submit your application. The steps include feasibility planning; preparing the document according to the specific guidelines required by the granting agency; following up with the grantor after submitting the proposal; and, if the grant is awarded, delivering a quality product on time in order to maintain your organization's credibility and hopes for future award consideration.

The Planning Process. Before preparing an application, you should have a concept that has already cleared a variety of hurdles. The concept should satisfy the needs of the organization applying for funds, the organization's constituents, and last, but not least, the granting agency. Failing to ensure that the concept meets these needs can result in organizational problems during the project or, more practically, a denial of the application for failing to meet the grantor's requirements. (The applicant must never forget to take care of the hand that feeds.) Simple phone contact with the funding body can prevent such problems—funding agencies are quite receptive to phone calls. In addition, cultivating professional relationships can help identify the needs of the granting body and convince the grantor of the applicant's ability to satisfy those needs.

After concluding that the concept satisfies the needs of the organization, constituent groups, and granting body, the applicant should identify tasks that need to be accomplished for successful project completion—establishing the final goal and the steps needed to reach it.

continued on page 8

'88 Annual Conference
To Be Held In Alexandria, Virginia

State judicial educators from around the country will gather at the Ramada Hotel Old Town from October 9-12, 1988, for the NASJE annual conference.

Registration, the executive board meeting, and the newsletter editorial committee meeting are scheduled for Sunday, October 9. The educational program will begin Monday, October 10, with a welcome at 8:30, followed by three-hour rotating workshops on TV program preparation and desktop publishing. The day will conclude with the National Resource Display, a hospitality hour, and a group dinner at Gadsby's Tavern.

On Tuesday, the annual business meeting will be held, followed by presentations on evaluation and "hot topics." At press time, those topics were still being determined by a survey of the membership, but some suggestions are electronic mail, literature and the law, and guardianship problems for judges concerning incapacitated adults. Tuesday afternoon will be highlighted by a visit to the United States Supreme Court.

The conference will end at noon, Wednesday, after a morning of sessions which offer a choice of subjects. Again, the results of a survey will determine the topics to be covered, among which may be resources for judicial ethics presentations, alternative dispute resolution, and resources for AIDS.
The protection of the rights of free citizens depends upon the preservation of an independent and competent judiciary. To that end, the Arizona Supreme Court, by administrative order, established an educational system for all judges and employees of the Arizona Judicial Department in November 1983. The Supreme Court also created the Council on Judicial Education and Training, to assist in developing and implementing educational policies, and adopted educational standards for judges, probation officers, and court personnel in all levels of the judicial system. The Council is composed of 17 members representing all levels and areas of the court. Council members must participate in at least two educational programs a year, once as a faculty member and once as an evaluator, for the purpose of monitoring the effectiveness of educational policies and standards.

Since its inception, the Education Services Division has been housed in the Administrative Office of the Arizona Supreme Court and has been funded by legislative appropriation.

In late 1986, the Council recommended major changes in the court's educational policies and standards to improve the quality of educational programs statewide. The court approved these changes and required court personnel to complete an orientation and at least 16 hours of approved coursework each year.

Caseloads, budgets, and limited staff dictated a need for easily accessible continuing education courses for the 3,729 full-time, permanent employees required to comply with the order. Two programs were developed in response to this challenge: Local Training Coordinators and Faculty Skill Development.

Local training coordinators are court employees who, in addition to a full-time position, coordinate judicial education at the local level. Faculty Skill Development is a training program designed to foster quality education in Arizona courts, build a network of trainers at all levels of the judiciary, bring educational opportunities to the local level, and promote effective use of educational resources.

Other programs sponsored by the Division include an annual conference for judges of general and limited jurisdictions; an eight-day orientation for limited jurisdiction judges who have recently assumed, or are about to assume, the bench; a mentor judge program in which experienced limited-jurisdiction judges assist new judges in learning their role through demonstration and discussion; a court support personnel conference; and several programs with specific curricula.

The Division also houses a media center for audiovisual production; a resource center for use by faculty, staff, and local trainers; and a training room.

Arizona judges, attorneys, and experts from various fields serve as faculty, discussion leaders, and panelists. Division staff work closely with faculty in the development of program plans, training aids, and an understanding of adult learning principles.

While conferences and seminars are a principal part of the Division's work, there are several other educational areas in which they are involved. To promote public education, the Education Services Division developed and produced a program profile: Arizona Supreme Court Education Services Division, by Nancy L. Scheffel.
One-hundred-and-forty strong they came to Arden House, a former Harriman mansion that is now a picturesque, secluded conference retreat in the Catskill Mountains of New York.

They were national and foreign leaders in the profession of continuing legal education (CLE). Their ranks included representatives from a cross-section of bar associations, including past, present, and future ABA and state bar presidents; state CLE administrators (from both mandatory and nonmandatory CLE states); providers of commercial CLE programs (not-for-profit and for-profit, bar sponsored and independent); CLE directors from major law firms; CLE administrators from foreign nations; judges; law professors; and committee members from the host, the ALI-ABA Committee on Continuing Professional Education. I was honored to be nominated by our president, Richard Reaves, to represent NASJE at this conference.

The conference goal was ambitious: to agree upon, articulate, and adopt a final statement of goals for CLE through the remainder of the century, including, but not limited to, recommendations for future development in CLE structure and finance, CLE quality, and the role of professional ethics in CLE.

In light of the attendees' differing philosophies, the goal at first appeared elusive. Some felt that mandatory CLE was the wave of the future; others vigorously opposed it.

Soon, however, some recurring themes did emerge from the small group discussions being held in the various rooms of the gracious old mansion. These themes included:

1. The need for CLE to reach out to under-served lawyers to help them better represent their clients.
2. The need for CLE to enhance the ethical and professional responsibilities of the bar by discussing and integrating relevant ethical problems and situations into CLE programs whenever possible.
3. The role of CLE in improving lawyer competence, including an expansion of the availability of transition, bridge-the-gap, and other programs designed to help newly admitted attorneys gain practical knowledge and skills and learn routine procedures which may not have been attainable in law school.
4. The need for CLE entities to fashion their programs to use a variety of delivery systems beyond the traditional lecture and panel discussion, to engage in regular research and development, and to consult with non-lawyer training experts with respect to education techniques and delivery methods. Related suggestions included the creation of a national databank of CLE written material; the development of testing techniques for personal, private assessment of knowledge acquired from CLE; a review and update of the Association of Continuing Legal Education Administrators' (ACLEA) 1975 Standards of Operations for Continuing Legal Education Organizations; and ACLEA and others; an ALI-ABA-sponsored study to design methods to evaluate the quality of CLE programs and materials and the performance of CLE providers; an ABA-sponsored study of mandatory CLE to determine whether it makes a significant contribution to lawyer competence; and suggestions that all states adopt standards for CLE and that states with mandatory CLE further agree on a means of accrediting programs and providers.
5. Even though CLE is a primary responsibility of bar associations, CLE-governing bodies should be given significant degrees of functional independence. This will continue on page 8.
Computers are rapidly changing not only the ways in which courts operate but also some fundamental notions about the nature of the judicial process. More and more courts are discovering that vast improvements in efficiency and effectiveness can be made through the use of technology.

The need to communicate the importance of applying new technologies prompted the second National Conference on Court Technology in Denver last April, where some 1,500 judges, court managers, and other professionals convened. Sponsored by the National Center for State Courts, the Institute for Court Management, and 30 other national organizations, the Conference was designed to help court personnel become familiar with state-of-the-art court technology. The conference provided a look at a broad spectrum of technologies, through more than 57 sessions in 16 general topic areas. These topic areas included case, jury, financial and records management; integrating systems; technology in pretrial and post-adjudication services; financing technology; managing technology and people; commercial software; court reporting technology; and other related subjects. Audio cassettes of program sessions can be purchased from Ronald Meyer, President, RemCom International Corporation, P.O. Box 6176, Denver, CO 80206.

A number of state judicial educators attended the conference to gain a better understanding of the possibilities new technology provides. The following article, written by a conference participant, addresses the opportunities such technologies afford SJE's.

Susan M. Trippi is education coordinator for the Massachusetts Judicial Training Institute. —Ed.

The Conference
On Court Technology
Implications For Judicial Education

by Susan M. Trippi

Attending the National Conference on Court Technology in Denver last April provided an opportunity to explore the latest developments in technology for court system applications and to expand my awareness of the implications of technological advancements within a training environment.

Richard Reaves, president of NASJE, and Stephen M. Simon, associate professor of clinical education at the University of Minnesota Law School, discussed direct applications of technology for training. Richard demonstrated the benefits of satellite teleconferencing and promoted the concept to administrators who may influence budgets or provide support to educators.

Steve Simon, a frequent presenter at NASJE programs, conducted his session by using an interactive videodisc as a training tool. Once again we were reminded of the value of a learning process which, as closely as possible, replicates the real environment in which a skill is practiced.

Desktop publishing remains one of the most useful technological tools for trainers. It is, of course, important to educators to market and present our work in a sophisticated manner. Desktop publishing allows us to upgrade the look of all publications and materials, often without the expense of hiring graphic artists and typesetters; a professional consultant will usually
aid in getting such a program up and running. In addition, this technology permits a logo and stylized formats to be carried through all materials generated by the education department. For example, a benchbook becomes one in a series produced by the education department as opposed to a single discrete unit or event. Professional-looking catalogs and brochures become compelling reading material instead of fodder for the circular file. Workshop booklets become self-contained units which include all worksheets and exercises. Uniform or consistent design strategies are a subtle but powerful marketing strategy to reinforce the importance of education and training and the unique identity of our respective organizations.

Spatial analysis of court statistics, one of the more intriguing sessions offered, was presented by Dennis Conly, of the Canadian Center for Justice Statistics. Mr. Conly defined spatial analysis as "referring to inquiry which is focused on interactions within defined geographic or locational parameters. It is the search for relationships which exist among the consequences of social organization."

The session prompted me to consider what is collected on evaluation forms and how that information is used. Evaluation forms are usually program specific, soliciting information about the quality of instruction, the location, and course content. Expanding evaluation forms to include demographic data such as geographic locators, type of court, unit (e.g., probation services, clerk's office, or judges' lobby), job titles, and length of service would require minimum redesign of forms and minimally burden program participants.

One example of the utility of expanded data collection would be when a significant percentage of program participants evaluates a course as too basic. Where that rating was correlated with length-of-service data, it may show that only employees with extensive years of service evaluated the program as too basic. The implication of such information is that, when advertising a program, SJF's should either emphasize that the session is designed for employees with three or fewer years' experience or offer a different program for senior employees. Numerous other examples come to mind, but the message is quite simple: using expanded data collection in evaluations can provide educators with valuable information on where to target resources and how well programs are meeting the needs of large subcategories of employees.

The presentation on scanning technologies by the California court system was one of the more popular programs. Currently, the Massachusetts Trial Court uses bar code scanning technology for our announcement and registration system. We identify which job titles are to be selected and generate bar-coded, peel-off mailing labels for each employee with the selected job title. The label is used to mail the program announcement and for registration. We simply scan the employee's bar code from the registration form and scan a program code sheet. The person is automatically registered without any additional data entry on our part. Bar codes can be used in standardized evaluation forms or anywhere that easily coded, repetitive information is collected.

The benefits of technology to education and training organizations are limited only by our imaginations. For me, the greatest benefit of the Court Technology Conference was the opportunity to reflect on how discrete units of data, collected in response to specific procedures and functions, can be easily gathered and integrated due to technology—thus allowing decisions to be based upon greater richness of information.
Mandatory continuing judicial education. A good idea whose time has come? Or a public relations gimmick that wastes time and money and isn’t needed? North Carolina is in the middle of a study designed to answer these and similar questions. Nationally, more than 30 states now have such requirements for some or all of their judiciaries. Why? The advantages are pretty obvious. Continuing judicial education (CJE) is considered an important way to maintain competence in the profession of judging. And making the education mandatory is necessary to reach the very people who need the educational exposure the most. Many states have forced their judges to attend such programs by using the threat of public censure, formal reprimand, or removal from office for ignoring the requirement. While mandatory education cannot make judges listen or learn, it substantially increases the probability that they will.

This prediction is justified, because much of the learning that occurs at such educational events takes place outside the classroom—in restaurants, at coffee breaks, receptions, or on social outings. It happens when two judges talk to each other about their experiences, problems, and solutions to problems. That informal learning is very important, and, as is the case with exposure to formal classroom instruction, the judges who need this kind of conversation most will engage in it only if they are forced to attend the formal educational event. The hoped-for result of this education is that judges will apply the law correctly, evenly, and consistently. It sounds trite, but it is true, that judges must ultimately resolve many of society’s most pressing problems, one case at a time, with litigants who are often facing one of the major crises of their lives. Given the difficulty of the judicial endeavor in the best of circumstances, one major advantage of mandatory CJE is that it contributes in some measure to this elusive goal of equal justice.

A related factor is that mandatory CJE serves a public relations purpose. In some states, the requirement is part of a larger requirement applicable to lawyers as well. In most, though, it is independent of similar requirements for lawyers. But it usually comes right before or right after mandatory continuing legal education (CLE) is made applicable to lawyers. There is something unseemly in having lawyers who must attend CLE courses appearing before judges who do not have a similar requirement. Adopting a parallel requirement eliminates that problem and may contribute to an improvement in the courts’ credibility among the general public.

Finally, making CJE mandatory may force a state to look at its judicial education program in a comprehensive way. If there are gaps in the program’s coverage, they will soon become obvious when mandatory CJE becomes effective. These can be opportunities for judicial education officers and others interested in judicial education to make their case for strengthening the program—for such opportunities come all too rarely.

The end result of any CJE program should be an educational effort in which all the members of a state’s judiciary participate in a meaningful way. But making the effort mandatory has costs, which are outlined below. If a nonmandatory program is providing quality educational opportunities at all levels of its judiciary, and if the levels of participation are high, there may be little need for mandating CJE. Then the costs of obtaining the attendance of the relatively few who do not attend become more relevant and may tip the scale against mandatory CJE. There are different kinds of costs. The most obvious are economic. It takes money to put on an educational program, and the more people attending, the more it costs. These expenses include mileage, room, board, time off the bench, and speaker and materials costs, to name the most obvious. If the supply of available training funds does not increase with the advent of mandatory CJE, then real trade-offs occur as funds have to be reallocated to pay for the increase in attendance occasioned by mandatory CJE.

A different kind of cost occurs when mandatory CJE brings people to the classroom who don’t want to be there. These involuntary students, who have no poor grade to fear and who have “passed” simply by being there, can be a disruptive influence for the teacher and for students who want to learn. And mere attendance is typically the way mandatory CJE requirements are satisfied. In some states this attendance requirement is not even monitored, and most judicial educators would probably prefer it that way. They are, after all, dealing with members of one of the traditional professions, many of whom are also elected officials who should be expected to be responsible for their own conduct. These judicial educators are not trained to be, nor are they interested in being, CJE.

EDITOR’S NOTE: James C. Drennan is assistant director at the Institute of Government, University of North Carolina (Chapel Hill).
Excerpts from the Master Calendar

From the National Center for State Courts

August 28-31 Atlanta, GA
Courts and the Public
Institute for Court Management

August 28-September 1 San Francisco, CA
Appellate Judges Seminar
American Bar Association
For more information, contact Renee Prestipino,
(312) 988-5696.

September 11-30 Reno, NV
General Jurisdiction
National Judicial College

September 14-17 Williamsburg, VA
Strengthening the Executive Component of the Court
- A Program for Chief Judge/Court Manager Teams
Institute for Court Management

September 18-23 Reno, NV
Medical Evidence
National Judicial College

September 24-29 Portland, ME
Appellate Judges Seminar
American Bar Association
For more information, contact Renee Prestipino,
(312) 988-5696.

September 25-30 Reno, NV
Search & Seizure
National Judicial College

September 25-30 Seattle, WA
Personnel Administration
Institute for Court Management

September 26-28 Washington, DC
Computer Graphics for Data Presentations
National Criminal Justice Computer Laboratory
and Training Center
For more information, contact Jim Zepp,
(202) 624-8560.

September 28-October 1 New Orleans, LA
Substance Abuse: An American Family Crisis
National Council of Juvenile and
Family Court Judges
For more information, contact William McComas,
Ph.D., (702) 784-4836.

September 30-October 1 Columbus, OH
Northeastern Regional Conference
National Center for State Courts,
Northeastern Regional Office
For more information, contact the National Center
for State Courts, (617) 687-0111.

October 2-5 Long Beach, CA
Advanced Management Seminar: Executive
Leadership in the Courts
Institute for Court Management

October 2-7 Reno, NV
Alcohol & Drugs and the Courts
National Judicial College

October 2-7 Durham, NH
Constructive and Creative Judicial Change; Use of
State Constitutions
American Academy of Judicial Education

* New course offering

Many of the conferences listed in the Master Calendar are sponsored by these organizations:

- ABA Judicial Administration Division
- Appellate Judges Conference
  Sandra M. Ross
  277 N. Lake Shore Drive
  Chicago, IL 60611 (312) 988-5696
- American Academy of Judicial Education
  2000 Pennsylvania Ave., Suite 933
  Washington, DC 20006 (202) 775-0083
- Institute for Court Management
  of the National Center for State Courts
  Suite 402
  1331 17th Street
  Denver, CO 80202 (303) 295-3063
- National Center for State Courts
  300 Newport Avenue
  Williamsburg, VA 23187-8798 (804) 253-2000
  National Council of Juvenile
  and Family Court Judges
  P.O. Box 6770
  Reno, NV 89507 (702) 684-6012
  National Council of Juvenile and Family Law
  P.O. Box 6770
  Reno, NV 89507 (702) 684-6012
  National Judicial College
  University of Nevada
  Reno, NV 89557 (702) 784-6747

This calendar contains notices of seminars, meetings, institutes, and similar events of interest to judicial educators. For further information about specific events, please call or write the sponsoring organization directly. The information in this calendar may be reprinted. Please specify the correct sponsoring organization and phone number.
October 2-14 Reno, NV
Special Court for Attorney Judges
National Judicial College

October 2-14 Reno, NV
Special Court for Non-Attorney Judges
National Judicial College

October 7-10 New Orleans, LA
National Association of Women Judges Annual Meeting
For more information, contact Secretariat Service, National Center for State Courts.

October 9-12 Alexandria, VA
National Association of State Judicial Educators Annual Conference
For more information, contact William Capers, (804) 786-6455.

October 9-14 Philadelphia, PA
Court Case Management Information System
Institute for Court Management

October 9-14 Toronto, Canada
American Judges Association Annual Meeting
For more information, contact Secretariat Service, National Center for State Courts.

October 9-14 Reno, NV
Evidence for Non-Attorney Judges
National Judicial College

October 12-15 Williamsburg, VA
National Conference of Metropolitan Court Judges Annual Meeting
For more information, contact the National Center for State Courts.

October 16-19 Boston, MA
Alternative Dispute Resolution
Institute for Court Management

October 16-21 Reno, NV
Evidence
National College of Juvenile and Family Law

October 16-28 Reno, NV
Fall College
National College of Juvenile and Family Law

October 18-23 San Francisco, CA
Council of Chief Judges of Courts of Appeal Annual Seminar
American Bar Association
For more information, contact Renee Prestipino, (312) 988-5696.

October 20-23 Los Angeles, CA
1988 Annual International Conference of the Society of Professionals in Dispute Resolution (SPIDR)
Society of Professionals in Dispute Resolution
For more information, call (202) 833-2188.

October 23-26 San Diego, CA
Management for Chief and Presiding Judges
Institute for Court Management

October 23-28 Reno, NV
Family Law
National College of Juvenile and Family Law

October 26-28 Dallas, TX
Court Architecture: Symbol or Machine
American Institute of Architects, Committee on Architecture for Justice
For registration information, contact the American Institute of Architects, (202) 626-7361.

October 27-28 San Francisco, CA
Western Regional Office Western Judicial Conference
National Center for State Courts, Western Regional Office
For more information, contact the Registration Coordinator, (415) 557-1515.

October 30-November 2 Washington, DC
America's Homeless, Missing, and Exploited Children: A Juvenile Justice Dilemma
National Council of Juvenile and Family Court Judges

October 30-November 4 San Diego, CA
Records Management
Institute for Court Management

October 30-November 4 Reno, NV
Advanced Evidence
National Judicial College

October 30-November 11 Reno, NV
Administrative Law: Fair Hearing
National Judicial College

November 6-11 Reno, NV
Administrative Law: Advanced
National Judicial College

November 6-11 Reno, NV
Special Problems in Criminal Evidence
National Judicial College

November 6-11 Orlando, FL
The Judge as a Public Speaker
American Academy of Judicial Education

November 13-18 Phoenix, AZ
Caseflow Management and Delay Reduction
Institute for Court Management

November 16-18 Baltimore, MD
National Conference on Dispute Resolution and the Courts
National Center for State Courts
For more information, contact Geoff Gallas, (804) 253-2000.

* New course offering
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<td>November 16-19</td>
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<td>Fall Probate Seminar</td>
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<td>For more information, contact Secretariat Service, National Center for State Courts</td>
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<td>November 30-December 3</td>
<td>San Francisco, CA</td>
<td>Courts and the Mentally Ill: How to Improve the Involuntary Civil Commitment Process</td>
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1989

April 2-6          | Milwaukee, WI   | Midwest Conference on Court Management                                                     | National Association for Court Management, National Center for State Courts, & Wisconsin Supreme Court's Office of Judicial Education |
|                   |                 |                                                                                           | For more information, contact Gregg T. Moore, (715) 839-4826.                           |
| April 13-15       | Colorado Springs, CO | American Judges Association Midyear Meeting                                           | For more information, contact Secretariat Service, National Center for State Courts.   |
| April 23-27       | Cambridge, MA    | Spring Probate Course                                                                     | National College of Probate Judges                                                    |
| |                 |                     |                                                                                           | For more information, contact Secretariat Service, National Center for State Courts.  |
| July 9-14         | Crested Butte, CO | National Association for Court Management Annual Meeting                                  | For more information, contact Secretariat Service, National Center for State Courts. |
| September 6-8     | Baltimore, MD    | National Conference on Judicial Education                                                  | For more information, contact the National Center for State Courts.                   |

1990

January 28-February 1 | Puerto Rico | Conference of Chief Justices Midyear Meeting                                               | By invitation only, National Center for State Courts                                    |

1991

April 11-13        | San Antonio, TX | American Judges Association Midyear Meeting                                               | For more information, contact Secretariat Service, National Center for State Courts.   |
STATE SPECIFIC CALENDAR

ALABAMA

July 18-20 Gulf Shores, AL
Constitutional Law, The Impact of Computer Technology on the State Trial Courts
For Circuit and District Judges

September 19-22 Montgomery, AL
Interagency Conference on Youth For Juvenile Service Officials and Juvenile Court Judges

ARIZONA

July 25-26 Tempe, AZ
Review and Revision of the 1987-1988 Judicial Education Standards
For County Training Coordinators and Members of the Council on Judicial Education and Training

ARKANSAS

October 13-15 Jonesboro, AR
Lender Liability Videotaping for the Record
For General Jurisdiction Judges

CALIFORNIA

August 28-September 3 North Lake Tahoe

GEORGIA

July 6-8 Athens, GA
July 20-22 Marietta, GA
August 3-5 Savannah, GA
Magistrate Court Practices to Combat Family Violence

KENTUCKY

September 11-15 Jamestown, KY
Judicial Response to Lawyer Misconduct, Trying a Pornography Case
For Limited Jurisdiction Judges

LOUISIANA

December 9 New Orleans, LA
Perspectives on Louisiana Tort Law

MARYLAND

September 29 Annapolis, MD
DUI Case: The District and Circuit Judge Role
For Limited and General Jurisdiction Judges

September 30 Annapolis, MD
The Privilege Against Compelled Self-Incrimination, The Law of Confessions and the Right to Confrontation
For General Jurisdiction Judges

MINNESOTA

June 28-July 1 Breezy Point, MN
The Art of Survival
The Art of Decision Making - Ethical Considerations Communication For Court Administrators and Deputy Administrators

TENNESSEE

August 22-24 Memphis, TN
Pornography, Obscenity and the First Amendment Juvenile Crime - Certification Issues For General Jurisdiction and Appellate Judges

TEXAS

October 4-7 Corpus Christi, TX
Open Records Act and Media Relations
For Limited Jurisdiction Judges

WISCONSIN

September 26-27 Appleton, WI
Probate and Mental Health Seminar
For Limited Jurisdiction Judges
policemen. The result is that the CJE requirement can become either a meaningless and expensive ritual for some who do no more than show up to register or a disruptive influence for serious students and teachers who are bothered by some of the judges forced to attend.

Besides the policing problem there are other, more subtle costs for judicial educators as their lives inevitably become more complicated. More administrative details must be handled in the judicial education programs subject to mandatory CJE. Additional records must be kept. Educational choices about program content and implementation are likely to be driven by the details of the mandatory CJE programs. One danger is that the mandatory program will become a pressure point for groups seeking social change through the courts; such groups may seek to have certain topics included in mandatory CJE requirements. In addition, larger crowds and limited funds may make it more difficult to find desirable locations. The use of lecture as the usual mode of delivery becomes almost inevitable as crowds grow, with all the negative implications this has for the value of the program. If funds remain a limiting factor, then creative, special-purpose programs aimed at small groups of judges may be discouraged. The discouragement will not be overt, but meeting the requirements of mandatory judicial education for all judges will certainly become the first order of business for any judicial education office. Only if that issue is satisfied will energy and funds be freed to develop new programs.

What factors should a state consider if it decides that a requirement of mandatory CJE is desirable and worth the costs? There are many, but my experience in North Carolina's study suggests that at least the following should be carefully considered.

First, there is the question of legality. Can your state add an educational requirement as a condition of retaining an appointed or elected position? If so, who should be the promulgating authority for the requirement? The supreme court? The state bar? The legislature? A special commission? If a special commission, how would its members be elected?

Second, there is the question of the kind of requirement to be imposed. Should attendance at an in-state judicial education program be mandated? Preferred? Should the requirement include attendance at courses offered by national providers of judicial education as an alternative or mandatory component? Should there be a requirement that the educational programs be aimed at judges, or should any program qualified for lawyers' CLE be sufficient? Should appellate judges have special courses, or should they be required or encouraged to attend trial judges' courses? Should there be special requirements for instruction in ethics or similar subjects?

Third, there is the question of program administration. Should a special commission be established to administer the program? Or should the state court administrator's office or the judicial education officer do that? Who should monitor attendance? How extensively should it be monitored? Should it be self-enforcing? Should any exemptions be granted? By whom?

Fourth, there is the question of sanctions. What sanctions are allowed by law? Should it be an ethical violation not to comply with a mandatory CJE requirement? Who should determine if a judge has not complied? What procedure should be followed? Should the public and press have access to these records?

Finally, there is the question of funding. Mandating CJE has implications for court budgets in many ways. It also has implications for the value of the program. These implications should be carefully evaluated if a state is considering mandating CJE.

Establishing a mandatory CJE requirement is not a trivial matter to be undertaken lightly. There are benefits and costs associated with such a requirement. For some states it may be desirable; for others it may simply be an unnecessary burden. Each state should examine its own program before making such a decision. The goal that cannot be reasonably argued is that judges should continue their education while on the bench and that they should have quality educational programs available to them for that purpose. Mandatory CJE will not replace the need to pay close attention to the quality of the program offered; if it contributes to that quality and expands the reach of the CJE program in a given state, it is probably worth the other costs. If it detracts from that quality, even if it brings a few otherwise recalcitrant judges to school, it is probably not worth the costs.
that goal. In short, the applicant is developing a project plan—a plan which, if sufficiently outlined, will make implementation of a successful application that much easier.

Once you have identified the tasks, determine who will be assigned to each task, how long each task will take, and what tasks need to be completed before subsequent tasks can be undertaken. This step is critical. All too often, identifying and assigning tasks is laced with assumptions—assumptions about the availability of resources, personnel, and facilities. (E.g., can the grantee get 50% of an essential person’s time if the grant is awarded, or will Building X be available when needed?) Special care should be taken to ensure that these assumptions are valid. Failure to test such assumptions in the planning stages will certainly lead to problems in implementing the grant, should it be awarded.

Although these steps may seem like too much detail for a grant application, this planning process is important for several reasons: 1) it provides an estimate of whether the project can be done within a certain monetary and time frame, which may significantly affect any reformulation of the design (e.g., you may need to reduce the number of sites from six to four); 2) it provides the organization with a detailed plan should the grantee leave or be reassigned; 3) it provides the granting body with evidence that considerable thought has gone into the project, which provides more credibility for its successful completion; and 4) it lets the organization determine whether it wants to commit itself fully to the project (i.e., is the time needed to prepare the proposal and satisfy grantor requirements worth the potential award payoff?).

**Preparing the Document.** Once the preliminaries are completed, organizing the proposal into the required format becomes a relatively simple task. Most granting agencies publish such formats, and the grant preparer should follow those formats exactly. Generally, the granting body wants:

a) a statement of the problem,
b) a discussion of its significance to the discipline and the need for the proposed work,
c) a review of the literature relevant to the topic and how the proposed work draws on and enhances the literature,
d) a delineation of the tasks necessary to address the problem,
e) a methodology section, which provides specifics on how the investigating organization will address the problem,
f) an identification of reports, products, and programs that will be delivered to the granting body at the conclusion of the work,
g) a task plan that identifies which staff members will perform which tasks, and within what time frame,
h) a means of evaluating project success, and
i) a detailed budget to indicate how the funds will be spent (including such items as personnel expenses, fringe rates, overhead expenses, travel, equipment, supplies, consultants, excessive postage and telephone expenses, and matching funds).

Some applicants find it helpful to have the people who will be implementing various tasks within a project prepare drafts of those tasks. This builds a sense of loyalty to the project and ensures that the segment is prepared by the person most qualified to discuss a methodology for its implementation.

Once a final draft is prepared, it should be circulated within the organization for a critique and submitted to external reviewers when appropriate.

**Follow-up.** After submitting the proposal, the applicant should continue to maintain contact with the granting body in order to answer questions the grantor may have. The applicant should be judicious in the timing and frequency of these contacts, which can be by phone, by inviting the grantor to visit the applicant organization, or by visiting the granting body.

Finally, if the grant is awarded, the applicant must deliver a quality product on time and within budget in order to maintain credibility with the grantor. It is important to stay in touch with your grant monitor in order to keep up with changing methodologies, to make sure you’re satisfying all conditions of the grant, and to discuss the inevitable changes that occur when trying to implement the proposal. The applicant would also be advised to develop the concept even further, to consider how the proposal might work into future projects.

However, the applicant should also be prepared for rejection. The chances are good that a first-time application will be rejected for funding. Do not sulk or insist that the granting body and its referees can’t identify a great proposal when they see one—chances are they have seen hundreds of great proposals. Given limited funds to award, they have to make some difficult decisions in identifying the best applications. Rejection does not mean you prepared a bad proposal; it simply means that from a comparative perspective someone prepared a better proposal—probably one that had been rejected several times before this acceptance. Take the granting agency’s recommendations to heart; sit down and rewrite when necessary.

No one said it would be easy!

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**Arden House III, continued**

ensure neutral decision making with respect to quality, finance, and operation of CLE programs.

6. All attorneys, law professors, and judges should support and participate in CLE programs, but CLE providers should especially tap the wealth of knowledge available from senior, more experienced lawyers.

If any judicial educator would like a copy of the entire final statement of the conference, I will be happy to forward one.
Video Applications

by Laurence B. Stone

In the last newsletter, we discussed various uses of video playback in judicial education, covering both commercially and locally produced segments and presentations. In this article, we will look at more sophisticated video techniques that are currently available, and examine their application as teaching and learning tools.

Self-Evaluation. In this application, a videotape recording is made of an individual performing a task. The videotape is then played back to the individual while the performance is evaluated by an expert. So the learner can see what he or she has done correctly or incorrectly. This is a very effective teaching tool when used appropriately. In most cases, production requires only a camera, recorder, and microphone.

Consider the following examples of self-evaluation: The state of Minnesota has a program in which a new judge participates in a mock trial that is videotaped. The new judge's performance is then evaluated at time of playback by an experienced judge. Having judges present jury instructions on videotape and evaluating them for effective communication is also a good use of this technique.

In every self-evaluation situation, the participant should be cautioned in advance that seeing and hearing oneself on television for the first time may be somewhat of a shock and that this is a normal reaction.

Image Magnification. This application uses television's ability to magnify things instantly. The technique can be used either in a live situation or recorded on videotape for later use.

EDITOR'S NOTE: Laurence B. Stone is director of the Ohio Judicial College in Columbus.

For example, if a presenter at a large group meeting wants to demonstrate the operation of an intoxilyzer, it would be impossible for everyone to see the operation of the controls and the readout. By using a television camera and monitors (or a large-screen TV projector), all attendees will be able to see the intoxilyzer controls and readout, thus limiting the frustration of not being able to see what the speaker is referring to.

Obviously, the judicial educator should not overlook the effectiveness of the close-up in locally produced videotape presentations or segments.

Teleconferencing. There are two major applications of television in teleconferencing. The first is the one-way transmission of a live (as opposed to videotaped) television presentation to specific remote locations using satellite technology. Any number of receiving locations can be identified, but each must have specialized equipment to receive the television signal. Attendees at these locations often have the opportunity to call in questions over telephone lines to the point of origination. Obviously, the person making the presentation can also use videotaped segments in his or her presentation. Often referred to as one-way teleconferencing, this application is relatively expensive and requires experienced operators. Major corporations are beginning to use one-way video teleconferencing extensively to communicate with offices throughout the country. The technique has been successfully used by the Institute of Continuing Judicial Education of Georgia.

The second application of television in teleconferencing is two-way video. This relatively complex technique uses data-grade telephone lines or satellite signals to transmit digital television signals between two or more points. In essence, it is a sophisticated video-telephone system with which participants can see and hear each other. Due to technical limitations, a limited amount of on-screen movement will be transmitted to the receiving location. The lower-level systems transmit single still pictures from the television camera at varying speeds. This is also known as slow-scan television. Specialized training is required for any presenter using this application. It can be effective for regular use between small groups of people. (Contact the author for additional information about this technique.)

Interactive Video. Interactive video integrates videotape technology into programmed instruction modules on computers for individual learning use. The process is essentially this: videotaped excerpts, photographs, and written and spoken materials are placed on a videodisc. A videodisc player is then interfaced with a personal computer.

The computer program provides a new educational tool. For example, a learner can view a simulated objection in a courtroom situation and select how and why he or she would rule on the objection from options presented. Assuming an incorrect response was made, the learner would then be routed through a remedial subprogram to the correct answer.

Videodiscs also allow the random access of any material recorded on them, a capability not generally available in videotape recorders.

Done properly, interactive video is time-consuming and expensive to produce. However, if the programs are correctly written, it can be extremely effective.
ers, NASJE markets none of its own consumer products as a service to the states. Contrary to certain of these entities, NASJE doesn’t continuously posture its pre-emminence in order to remain confident of its professional contribution. Moreover, optimizing cash flow advantage is not a litmus test for establishing a programmatic relationship with a state. Access to NASJE services simply enables state CJE programs to receive help from their peers. As with no other CJE institution, the promise of a vehicle for resource sharing that nurtures state-based CJE into maturity is actually being realized in efforts pursued under the auspices of NASJE.

To help state CJE programs aid one another, the NASJE sponsors at least six clearinghouse services. They are, in reverse order of their inception, 1) the NASJE Bulletin Board, an electronic mail and information transfer service of the National Center for Adult Continuing Education Computer Network (NCACE); 2) this judicial education newsletter, NASJE News; 3) the NASJE Databank of CJE Course Offerings; 4) the NASJE Conference Manual for State Judicial Educators, a two-volume collection of materials illustrating how to handle a broad range of routine problems confronting state CJE programs; 5) the NASJE Biennial Survey of State CJE Operational Structures; and 6) the NASJE Annual Meeting.

The Annual Meeting furnishes the most obvious forum for collegial interaction. Contacts made there build interprofessional confidence, which leads to problem stating and solution sharing through subsequent correspondence, telephone communications, site visits, and exchange of bulletin board messages. The meeting itself cannot examine the resolution of every difficulty confronting state judicial educators. For example, this year’s agenda will target only the following: application of desktop publishing technologies, production of video instructional activities, upgrading program evaluation strategies, exchange of resources and techniques for CJE treatment of judicial ethics, illustrations of AIDS programming pertinent to judges and court support personnel, and new trends in programs targeting futuristic biomedical issues that confront state courts. Vast areas of CJE programming substance, however, together with necessary administrative practices, cannot be treated in the Annual Meeting. Furthermore, a routine curriculum for orientation of new judicial education officers should be executed as an adjunct to each annual meeting. Yet, Association success with this task has been inconsistent. Consequently, the other NASJE-sponsored means for exchanging professional experience and insight must not be overlooked.

Individuals who often travel away from their base of operations, as most state judicial educators must do, need a means for transmitting questions, messages, and monographic materials to colleagues that is more reliable than a randomly placed telephone call and less time-consuming than traditional mail. The NCACE/NASJE Bulletin Board addresses and resolves all these problems. The microcomputer capability it requires is modest, and assuredly reflects standard equipment for any court system purporting to enter the 21st century employing state-of-the-art technology.

Practitioners who must exercise proficiency operating a hand truck, packaging handout materials, tackling a subject matter research assignment, designing and supervising execution of a satellite teleconference, or speaking publicly to leaders of the bar and legal academia regarding their respective roles in CJE, as most state judicial educators must do, may benefit from the NASJE Survey of CJE Operational Structures and the NASJE Conference Manual. The tasks and techniques modeled by the Conference Manual will help increase the administrative efficiency of the state CJE office that is understaffed. The Survey results will help state CJE policymakers configure a product development, management, and quality-control team capable of adequately supporting the program schedule desired by that supervisory body. Because the Survey comprises job descriptions, program classifications, constituent lists, participation levels, chain-of-command diagrams, policy statements, program histories and sources of authority, its careful study is always instructive.

Certain portions of the newsletter, as well as the Databank of courses conducted, present judicial educators with up-to-date knowledge about topics being treated in modern state-based CJE activity. Equally important, these tools tell who to contact for tips regarding the instructional designs executed and about resources that have or have not lived up to their promise. The NASJE’s course offering Databank prompts numerous telephone exchanges between state judicial educators. The newsletter’s recently inaugurated calendar citing noteworthy state-based instructional ventures undoubtedly will prompt more site visits.

Along with exchanging expertise, advocacy to strengthen CJE has evolved as a responsibility of the NASJE. This duty cannot be escaped, as history shows that no other association or entity possesses the commitment to improving CJE,
especially state-level activity, consistently evinced by the NASJE. The greatest danger facing state-based CJE is the stifling hegemony certain nationally based purveyors would still impose on the entire discipline. Unless state-based CJE providers and the NASJE champion the fact that the overwhelming bulk of court system organizational development through training occurs at the state level, the state providers’ cause will never become properly supported as the primary arena of focus for needed CJE research, experimentation, and ongoing program development that state court officials, employees, and volunteer agents merit. State programs, and their representatives like the NASJE, must continue to fight for access to federal and private funding on behalf of the states for the improvement of CJE, as well as for access to the time of outstanding researchers, scholars, and teachers.

The conveners of the first NASJE meeting in 1975, and subscribers to its initial constitution, deserve commendation for their faith in the clearinghouse function of a practitioner’s association and for their vision of the vocational and personal benefits inherent in professional comity and mutual regard. Some of these pioneers still lead the way in state judicial education, as they share their experiences and create new avenues of CJE excellence. The successors to others have ably assumed responsibility, leaving their own records of progress while maintaining the founders’ willingness to help a peer perfect an undertaking. Assuring professional interchange is the NASJE’s highest calling, historically its most effective role, and prospectively the greatest contribution any organization could make to preserve the integrity, initiative, and innovation that increasingly characterize contemporary state-based judiciary educational activities.

**PROFILE**

**George Glass**

Leading Indiana Judicial Center Into Second Decade

Picture Indiana. In the south, hardwood forests meet rolling farmland by the Ohio River. To the north, steel mills decay on the blustery Lake Michigan shore. Picture race cars, pumpkins, and Indianapolis’ new amateur sports complex. Did you remember to picture an 18-year-old judicial education program?

Conservative Indiana may seem an unlikely place for a “first” in the relatively new field of judicial education. But in the late sixties, a farsighted young attorney with a talent for innovation and controversy saw the need (as yet unfelt by most of the state’s judges) for a homegrown continuing judicial education program. She also saw the potential chemistry between LEAA’s desire to expand into court programming and Indiana University Law School’s need to attract dollars and action to its Indianapolis campus.

The Indiana Judicial Center was duly founded under the law school in 1970 and plunged into the program vacuum. A year-round program of continuing education and of orientation, legal, and legal, and news publications was developed by a board of judges and law faculty. The Center introduced the far-out topic of court management and brought in the Institute for Court Management and the National Judicial College to rock the provincial boats. Acceptance was slow. Many in the establishment viewed the Center as a flashy intruder with outsiders’ ideas and dangerous federal funds. But before flaming out in a turf battle with the law school, the director organized the annual Judicial Educators Roundtable, which developed into NASJE.

Since those pioneer days, the Indiana Judicial Center has matured and penetrated the establishment. It is now funded by the state, chaired by the chief justice, and has statutory responsibility as the staff agency for the judicial conference. The Center is secretariat for the state’s three judges associations. A staff of twelve, including five attorneys, handles a comprehensive program that includes seven conferences a year of continuing education and orientation for judges, civil and criminal benchbooks, specialty law manuals, and a standing project on court reform. Unique to Indiana is a telephone legal research service for judges and statutory responsibility for probation standards and certification.

Heading the Center is Indiana lawyer George Glass, appointed in 1986 to succeed long-time faculty continued on page 12
17-minute videotape entitled “The Court System: Arizona’s Design for Justice.” In addition to the supreme court newsletter, The Bench Press, the Division publishes curriculum materials and pamphlets to benefit the judiciary and the public.

In 1987, the executive committee of the National Conference of Special Court Judges selected the Division as the recipient of their Annual Conference Education Award. The award recognized the high quality of judicial education and training provided by the state of Arizona for its judges of limited jurisdiction.

In fiscal year 1987, the Education Services Division was granted $233,400 to provide continuing education programs and projects. Operating expenses and salaries are not included in this figure. An average training year includes 22 programs, 333 hours of education, and 1,300 attendees.

The Education Services Division is staffed by seven employees.

George Glass continued from page 11

He has upgraded the research service by replacing the annual parade of law student assistants with two research attorneys, who handle a thousand calls a year from understaffed judges. Five hundred of these calls result in written research requests. Under his direction, support in the civil area has increased, including a soon-to-be-published civil benchbook, jury instructions, and programs on probate and mental commitments. He has capitalized on the Center’s ten-year history of think-tank-level committee work in court system improvement to monitor a new State Commission on Court Reform.

George sees the Center’s role going beyond judicial education, as the agency through which judges can improve their profession and the judicial system as a whole. He looks forward to taking the Center into its 20th year of service to the state of Indiana.

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