

Seattle Welcomes NASJE

The foghorns at 5:00 a.m. warned some of us to peek out the window. A quick glance confirmed we were drifting at sea, apparently too close to another vessel hidden by the dense mist. For others, who were not so fortunate, the obvious roar and rumble of a freight train indicated a dangerous proximity to its path. But where were the tracks? Some of us were confused even more when one sound was followed by the other.

The noises, of course, were wake-up calls at the historic Edgewater Inn, stretched across a narrow strip of land between the railroad tracks and Puget Sound in downtown Seattle. Judicial educators from throughout the United States had gathered not to fish from their sound-side rooms, apparently the practice in the old west, but to participate in the annual meeting of the National Association of State Judicial Educators (NASJE). Organ-

ized and hosted by the warm, able professionals in the Washington Office of Judicial Education, the conference offered the 76 participants (a record number) a superb opportunity to explore new ideas and share valuable experiences in this unique profession. The program combined a generous serving of adult education theory and methodology with substantive discussion of many common issues
continued on page eight



PRESIDENT'S COLUMN

Rita Stratton



On behalf of NASJE, I would like to thank Carol Weaver, of the University of Seattle, for the outstanding annual conference held in Seattle. The following staff members of the Washington Office of Administrator for the Courts were invaluable both before and during the conference: Judith Anderson, Maureen Lally, Ann Sweeney, and Jane Nelson.

During the business meeting, the following dates and locations were announced. The NASJE Annual Conference will be held at the Radisson Hotel in Burlington, Vermont, October 7-10, 1990. These dates correspond with the height of the new England foliage season. Dates approved for future annual conferences are

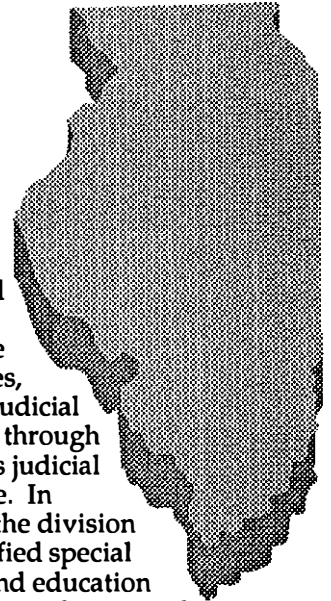
1991—October 13-16,	Midwest
1992—October 11-14,	Southeast
1993—October 10-13,	West
1994—October 9-12,	Northeast

One issue discussed during the Seattle business meeting was the role of state judicial educators in reviewing, evaluating, or commenting on education curricula and programs. It appears that SJEOS are sometimes in a quandary as to whether their comments are made on behalf of NASJE or on their own. When a national provider of judicial education or any interest group requests that

continued on page eleven

STATE PROFILE

Illinois



When the Administrative Office of the Illinois Courts (AOIC) evaluated its training efforts, it determined that its programs would benefit from improved administration. In March 1988, a new unit within the court services division was created to train and provide continuing education as directed by the AOIC. The Illinois Supreme Court, recognizing the volume of work challenging the unit, raised the unit to divisional status six months later, and the judicial branch education division was born.

Maureen Conner, division director, is responsible for strategic planning, policy development, budgeting, fiscal management, grant writing, personnel management, marketing, constituency outreach, and public relations. She directs the work of legal, professional, technical, and support staff and collaborates on projects with state and national training providers.

The education division's first task was to standardize systems to ensure that all judicial branch employees receive training and education consistent with the demands of their positions. At the present time, only probation officers have mandatory training requirements.

Judicial Education. The executive committee of the Illinois judicial conference has traditionally assumed primary responsibility for the continuing education of judges. This constitutionally mandated committee is composed of trial and appellate judges appointed by the supreme court. The executive committee recommends topics and faculty for judicial conferences and regional seminars. The subcommittee on judicial education, which develops the new judge seminar, and the associate judge seminar coordinating committee assist the executive committee. The judicial branch education

division executes these programs and serves as staff to the committees, planning judicial education through the Illinois judicial conference. In addition, the division has identified special training and education needs of the judiciary and is currently developing new programs in these areas.

Court Personnel Training. In the past, an annual conference for nonjudicial personnel offered programs on procedures, policies, and legislation that affect court operation. The judicial branch education division has designed new programs for trial and appellate court personnel that examine new technologies, practices, and theories of administration. The training reflects the professionalization of court administration and ranges from basic management to leadership development.

When probation training was transferred to the division, all ad hoc training projects were suspended. The division coordinated a statewide approach following a 12-step strategic planning model. Not only have the training content and process been upgraded, but contract supervision, fiscal control, and budget projection have also improved. Court reporter training, for example, is now handled in regional seminars instead of in an annual conference and covers topics pertinent to improving the efficiency, production, and management of court-reporting services.

continued on page eleven

A Unique Sabbatical Experience

Six employees of the Colorado Judicial Department recently took three-month sabbaticals to address issues facing the court system. These sabbaticals were provided through the PAUSE (Positive Alternative—A Unique Sabbatical Experience) Program, a pilot project funded by the State Justice Institute. The six individuals constituted two teams, with three individuals on leave simultaneously to address a specific issue.

The PAUSE Program has three major objectives: (1) to augment limited personnel resources available in the state court administrator's office for special reports, projects, or programs; (2) to provide a mechanism for motivating judges and staff of the judicial department; and (3) to improve communication and understanding among all levels of the state judicial system. The program consists of four components: the advisory panel, the team concept, paid replacements, and a completed work product.

The Advisory Panel. The advisory panel, consisting of representatives of the three major groups eligible for participation in the program (judges, clerks/administrators, and probation personnel), was assembled early in the process to advise the project director. It is responsible for designing, implementing, and evaluating the program and assessing the completed projects. It was also envisioned as a mechanism to increase communication within the judicial department.

The Teams. Each team consisted of three individuals from diverse disciplines, e.g., a judge, a trial court employee, and a probation employee. Based on professional background alone, each individual brought a unique perspective to the project resulting in a more comprehensive approach than if one individual had addressed it alone. The interdisciplinary team approach

provided a second opportunity to enhance communication within the system.

The Replacements. To preclude backlog while the team members were on sabbatical, paid replacements were provided through the grant funds. Replacements included retired judges and probation officers, contract personnel, and temporary promotions within one district.

————— ■ ■ ■ —————

The program
was dubbed the
PAUSE Program
to alert judges and
employees to the fact
that this was
not a traditional
sabbatical

————— ■ ■ ■ —————

The Product. This program was not a traditional sabbatical, and this led to confusion concerning the guidelines and goals. The preconceived ideas about what a sabbatical program is or should be made communication of the unique concepts of this particular program difficult. The program was dubbed the PAUSE Program to alert judges and employees to the fact that this was *not* a traditional sabbatical; it was in a sense a working sabbatical. It was a positive alternative to an academic sabbatical, which employees and judges of the judicial system do not receive.

The first team (a judge from a limited jurisdiction court, an administrative assistant from a trial court,

and a line probation officer) began their sabbatical on June 1 and concluded on August 31. The team's report concentrated on techniques to improve use of the existing Colorado Employee Assistance Program for judges and court personnel. In addition, the team recommended methods to improve working conditions, employee motivation, employee productivity, and individual job satisfaction. A slide show augmented the written report by focusing on the team process and the effect of the sabbatical on all team members.

The second team (a judge from a general jurisdiction court, a unit supervisor from a trial court, and a line probation officer) began their sabbatical on July 1 and continued through September 30. This team investigated three precise areas related to the courthouse of the future. The first focused on designing a new garnishment procedure with suggestions for implementation. The second considered alternative approaches to juvenile sentencing, including a discussion on the effectiveness of programs that curb recidivism. The third outlined guidelines and recommendations for security in the courthouse of the future, including an emphasis on architecture.

Team presentations were made at the annual judicial and trial court personnel conferences in the fall of 1989. The completed project reports will be distributed to the Colorado Supreme Court, district administrators, chief judges, and chief probation officers. An implementation and development manual regarding the PAUSE Program will be disseminated to state court administrators nationwide.

Evaluators were crucial to the program. The Center for the Improvement of Public Management at the University of Colorado at Denver is evaluating all aspects of the project. Funding for this aspect

continued on page six

Looking Back

The First Decade of New Trial Court Judges Orientation Programs

by Marvin Haiken

At present, California trial judges receive no formal training or apprenticeship in the judicial function before assuming the bench. Upon appointment or election . . . new judges generally have no knowledge of judicial work or the art of judging other than their experience as trial lawyers . . . Yet, new judges, some 80-100 each year in California, are required to make an almost overnight transition from advocates to judges; to manage their court personnel; and most importantly, to process and decide their cases fairly and effectively.

The proposed project would pioneer in California a comprehensive and in-depth program for new trial judges.

[Federal Grant Application of the Administrative Office of the Courts — New Trial Court Judges Orientation, February 11, 1976]

In January 1977, California began a new effort in judicial education—one-week orientation programs for newly appointed and elected trial judges. Superior court programs were designed to alternate with municipal and justice court programs. Presented on a regular basis between September and June, they would augment the two-week California Judicial College held annually in July at the Boalt Hall School of Law in Berkeley.

More than a decade has passed. As of December 1988, 121 orienta-

tion programs have been presented and attended by 1,424 new trial court judges and commissioners, or over 75 percent of the California judiciary. More than 200 experienced judges throughout the state have contributed their time and experience as speakers and discussion leaders. Since they began, the orientation programs have been highly praised by new judges and represent one of CJER's most valued services to the California judiciary. It is time for a brief look backward at the origin, development, and success of this pioneering program.

In the beginning. How did it all get started? Trial judges orientation programs began as a new CJER educational activity in 1976 when the Judicial Council obtained federal funds from the California Council on Criminal Justice to enable CJER to organize and present a continuous schedule of new judges orientation programs.¹

The orientation programs were an immediate success in meeting the needs of new trial judges for information on practical techniques and hands-on procedures. During the initial three-year period of federal funding, 27 orientation programs were held, including two follow-up workshops. The third and final year of federal funding for the orientation programs ended on June 30, 1979. Because the programs had met with the overwhelming approval of the new judges who attended, the Judicial Council requested that the orientation programs be made a permanent judicial education activity funded from the state's general fund beginning with fiscal year 1979-80. The Judicial Council's request was based on the high priority accorded the programs by the council, the California Judges

Association, and the CJER Governing Committee. The resolution of the California Judges Association in support of state funding stated in part:

The New Trial Court Judges Orientation program today fills an important and previously unmet need in judicial education, has continually received excellent evaluations from new judges, presiding judges and other interested persons, and has contributed greatly to the fair, correct, and efficient administration of justice in this state.

Formula for success. What was the "previously unmet need" in judicial education that the new judges orientation programs so effectively satisfied? The formula for success was amazingly simple: (1) new judges came together for one week of orientation and training shortly after taking the bench; (2) the program schedule consisted of morning and afternoon sessions in which experienced judges acting as the program faculty presented and discussed materials in a basic "how-to-do-it" transactional framework; (3) the program curriculum covered the major areas of law in which the new judges would be working; and (4) group discussions led by an experienced judge who acted as the discussion leader for the entire program followed each teaching session. As with all other CJER judicial education activities, the orientation programs were under the supervision of a judicial planning committee of experienced judges.

The discussion leader was considered an additional faculty resource for the program and was asked to actively participate in the faculty presentations and to provide

Marvin Haiken is assistant director of the California Center for Judicial Education and Research.—ED

continuity between the different speakers' sessions. In addition, the group discussions became continuing seminars in effect, and the small group format transformed the programs into week-long seminars for the new judges: a time, place, and opportunity to discuss not only the subject areas covered by the speakers but any other problems and concerns that had surfaced in their brief careers on the bench. Each program was usually attended by 7 to 12 new judges, and the camaraderie that normally developed during the program and the wide range of subjects discussed were often cited by new judges as the most valuable rewards of attending a program.

The question often asked was why the orientation programs were not scheduled for new judges *prior* to their taking the bench. In fact during the early days of the programs, several new judges were allowed to attend shortly after taking the oath of office because of particular circumstances or pressures within their courts. The evaluations and the comments of the new judges soon demonstrated that the programs were most valuable to them *after* they had had four to six weeks on the bench and were in a position to bring that experience to the programs.²

"There is no such thing as a dumb question." This soon became the motto of the new judges orientation programs. In the program's opening remarks and continually throughout the rest of the program schedule, it was emphasized that this was the place to ask the so-called dumb question—the question that, perhaps, a new judge was uncomfortable asking a colleague on his or her own court. The student judges were also urged to actively participate in all of the sessions. The faculty speakers were under a mandate to present their materials in a basic, practical fashion and to identify and discuss what was most important for a new judge to learn (the so-called ten top tunes). When unfamiliar code sections were cited by number, the new judges were encouraged to ask for clarification. If the material discussed suggested another area for inquiry, the message was clear: bring it up!

Course coverage. What are the subject areas generally covered at orientation programs? A typical municipal and justice court program includes sessions devoted to Selected Problems Facing New Judges; Criminal Pretrial Proceedings; Common Problems in DUI Cases and Traffic Proceedings; Landlord/Tenant and Small Claims Proceedings; Search Warrants/Motions to Quash and Traverse; Felony Prelimi-

■ ■ ■

**Attending a
program can have a
profound impact
on a new judge's
perspective
and realization that
the problems which
he or she faces
are common to other
new judges**

■ ■ ■

nary Hearings; Misdemeanor Trials; Civil Trials, Civil Law and Motion Proceedings; Selected Evidence Problems; and Sentencing Procedures and Sentence Choices. A superior court orientation program would normally include sessions on Criminal Pretrial Proceedings; Family Law; Felony Sentencing; Judicial Conduct; Common Evidence Problems; Selected Trial Problems; Civil Trials and Civil Law and Motion Proceedings; Civil Settlement Techniques; Juvenile Court Proceedings; and Criminal and Civil Jury Instructions.

Program materials. New California trial judges receive a substantial collection of CJER materials to help them with their new duties. The new judges orientation programs also play an important part in this

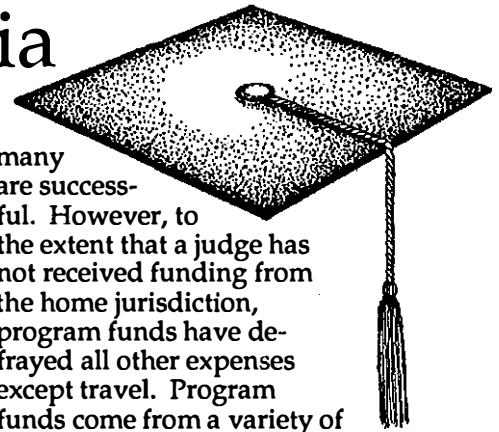
process. Normally, on appointment or election, a new judge receives an extensive collection of publications from CJER, including the CJER Civil Trials Benchbook, the Judicial College Notebooks, CJER Journal issues, and much more. In addition to these materials, new judges who attend the orientation programs typically receive additional program materials in the form of an extensive syllabus containing checklists, scripts, and benchguides. These practice aids have been collected from a variety of sources, including other CJER judicial education programs, and other materials prepared by California judges to help and assist their colleagues. The materials cover a wide range of courtroom proceedings and generally track the course coverage at the orientation programs. During the programs, new judges usually receive additional handout materials prepared by faculty members for use in their teaching sessions.³

Extra dividends. Another advantage derived from attending the orientation programs has proved invaluable to new judges: the collegiality or camaraderie arising from meeting each other, sharing the experience of the program together, and developing a network of colleagues to call on when faced with a thorny problem. Perhaps even more important, orientation faculty members normally announce their telephone numbers and offer their expertise as a continuing resource for new judges. As a result, the student judges leave the orientation programs with an invaluable network of judges outside of their local courts to call or consult as the need arises. CJER staff is also available to assist new judges in locating materials relating to a particular problem or the name of a knowledgeable judge to contact.

Summing up. It's fair to say that the impact of new judges orientation programs in California has been so profound that it is difficult to envision an effective judicial education strategy without them. The orientation programs typically provide a new judge's first contact with the state's judicial education

continued on page twelve

The Graduate Program for Judges at the University of Virginia



The Graduate Program for Judges was established in 1980 by the ABA Appellate Judges Conference and the University of Virginia Law School. The program provides an intensive, academically oriented program of judicial education for state and federal appellate judges. The unique aspects of the program are sponsorship by a university law school and the award of a graduate law degree, master of laws in the judicial process.

The program operates in two-year cycles, admitting a new class every other year. Thus far, four classes have graduated, and the fifth will graduate in May 1990. Although designed primarily for appellate judges, the program admits a few trial court judges to each class. Typically, each class represents at least 20 states; thus far, judges pursuing the program have come from 40 states, the District of Columbia, Puerto Rico, and the Virgin Islands. Including the present class, 148 judges have enrolled in the program.

To obtain the degree, a judge admitted to the program attends two six-week resident sessions at the University of Virginia Law School in Charlottesville and completes a thesis under faculty supervision. The curriculum consists of historical,

jurisprudential, interdisciplinary, and comparative law subjects. The curriculum has changed only slightly since the program's inception. All judges pursue the same subjects at the same time, and a final written examination is required in each subject at the end of the summer term.

During the first summer term of the current class, the program offered Anglo-American Jurisprudence, Law and Economics, Courts and Federalism, and the English Legal System. During the second summer term, the courses were Courts and Social Science, Law and Biomedical Science, Contemporary Legal Thought, The German Legal System, and The Soviet Legal System. On each weekday during the session, three classes meet for one hour and 15 minutes each. Each subject includes daily reading assignments. Courses are taught primarily by full-time faculty members at the University of Virginia, supplemented by occasional visiting professors and lecturers. Faculty members from other departments and schools at the University of Virginia also teach the judges.

Most judges admitted to the program seek financial assistance from their home jurisdictions and

many are successful. However, to the extent that a judge has not received funding from the home jurisdiction, program funds have defrayed all other expenses except travel. Program funds come from a variety of grants and private contributions. The State Justice Institute has been a major source of funding over the past two years, and the West Publishing Company has made annual grants since the program began. Smaller contributions have been received from other foundations, law firms, and individuals.

A new class will be admitted to the program in the summer of 1990. The law school will begin to receive applications for that class in October 1989. Enrollment will again be limited to 30 judges, with priority to appellate judges. Judges interested in the program may obtain a brochure providing full details, along with the appropriate application form, by contacting the Program Director: Professor Daniel J. Meador, University of Virginia Law School, Charlottesville, Virginia 22901 (804-924-3947). ■

Sabbatical, *continued*

of the program was included in the grant from the State Justice Institute.

In addition to providing resources to address a particular problem facing the judicial system, the PAUSE Program allows employees and judges to remove themselves from the daily routine, devote time to self-reflection, and pursue personal goals; in this respect, perhaps, the program reflects the objectives of a traditional academic sabbatical. The program also requires the participants to face a new challenge using creative and

new approaches. This sabbatical program may provide a way in which special reports, projects, or programs can be pursued within the judicial department while simultaneously providing a new opportunity to valuable employees. The PAUSE Program is designed to directly benefit both the individual participant and the justice system.

The decision as to whether to continue or expand the program will be made upon evaluation by the Center for the Improvement of Public Management. ■

We'll miss you, Randy!

Randy Bloom, a member of the NASJE *News* editorial board since its inception, has resigned. Randy, who is assistant director of judicial education in New Jersey, is now eligible to be "profiled" by her former colleagues on the board. ■



Maureen Conner

She believes that each challenge is a growth experience and every problem is a learning opportunity.

The Administrative Office of the Illinois Courts appointed Maureen Conner in March 1988 to direct a new judicial branch education unit within the court services division. The challenge: Bring together all the individuals and activities that had previously provided continuing education on an ad hoc basis to the diverse Illinois court system. Maureen responded with such enthusiasm and energy that a short time later the supreme court elevated the unit to division status.

Maureen grew up in a small northern Michigan town, the oldest of two children. The family environment allowed her freedom to develop her own value system. As her social conscience developed, she realized that the availability of career opportunities varied depending upon gender and race. Consequently, she

developed a strong commitment to balance the scales of equality. While working in the criminal justice system, Maureen completed a bachelor of arts in criminal justice at Michigan State University and a master of public administration at Western Michigan State University.

Maureen spent ten years working in women's programs, becoming somewhat of an ambassador furthering the opportunities for women offenders and their families. Two program initiatives, the Ingham County Jail Alcohol Program and the Friend of the Court Employment Program, both in Michigan, won awards for innovative programming from the National Association of Counties. This work eventually brought her to the judicial system.

Maureen joined the staff of the Michigan Judicial Institute as

education program manager in 1984. Dennis Catlin, executive director, states that "Maureen's contributions during her service with the Institute are too numerous to detail." But Dennis cites two examples. Shortly after Maureen arrived, the institute was required by statute to provide training for court personnel responsible for domestic relations mediation and child support enforcement. Maureen developed a program that received national recognition as a model for its type. She also shaped a yearlong series of seminars for teams of judges and court administrators to implement caseflow standards for Michigan's courts.

Maureen describes herself as a person who sets long-range goals based upon her vision of the future. She believes that each challenge is a growth experience and

every problem is a learning opportunity. Her on-the-job satisfaction comes through the successful execution and institutionalization of training and education that challenges the participants to grow both professionally and personally. She encourages her staff to do the same.

Maureen has an insatiable desire to learn all there is to know about personal improvement, holistic health, and ancient and current mythologies, and she regularly attends self-growth lectures, classes, and workshops. In her free time, she enjoys travel and loves to be near the water, which is no easy feat when one lives in central Illinois. Maureen's personal philosophy can be summed up in a single sentence: "We are the masters of our own destiny; if you do not like your current reality—change it!" ■

faced by judicial educators nationwide. The following description represents only a small sampling of the conference highlights.

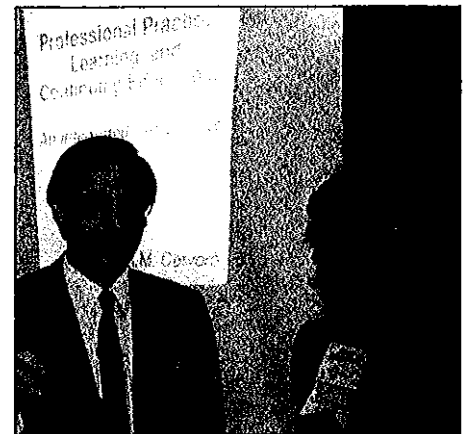
Fostering "Wise Action." Although formal education has devalued practical knowledge, the primary goal of continuing professional education should be to help the learner engage in "wise action." This means making the best judgment in a specific context for a specific set of ethical values—in other words, assessing what is possible and pursuing the most appropriate action under a particular set of circumstances.

This was the theme of Professor Ronald M. Cervero, an adult education faculty member of the University of Georgia, who opened the NASJE annual meeting with a discussion of Continuing Professional Education. Professor Cervero presented his views as an outsider who has worked extensively with other professionals, particularly doctors, but not directly with judges or court personnel.

Professor Cervero offered three primary propositions: (1) the goal of professional practice is wise action; (2) obtaining knowledge from practice is necessary to achieve this goal; and (3) the centerpiece of professional continuing education should be the model of learning from practice. He explained that the

use of practical knowledge is the basis of expertise. Without knowledge acquired from practice, wise action is not possible. Furthermore, knowledge of how to perform a particular craft is what makes a professional an expert, and expertise equals deliberate action. Therefore, the primary goal should be practical knowledge. Instead of uncovering the truth, Professor Cervero noted, educators should use action-oriented methods that try to change the ways the learner performs work tasks. He cautioned that the great risk to avoid in this model is to glorify knowledge just because it is used everyday—or confusing *what is* with *what should be*.

A reaction panel of experienced judicial educators discussed the implications of Professor Cervero's remarks. Joanne Slotnik (Utah) noted that judges face many of the same issues and problems as other professionals. Educators must show judges that there are superior alternatives to the formal, abstract education they received in law school. Joanne stressed that while judges lack good models in their educational backgrounds, they know what they need educationally and want practical, not abstract, knowledge. Citing a very successful law-and-literature program in Utah, however, Joanne cautioned that although practical knowledge should be the centerpiece, judicial education programs need to include



Professor Ronald M. Cervero and Rita Stratton.

some abstract learning. Therefore, educators need to set priorities that balance practical with abstract education.

Rich Reaves (Georgia) and Sandra Ratcliff (American Judicature Society) agreed substantially. Rich felt "liberation" from the traditional notion that educational models must focus on abstract knowledge. He also raised an ethical dimension with respect to education for the benefit of the "judicial system." Sandra noted that while she agreed with many of the ideas expressed, the primary issue was how to implement Professor Cervero's suggestions. She illustrated her point with a number of questions regarding how to make judges react, how to use the suggested methods to teach the practical knowledge, and where to get research that supports the need to emphasize practical knowledge in judicial education.

The reaction panel provided an excellent technique for relating Professor Cervero's lecture directly to the work of judicial educators. The presentation was also successful because of the small-group discussions that followed the reaction panel. Small-group participants expressed many of their practical concerns to implementing the suggestions, including limited numbers of faculty, large groups that must be educated, and traditional educational attitudes of superiors (judges and administrators) in their courts.



Just a few of the 76 people who attended the conference.



First-time attendees (left to right) Pamela Bulloch (SJI) and Anne McNealey (OH) share a moment with NASJE veteran Bill Capers (VA).

Ethical Dilemmas. When John arrives for a three-day conference he planned at Hotel X, a nice fruit basket is waiting in his room. Does he ask the hotel to remove it or does he consume the fruit as quickly as possible? What about the silver-plated cigarette case hidden in the bottom? What if John's room is a luxurious suite twice the size of the participants' single rooms. Should John have stayed at the hotel free of charge when he investigated it as a potential program site last January? After the conference, John is asked to certify that Judge X attended the program. John saw him leave early the first afternoon, but Judge X did not return. What should John do?

These and other common ethical dilemmas were explored by Professor David Boerner, of the University of Puget Sound School of Law in Tacoma. Using numerous hypothetical questions to suggest frequent ethical issues, Professor Boerner did not offer many concrete solutions. His primary goal was to help educators recognize ethical issues that arise with surprising frequency. The participants offered many potential solutions to the questions raised. For example, nonperishable gifts and complimentary rooms for site visits, common in private industry, should be avoided by public employees. Professor Boerner offered his general rule of thumb for determining when an action is improper. He evaluates how a situation would look if it were

revealed on the front page of the newspaper and avoids circumstances that would have the appearance of impropriety.

"Hot Topics." Annual NASJE meetings always include a rapid-fire session for brief reviews of new ideas or innovative judicial education techniques. This year was no exception. Nancy Scheffel (Arizona) discussed the SJI-funded faculty development program, which hopes to help numerous states form sessions for their

own faculty. Nancy distributed a map illustrating that 29 states have some form of faculty development program.

Without skipping a beat, Joy Chapper (National Center for State Courts) described recent research on understanding reversible error in criminal appeals. The project studied criminal appeals in five jurisdictions nationwide, and, surprisingly, it found substantial similarities among the courts. The three primary areas of error are (1) mistakes in the "heat of battle" (e.g., evidentiary rulings), (2) insufficient familiarity with new areas of law, and (3) inadequate bench skills (a failure to follow established procedures or to take sufficient time for a

proceeding). A final report is expected by the end of December. In the interim, here are some of the additional findings:

- The frequency of error is not strongly related to the nature of the proceedings.
- More attention should be afforded to nontrial proceedings not just to the big cases.
- The frequency of reversible error is not related to the nature of the offense or the degree of sentence.

Although some may not consider teleconferencing a hot topic, "in Ohio it works," concluded Anne G. McNealey. She described a 12-month, SJI-funded project begun in November 1988 for domestic relations referees. The audio-only program is transmitted through speaker boxes and telephone lines to eight sites in major cities throughout the state. Voice-activated microphones permit limited interaction between the participants and speakers; each site is staffed by a group facilitator. The most effective programs have been two-hour sessions during lunch hours.

Anne described the project's advantages: low cost because of minimal travel, lunchtime programs that permit convenient attendance at the workplace, and programs that

continued



"You said smile!" Front row (left to right), Toni Bonacci (ICM), Dee Lawton (FL), Larry Stone (OH), and Carroll Edmondson (ND). Back row, Brenda Wagenknecht-Ivey (ICM), Nancy Scheffel (AZ), and Ellen Marshall (MD).

provide quick updates soon after new cases and legislation and serve as catalysts for considering and discussing differences in procedures. The project also faces several challenges: personalizing the presentations, avoiding the lecture-only format, training faculty, and fostering group participation. The main surprises have been that most participants like the programs, the programs can be personalized and participatory, and networking at the sites has increased tremendously.

In the little remaining time for hot topics, Betty Ann Johnson (Minnesota) discussed competency-based education (CBE). Given enough time, she would have begun by requesting the conference participants to wander around the room aimlessly, to demonstrate the common feelings experienced by new employees who do not know what is expected of them and receive little guidance in the workplace. CBE includes assessment as an integral part of the curriculum, which shows the employee tangible results and speeds orientation. An added dimension is increased involvement by supervisors and managers who can integrate the training as part of the evaluation process. Betty Ann indicated that a pilot training program last spring had been very successful. A 40-hour training package will be introduced in Seattle in January. CBE was discussed in the last issue of *NASJE News* (vol. 4, no. 3, summer 1989).

Instant Expertise. Experts will think about a problem while novices jump in immediately to resolve it. An expert will also begin to resolve a problem at a much higher level than a novice. Furthermore, an expert will spend more time considering the implications of his or her actions before attempting a solution. Therefore, being an expert has a lot to do with what a person knows and how the person responds to problem situations.

These points were demonstrated in a sentencing exercise presented by Professor J. Christopher Rideout, of

the University of Puget Sound School of Law in Tacoma, and John Mitchell, director of legal training at Perkins Coie in Seattle, who discussed learning-theory applications for judicial educators. In distinguishing between a novice and an expert, the speakers referred to a person's "schema," which is merely a person's way of organizing knowledge. Everyone, even a novice, has a schema for responding to a particular problem. An expert's schema, however, is based on experience in handling specific substantive problems as opposed to general problem-solving skills. Therefore, the goal for educators is to simulate expert activity that will force novices to slip into the role of an expert and thereby gain experience with specific types of problems. Professor Rideout and Mr. Mitchell ably demonstrated their novice-to-expert theories through a sentencing problem that structured judicial educators' responses (few of us are sentencing experts) around an expert's thought processes.

"You Can't Teach a Pig to Sing." "You can't teach a pig to sing. It wastes your time and annoys the pig." Put another way, *some* people will never accept what you want them to accept, so do not waste your time. But Jennifer M. Belcher, a management consultant and Washington State legislator, believes that most people can be persuaded to

alter their positions if approached correctly. She presented a fascinating and convincing discussion of how to sell new ideas to resistant audiences. Ms. Belcher summarized her three-step process as "unfreezing, making change, and refreezing." The key to "unfreezing" another person's thinking pattern is learning to walk in the other person's shoes—to understand the other person's needs and concerns. Making the change will require careful planning, presentation and discussion, implementation, and accountability. The process of "refreezing," or institutionalizing the change, requires recognition (and possibly rewarding) of the person's acceptance as well as flexibility in accepting perhaps less than what the "change agent" sought.

The last morning of the conference featured excellent presentations on hotel contracts, intellectual properties, and civil liabilities.

Conference host Carol Weaver ran a smooth operation and is to be commended for her exemplary efforts on behalf of the attendees. Carol assured all that Mount Ranier really exists and that it does not rain every day in Seattle. To demonstrate her points, Carol had made arrangements for sun on Monday and views of Mt. Ranier from airplane windows.

See everybody October 7-10 in Vermont next year! ■



Rita surrounded by one-third of the attendees from Texas. They are, left to right, Arnaldo Corpas, John Williams, and Jerry Jennison.

Technical Assistance Is Here!

You've heard all about it and now it's here! The Technical Assistance Workshops are on-line, and they're looking great!

If you are a judicial education officer or a potential instructor, these workshops are for you.

Just prior to the annual NASJE conference in Seattle, seasoned judicial educators previewed these workshops through a series of mini-workshops with an emphasis on evaluation. Their input gave the presenters a sense of focus that will add real value to these unique educational opportunities.

The Plan. These workshops will feature live demonstrations of one of the three curricula—courtroom security, personnel management, or jury management concepts. Each workshop will give judicial educators an opportunity to observe judges being exposed to these concepts. You'll

be able to see, firsthand, how this teaching process can be incorporated into your programs!

The Focus. Your reward for participating in the workshops will be complete curriculum guides with trainer's roles and practice guides on adult learning and program management. Participants will be shown how to adapt the programs to their states' needs. Each state judicial educator will receive complete workshop information as soon as it's available.

What's Needed. No amount of funding, planning, or subject matter expertise will result in a successful program without the key ingredient. This ingredient is you, the judicial education officer.

Let's support this exciting endeavor by attending these conferences. Stay tuned for more details! ■

you evaluate a project, my advice is to clarify that you are responding as the state judicial educator of your own state. I believe it is a good procedure for any organization preparing material for judicial education to solicit input from state judicial educators. However, you should inform the person requesting your comments that if they are seeking comments from NASJE as an organization they should bring it to the attention of the NASJE board.

In order to assist the NASJE board with evaluating certain curricula, I am appointing a committee to evaluate Curricula for Fairness in the Courts projects. With the large number of state gender bias task forces and a growing number of racial bias task forces, I believe we need a vehicle to help state judicial educators learn what curricula are being offered at state and national programs and the effectiveness of that curricula. At the time of this writing, I have not yet confirmed who the members of the committee will be. I will provide this information to you in my next column.

Best wishes for the upcoming holiday season. ■

Illinois, *continued*

Staff Development and Training. Staff development and training for AOIC staff has been established as a human resource development priority. In addition to an annual staff meeting, "Food for Thought," bimonthly bag lunch presentations, cover a range of topics from personnel policies to motivation. Staff will be further enhanced by regular in-house staff development programs and selected national-training programs that parallel career tracks of the employees. The division assisted with the development of a tuition reimbursement program that encourages AOIC employees to pursue professional development through college courses. The objective of these efforts is to maintain a strong, professional, and sophisticated administrative office staff.

Program Management. The judicial branch education division is only a year-and-a-half old. As with any organization in its infancy, it struggles to honor previous training commitments while it builds new competency-based training and education systems to enhance the performance of the Illinois courts.

All training programs are enriched by teaching methods applying traditional adult-learning principles and accelerated learning methodologies. Faculty are selected for their expertise in content, outstanding platform skills, and application of adult-teaching principles. A faculty development program is planned in the near future, while a faculty orientation program for judges briefly covers adult-learning principles and presentation skills.

Future Goals. The long-term goal of the education division is to establish core curricula and electives for all employees of the Illinois court system. Participants will attend based on job requirements and career enhancement. The division hopes to establish an audiovisual library that will allow in-service training by local courts or individual home study. It also intends to create a law-related education program to increase the public's knowledge and understanding of court operations.

All current and future projects will incorporate evaluation methodologies. In the final analysis, this provides an avenue through which AOIC and judicial branch staff can build a training and education program that not only improves the court system but also enhances the professionalism of court employees. ■

system and with the educational opportunities available to develop and enhance their judicial skills. Shortly after taking the bench, new judges receive invaluable practical training in effectively handling common court proceedings. Orientation programs provide new judges with the opportunity to meet new colleagues and experienced faculty from all areas of the state. Attending a program can have a profound impact on a new judge's perspective and realization that the problems which he or she faces are common to other new judges and perhaps can be more easily resolved by discussion and communication.

While there have been some changes in the course content of the

orientation programs since their inception in 1977, the basic format has remained essentially the same: a week of training in which new judges meet in small groups and discuss the various areas of their work with experienced and talented faculty and with their fellow new judges. As a result of their success, new judge orientation programs have become a permanent part of the educational services offered to the California judiciary. New trial judges in the future will continue to benefit from these unique programs. ■

Notes

1. It is interesting to recall that CJER in 1976 was itself federally funded, having been formed in February 1973 as a joint enterprise

of the Judicial Council of California and the California Judges Association. CJER became a permanent state-funded activity of the Judicial Council in July of 1976.

2. An exception has been made on occasion for new superior court judges who have been elevated from the municipal or justice court. Their prior experience on the bench was found to be valuable preparation for the superior court orientation without the need for a waiting period.

3. The materials available through CJER are so extensive that new judges quickly recognize the wisdom of devising their own system for access to the materials as needed and allow for later incorporation of additional practice material.



National Association of State Judicial Educators

NASJE Editorial Committee

President
Rita Stratton
Frankfort, Kentucky

Kay Boothman, *chair*
Little Rock, Arkansas
Scott C. Smith
San Marcos, Texas

Vice-President
Jerry K. Beatty
Des Moines, Iowa

Randy E. Bloom
Trenton, New Jersey
M. James Toner
Reno, Nevada

Secretary-Treasurer
Larry Stone
Columbus, Ohio

James C. Drennan
Chapel Hill, North
Carolina
Rita Stratton
ex officio
Frankfort, Kentucky

Betty Ann Johnson
St. Paul, Minnesota
Bill Fishback
Managing Editor
National Center for
State Courts

Michael W. Runner
Emeryville, California

NonProfit Org.
U.S. Postage
PAID
RICHMOND, VA
PERMIT NO. 750

Ms. Kay S. Boothman
Judicial Education Coordinator
Administrative Office of the Courts
Justice Building
625 Marshall
Little Rock, AR 72201

This newsletter, published quarterly by NASJE through the National Center for State Courts, is made possible by a grant from the State Justice Institute. Opinions expressed herein, however, do not necessarily reflect the views of the State Justice Institute. Address all correspondence and inquiries to NASJE News, National Center for State Courts, 300 Newport Avenue, Williamsburg, Virginia 23187-8798; (804) 253-2000.