

Marketing Judicial Education Programs

Betty Ann Johnson

In the corporate world, product promotion is an element of "marketing," a critical function to assure consumer response. Although they might not call it marketing, judicial educators also try to stimulate the desired response from their consumers, the judges and court personnel for whom education programs are designed. Several educators were invited to share their thoughts on this important aspect of judicial education.

Without exception, educators responded that the most critical element in marketing is credibility. "The only foolproof way of getting judges to programs is to make sure the programs you offer are consistently good and relevant to their needs," says Ellen Marshall, Maryland. Larry Stone, director of the Ohio Judicial College, agrees, saying, "Marketing of our courses is generally successful because we present quality courses that are as practical in nature as possible."

Effective marketing goes beyond simply using a course announcement, and educators must consider the following issues that affect participation in education programs. Addressing these questions offers educators a creative challenge.

How can you encourage people to read program announcements, not toss them into the trash?

Develop an image that is instantly identified with your office. Make sure mailings are recognized as *your* announcements. "Timeliness and appearance are crucial," states Julie Townley, program coordinator of the California Center for Judicial Education and Research (CJER), where colorful announcements displaying eye-catching designs and the CJER logo are mailed well before the program date. Arizona and Maryland also use an easily recognized logo on all announcements, brochures, and course manuals. The Ohio Judicial College and several other states consistently identify themselves by using state supreme court letterhead on announcements and materials. This tells the recipient that the material is worthy of notice and should be read.

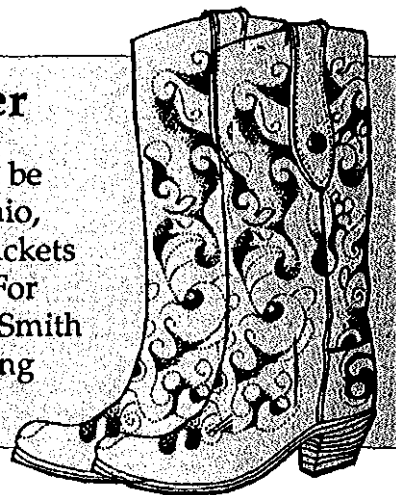
Alert recipients if you plan to change form or image. When Minnesota issued a classy bright blue brochure to announce the popular annual conference of judges instead of the familiar Minnesota Supreme Court Continuing Education letterhead, registration dropped dramatically. Disgruntled judges claimed they never received notice and therefore were unable to schedule time off the bench to attend the full conference.

Keep announcements brief, attractive, and upbeat. Karen Waldrop, Arizona, suggests that announcements "should contain the topic or theme, faculty (if appropriate), dates, location, and brief remarks as to why the training is valuable." Supplemental materials may be attached or mailed later to those indicating an intent to attend.

continued on page 5

Conference Reminder

The 1991 annual conference will be held October 13-16 in San Antonio, Texas. Complete registration packets will be mailed in midsummer. For more information, contact Scott Smith at the Texas Justice Court Training Center (512/245-2349). ■



Betty Ann Johnson, who retired earlier this year, formerly served in the Minnesota Supreme Court Office of Continuing Education.—ED

PRESIDENT'S COLUMN

Jerry Beatty



I hope you are enjoying a wonderful summer and making plans to join us at the NASJE Annual Conference in San Antonio, Texas, October 13-16, 1991. An outstanding program is planned and I am sure you will find a number of invaluable resources at the conference to assist you in developing and implementing innovative programs. I always learn something useful at these meetings and return refreshed and rejuvenated with new ideas and perspectives on judicial education.

As part of our conference this year, we will receive an update from the directors of the three Technical Assistance Consortium projects—John Hudzik (JERITT), Diane Tallman (JEAEP), and Chuck Claxton (Leadership Institute). Now in its second year, the Leadership Institute has provided training for five-member state judicial education leadership teams from 12 states. One of the principal benefits of the program is simply getting together with your state's leadership team and developing an action plan to improve judicial education. If you have not taken advantage of this unique educational experience in the mountains of North Carolina, I would encourage you to apply next time.

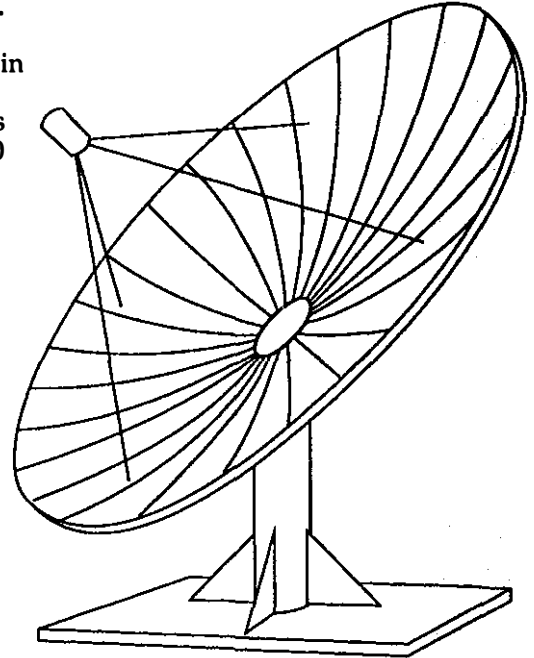
continued on page 10

Alabama's Satellite Teleconference

It was a typically hectic day at the Alabama Judicial College (AJC). The AJC staff of four was busily preparing to conduct 11 meetings in the upcoming four months. The conferences and regional meetings would range in size from 25 to 200 participants and would require AJC staff to travel almost 400 miles, from the mountainous regions of northern Alabama to the beaches of southern Alabama. Responsible for providing continuing education to the unified judicial system's judges, clerks, and employees, the staff was anxious to find an innovative method to deliver educational programs to members of the court family—a method that would save not only money but staff travel. At the time, it was unimaginable to present an educational program in each of Alabama's 67 counties in one day. Auburn University Satellite Uplink, however, was completing a satellite network, using the county agricultural extension offices, that would enable the AJC to do just that.

The director of the AJC received notice of Auburn University's satellite capabilities through a flyer that read, "Don't Be Afraid of Satellite Technology." The flyer was certainly intriguing. If it were possible to broadcast a program from Auburn's campus to every county in the state, how difficult could it be? After meeting with the manager of Auburn University Satellite Uplink and touring the facilities, the AJC decided to pilot a satellite program. Television experts stressed that (1) content must be carefully selected on the basis of interest and technical nature; (2) presentations must be thoroughly prepared; and (3) each conference site must be notified and well organized.

The future of satellite judicial education programs depended on the success of the first project. With Alabama facing serious budget



constraints, satellite programs could be an excellent supplement to the existing judicial education program. For instance, four regional meetings would cost the state an estimated \$13,500 as compared to a satellite broadcast that would cost approximately \$3,600. Although cost was a consideration, being able to meet learning objectives through television would also decide the fate of future teleconferences.

Choosing the subject for the teleconference was easy. The AJC had just received a federal matched grant from the Law Enforcement Planning Agency of the Alabama Department of Economic and Community Affairs to conduct an intensive education program on case management. The grant provided for a three-day judicial conference and four one-day regional follow-up meetings. The grant was revised to replace the regional meetings with one satellite telecast. Using the satellite network in lieu of regional meetings was projected to increase the number of attendees, reduce time away from the office for

continued on page 7

Grant Applications for In-State Implementation of Education Programs

The State Justice Institute has provided the following clarifications for securing funding to implement previously developed, SJI-funded model curricula or training. The SJI guidelines indicate that up to \$20,000 is available for such in-state programs. For more information, contact Pamela Bulloch or Mary DeCarlo at the State Justice Institute.

As stated in paragraph II.B.2.b.i.(b) of the State Justice Institute's FY 1991 Grant Guideline, three criteria will be used as the primary factors in assessing applications from states for funding to support in-state implementation of model curricula and/or model training previously developed with SJI support. These criteria are:

- (1) the need for outside funding;
- (2) the certainty of implementation of the programs; and
- (3) expressions of interest by the judges and/or court personnel (e.g., the state judicial educator, state court administrator, or individual court manager) who would be directly involved in or affected by the project.

Two additional criteria applicable to all proposals received by the Institute are the reasonableness of the amount requested and compliance with the statutory match requirements. (As with other awards to state or local courts or other units of government, cash or in-kind match must be provided equal to at least 50 percent of the grant amount requested.) The Board also will consider such factors as

subject matter diversity and geographic diversity in making implementation awards.

There is no prescribed application form or format, nor is there a minimum or maximum page limit. However, although brevity is appreciated, SJI requests the following information in a letter of application to assure that the applicant has addressed each of the criteria.

- (1) *Project Description.* What is the model curriculum or training program to be tested? Who developed it? How will it complement existing education and training programs? Who will the participants be and how will they be recruited? Where are they from (e.g., from across the state, from a single local jurisdiction)? How many participants are anticipated and what limits, if any, will be placed on the number of participants?
- (2) *Need for funding.* Why is this particular education program needed at the present time? Why cannot state or local resources fully support the modification and presentation of the model curriculum? What is the potential for replicating the program in the future using state funds, once it has been successfully adapted and tested?
- (3) *Certainty of implementation.* What date has been set for presenting the program? Who will be responsible for adapting the model curriculum for state needs? What types of modifications in the length, format, and content of the model curriculum are

anticipated? Will the presentation of the program be evaluated?

- (4) *Expressions of interest by the judges and/or court personnel.* The application letter should demonstrate (e.g., by attaching letters of support) that the proposed program has the support of the judges, court managers, and judicial education personnel who are expected to attend.
- (5) *Budget and matching state contribution.* SJI requests a budget that clearly outlines the anticipated costs of the program, the amount of funding requested, the amount of match to be contributed, and the sources of the match. If the funding requested includes travel for participants, SJI wants the basis for the estimate.

Additional information or clarification of points contained in the letter may be requested from the applicant by telephone or letter if needed. If an award is approved, the applicant will be asked to submit Budget Form C and may be asked for a more detailed budget narrative if necessary. In addition, if the application is not from the state supreme court or AOC, the applicant will be asked to submit a signed Form B before the grant is awarded.

It is anticipated that letters of application, which may be submitted at any time, will be acted upon within 45 days of receipt. This action timeline may be subject to change, depending on the volume of application letters received. ■

Money, Budgets, and Judicial Education

Fiscal crises in the states have affected judicial education. At a time when more than 30 states are wrestling or have wrestled with deficits, cutbacks in already limited judiciary budgets have all too frequently affected judicial education programs disproportionately. Because personnel costs consume an extremely high percentage of most judicial budgets, even a 5-10 percent reduction in the total budget usually means a major reduction in nonpersonnel costs, including education and training.

What has this meant in practice to state judicial educators? How have they responded? For a look at the responses in several states, NASJE *News* interviewed judicial educators in New York, Tennessee, Michigan, Florida, Virginia, and North Carolina.

The New York Education and Training Office of the Office of Court Administration has dealt with its budgetary problems in numerous ways. Constitutionally-mandated training for town and village judges has not been curtailed; that training involves an average of 60 programs each year, certifying about 2,300 judges. However, the two-week Rochester seminar, which trained 900 state judges using 120 faculty, has been cancelled. A program using students to work in the education office during the summer and a paid internship program hiring law students to work with judges have not been funded. Paychecks for court system personnel will be delayed under a so-called "lag" payroll system. Although prospects for a recovery do not look promising for the next few years, the judicial educators believe this is an opportunity to reevaluate their educational program and possibly to take new directions.

To reduce the education budget, Tennessee's trial and appellate judges will have to pay their own travel expenses to the annual judicial conference in June 1992 and out-of-

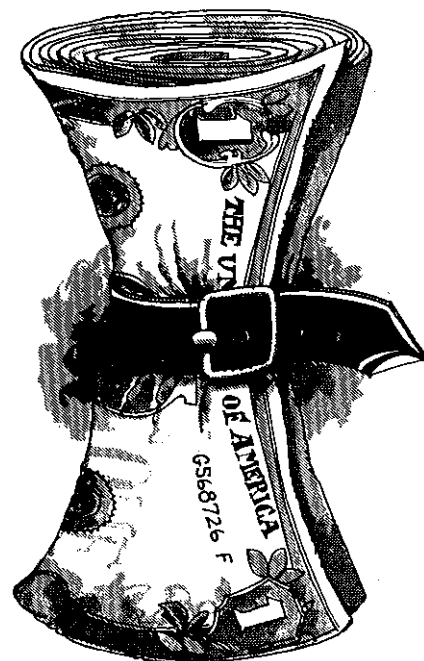
state travel has been sharply reduced.

Michigan has had a 10 percent budget reduction. Employees of the Michigan Judicial Institute were given eight days of unpaid leave during the fiscal year. The problem was exacerbated because the cuts came unexpectedly after the beginning of the fiscal year. The institute is searching for new funding sources and has received some training funds from the Criminal Justice Training Fund, the state Domestic Violence Prevention and Treatment Board, the Michigan Council for the Humanities, and the Kellogg Foundation. The institute also is advertising its publications for sale to members of the state bar.

Florida's situation is somewhat unique in that funds for operating the education division come from a trust fund established with fees from civil cases. While the legislature authorizes spending, the fund is administered by the independent Florida Court Education Council on behalf of the Florida Supreme Court. In response to a state freeze on out-of-state travel during the last six months of the fiscal year, the council restricted out-of-state travel for judicial education programs.

In Virginia, the number of conferences for general jurisdiction and limited judges, magistrates, hearing officers, and district clerks has been reduced by one half. Still intact are programs for circuit clerks, pre-bench training for judges, certification courses for magistrates, management training for clerks' office employees, and continuing legal education programs for clerks and magistrates. All out-of-state education travel has been eliminated. While the budget for the next fiscal year will also require curtailment, the office has requested a reinstatement of all programs during fiscal years 1993 and 1994.

North Carolina has taken an approach similar to Virginia's, with some programming being reduced.



One conference a year for superior court judges and clerks and district attorneys were eliminated. Conferences for district judges, public defenders, and magistrates have all been reduced in length or moved to the central part of the state to save travel costs or both. Conference participants are now required to pay their own registration fees. Some programs also have limits on attendance and, in some instances, have eliminated special topic presentations. Out-of-state travel has been severely curtailed. At the University of North Carolina Institute of Government, which provides the staffing for the judicial education programs, a hiring freeze delayed by almost a year the filling of a public defender faculty position.

Several states have eliminated state funding to national programs held outside state boundaries.

Because of the widespread budgetary cutbacks, the NASJE annual conference this October in San Antonio will highlight creative financing, program planning, budget reduction, and ideas for outside funding sources.

Although education and training may appear to be expensive, and perhaps dispensable, the long-term costs of their reduction might prove far more damaging to our system of justice. ■

Marketing, continued

Maintain *up-to-date* mailing lists, an ongoing process crucial to the enrollment process.

How can judges and court personnel be motivated to attend programs they need most?

A variety of strategies may be necessary to reach those most in need of a particular course. Use testimonials from peers of the target audience to market the value of the program. Issue personal invitations to designated individuals to attend a limited participation course. Enlist the support of presiding or chief judges to designate attendees from their jurisdictions. Solicit suggestions for problem situations and questions to be posed from the targeted participants. Robert Church, coordinator of judicial education in Mississippi, conducts programs for almost all court personnel. He has found attendance improves when judges and court administrators meet at the same time and place. He also reports that conference attendance is very good when the chief justice calls a meeting of the conference of judges to coincide with the education program.

How are people persuaded to attend courses because they *want* to, not just to meet mandatory requirements?

Mandatory requirements alone do not assure effective learning. Many states have no mandatory requirements, yet they report a high percentage of participation in their education programs. (Maryland reports 92 percent participation.) These states emphasize the need to provide programs of high quality that are interesting, involve the learners, and demonstrate practical applicability to court responsibilities.

Give ownership to participants; have them serve on curriculum committees and as faculty.

"Word-of-mouth endorsement is still the best reference you can get," says Karen Waldrop. "This means working with faculty to assure that training sessions offer substantive

information that is practical and presented in an enjoyable way."

In Mississippi and many other states, spouses are encouraged to participate with the judge; special spouse programs may also be offered. Robert Church reports that if the spouse is interested in attending, it motivates the judge to attend.

What recognition, incentives, or awards may be offered to encourage participation?

Many states and national providers use certificates to verify attendance at specific courses. Computer software can be used to prepare inexpensive certificates with varied print styles and graphics.

Continuing education in Arizona gives recognition at several levels. Participants receive a Certificate of Attendance for single programs. End-of-year Certificates of Accomplishment are awarded to those complying with the education standards (which in 1990 included all but 5 of 5,000 judicial personnel). Recognition is also given to each county in which there is 100 percent compliance with mandatory education. The presiding judge of each 100 percent county receives a certificate (this year the award will be a plaque) from the chief justice at a luncheon that has become a tradition for conference attendees. This has proved to be an incentive to presiding judges not receiving such recognition to encourage county compliance the next year. Judicial personnel serving as faculty members are awarded "three-for-one" hours, to a maximum of eight hours the first time they present a topic. This is an incentive to serve as faculty. They also receive a faculty gift from the education division. CJER also issues certificates giving recognition at various levels. Plaques and awards in recognition of special service are presented at a luncheon or banquet during a program. Julie Townley reports that it has become prestigious for judges to serve on planning committees and faculty, partly due to the peer recognition they receive on these occasions.

What, if any, precautions should be taken in marketing judicial education programs?

Do not misrepresent a program; market with truth and candor. Educators can be upbeat without making a program sound like entertainment. Truthful marketing will encourage participants to trust your programming.

Ellen Marshall emphasizes course objectives that clearly state the course content to avoid misleading information and unrealistic expectations. Target marketing to the appropriate audience. If a program is geared to new judges, rural court judges, or experienced clerks, say so in the announcement. This saves time for those not affected and piques the interest of the targeted audience.

Summary.

"The quality of a program is its own best advertising," according to Julie Townley. "Stress quality first, i.e., subjects of current and continuing interest, using state of the art audio-visual aids and interactive teaching methods. Provide an attractive and practical location that offers a special ambience assuring that concentration will be high and optimal learning will occur."

Marketing offers a creative challenge to educators. Exploit the talents and resources of your staff and judicial community to create a marketing system for your education programs. There is no single best format—design and use whatever works best for you. Share ownership for successful programming with planning and curriculum committees and judicial faculty. Apply peer pressure whenever it is possible and appropriate. Practice truth in advertising in preparing course announcements. Express your appreciation and give recognition where it is due. Most importantly, offer only programs that are practical in nature and of consistently high quality. Person-to-person advertising from satisfied customers is still the most effective marketing technique. ■

State Judicial Educators

ALABAMA. *Mr. Frank Gregory, Director, Alabama Judicial College, 817 S. Court Street, Montgomery, AL 36130-0101, (205) 834-7990

ALASKA. Ms. Janna Stewart, Manager of Magistrate Services, Office of the Administrative Director, 303 K Street, Anchorage, AK 99501, (907) 264-8237

ARIZONA. *Ms. Karen Waldrop, Director, Education Services, Arizona Supreme Court, 1314 N. Third Street, Suite 330, Phoenix, AZ 85004, (602) 542-9428

ARKANSAS. *Ms. Kay Boothman, Judicial Education Coordinator, Administrative Office of the Courts, Justice Building, 625 Marshall, Little Rock, AR 72201, (501) 376-6655

CALIFORNIA. *Mr. Paul M. Li, Executive Director, California Center for Judicial Education and Research, 2000 Powell Street, 8th Floor, Emeryville, CA 94608, (415) 464-3828

COLORADO. *Ms. Virginia Leavitt, Training Administrator, Colorado Judicial Department, 1301 Pennsylvania Street, Suite 300, Denver, CO 80203, (303) 837-3654

CONNECTICUT. *Mr. Anthony B. Fisser, Director, Continuing Education, Connecticut Judicial Department, 95 Washington Street, Room 208, Hartford, CT 06106, (203) 566-8567

DELAWARE. Mr. Lowell Groundland, Director, Administrative Office of the Courts, Carvel State Office Building, 820 N. French, Wilmington, DE 19801, (302) 571-2480

DISTRICT OF COLUMBIA. *Ms. Cassandra Penn, Training Officer, Superior Court of the District of Columbia, 515 5th Street, N.W., Room 214, Washington, DC 20001, (202) 879-4215

FLORIDA. *Ms. Mignon U. Beranek, Deputy State Court Administrator, Legal Affairs Education Division, Office of the State Court Administrator, Supreme Court Building, Tallahassee, FL 32399-1900, (904) 922-5079

GEORGIA. *Mr. Richard D. Reaves, Executive Director, Institute of Continuing Judicial Education, University of Georgia School of Law, Athens, GA 30602, (404) 542-7491

HAWAII. *Ms. Karilee Harada, Project Coordinator, Hawaii Judicial Education Program, Office of Planning and Statistics, P.O. Box 2560, Honolulu, HI 96804, (808) 548-4733

IDAHO. *Ms. Kate Langfield, Assistant Director, Administrative Office of the Courts, Supreme Court Building, 451 West State Street, Boise, ID 83720, (208) 334-2246

ILLINOIS. *Ms. Maureen Conner, Director of Judicial Education, Administrative Office of the Illinois Courts, 300 East Monroe, Springfield, IL 62701-1436, (217) 785-0413

INDIANA. *Mr. George Glass, Executive Director, Indiana Judicial Center, 401 West Ohio St., Suite 1110, Indianapolis, IN 46204, (317) 232-1313

IOWA. *Mr. Jerry K. Beatty, Executive Director, Judicial Education & Planning, Office of the State Court Administrator, State Capitol Building, Des Moines, IA 50319, (515) 281-8279

KANSAS. Ms. Denise Kilwein, Director of Judicial Education, Supreme Court, 301 West 10th Street, Topeka, KS 66612, (913) 296-2256

KENTUCKY. *Ms. Rita Stratton, Manager, Education Services, Administrative Office of the Courts, 100 Millcreek Park, Frankfort, KY 40601-9230, (502) 564-2350

LOUISIANA. *Mr. Frank Maraist, Executive Director, Louisiana Judicial College, Paul M. Herbert Law Center, Louisiana State University, Baton Rouge, LA 70803, (504) 388-8825

MAINE. Honorable David G. Roberts, Chairman, Judicial Education Committee, Supreme Judicial Court, P.O. Box 1068, Bangor, ME 04401, (207) 947-8606

MARYLAND. *Ms. Ellen Marshall, Assistant State Court Administrator, Judicial Education and Information, Administrative Office of the Court, Court of Appeals Building, Rowe Boulevard, Annapolis, MD 21401, (301) 974-2353

MASSACHUSETTS. *Mr. Robert P. Clayman, Executive Director, Judicial Training Institute, 2 Center Plaza, Room 540, Boston, MA 02108, (617) 742-8575

MICHIGAN. *Mr. Dennis W. Catlin, Executive Director, Michigan Judicial Institute, 222 Washington Square North, P.O. Box 30205, Lansing, MI 48909, (517) 334-7805

MINNESOTA. *Ms. June Cicero, Director, Supreme Court Office of Continuing Education, Minnesota Judicial Center, 25 Constitution Avenue, Suite 140, St. Paul, MN 55155-6102, (612) 297-7590

MISSISSIPPI. *Ms. Krista R. Johns, Director, Mississippi Judicial College, 3825 Ridgewood, 6th Floor, Jackson, MS 39211, (601) 982-6590

MISSOURI. *Mr. Michael Baumstark, Director of Court Services, Office of State Court Administrator, 1105 R. Southwest Blvd., Jefferson City, MO 65109, (314) 751-3585

MONTANA. Mr. James Oppedahl, State Court Administrator, Supreme Court of Montana, Justice Building, Room 315, North Sanders, Helena, MT 59620, (406) 444-2621

NEBRASKA. *Ms. Janet Hammer, Public Information/Education Officer, Nebraska Supreme Court, P.O. Box 98910, Lincoln, NE 68509, (402) 471-2643

NEVADA. Dr. Dennis Metrick, Court Administrator, Second Judicial District Court, 75 Court Street, Reno, NV 89501, (702) 328-3119

NEW HAMPSHIRE. Ms. Elizabeth Hodges, Staff Attorney, Administrative Office of the Courts, New Hampshire Supreme Court, Noble Drive, Concord, NH 03301, (603) 271-4691

NEW JERSEY. *Mr. Richard L. Saks, Chief, Judicial Education, Administrative Office of the Courts, Hughes Justice Complex, CN-037, Trenton, NJ 08625, (609) 292-0622

NEW MEXICO. Ms. Patricia Garcia, Management Analyst, Administrative Office of the Courts, Supreme Court Building, Room 25, Santa Fe, NM 87503, (505) 827-4800

NEW YORK. *Ms. Helen A. Johnson, Director of Education & Training, Office of the Court Administrator, 270 Broadway, Room 824, New York, NY 10007, (212) 417-5823

NORTH CAROLINA. *Mr. James C. Drennan, Assistant Director, Institute of Government, University of North Carolina, Knapp Building, CB3330, Chapel Hill, NC 27599-3330, (919) 966-4160

NORTH DAKOTA. *Ms. Carla Kolling, Director of Personnel & Training, Supreme Court of North Dakota, State Capitol Building, Bismarck, ND 58505, (701) 244-4216

OHIO. *Mr. Laurence B. Stone, Director, Ohio Judicial College, 30 East Broad Street, Columbus, OH 43266-0419, (614) 752-8677

OKLAHOMA. Ms. Juanita Mayfield Holley, Administrative Assistant, Administrative Office of the Courts, 1915 N. Stiles, Suite 305, Oklahoma City, OK 73105, (405) 521-2450

OREGON. *Mr. Duane M. Anders, Personnel Director, Oregon Judicial Department, Supreme Court Building, Salem, OR 97310, (503) 564-5171

PENNSYLVANIA. *Ms. Bunny Cantor, Director, Judicial Services, Administrative Office of the Courts, 1515 Market Street, Suite 1414, Philadelphia, PA 19102, (215) 560-6325

RHODE ISLAND. *Ms. Holly Hitchcock, Court Education Officer, Administrative Office of the Courts, 250 Benefit Street, Providence, RI 02903, (401) 277-2500

SOUTH CAROLINA. Mr. Jeff Boyd, Staff Attorney, South Carolina Court Administration, P.O. Box 50447, Columbia, SC 29250, (803) 758-2961

SOUTH DAKOTA. *Mr. Dan Schenk, Personnel & Training Officer, State Court Administrator's Office, Supreme Court of South Dakota, 500 East Capitol, Pierre, SD 57501, (605) 773-4870

TENNESSEE. *Ms. Suzanne G. Keith, Chief Judicial Planner, 412 Supreme Court Building, Nashville, TN 37219, (615) 741-4416

TEXAS. Ms. Hope Lochridge, Executive Director, Texas Municipal Courts Training Center, 1101 Capitol of Texas Hwy. S., Building A-150, Austin, TX 78746, (512) 328-8274

TEXAS. *Mr. Roy Rawls, Executive Director, Texas Center for the Judiciary, P.O. Box 12487, Texas Law Center, Suite 502, Austin, TX 78711, (512) 463-1530

TEXAS. *Mr. Scott C. Smith, Executive Director, Texas Justice Court Training Center, SW Texas State University, P.O. Box 931, San Marcos, TX 78666, (512) 245-2349

UTAH. *Ms. Louise Blair, Judicial Education Director, Administrative Office of the Courts, 230 South 500 East, Suite 300, Salt Lake City, UT 84102, (801) 533-6371

VERMONT. Mr. Thomas J. Lehner, Court Administrator, Supreme Court of Vermont, 111 State Street, Montpelier, VT 05602, (802) 828-3276

VIRGINIA. *Mr. William T. Capers III, Director of Educational Services, Supreme Court of Virginia, 100 North 9th Street, Richmond, VA 23219, (804) 786-6455

WASHINGTON. *Ms. Ann E. Sweeney, Director for the Courts, 1206 S. Quince Street, MS EZ-11, Olympia, WA 98504, (206) 753-3365

WEST VIRGINIA. *Mr. Richard H. Rosswurm, Deputy Administrative Director for Judicial Education, West Virginia Supreme Court of Appeal, State Capitol, Capitol E-400, Charleston, WV 25305, (304) 348-0145

WISCONSIN. *Mr. V.K. - Wetzel, Director of Judicial Education, Supreme Court of Wisconsin, 110 East Main Street, Suite 420, Madison, WI 53703, (608) 266-7807

WYOMING. Mr. Robert Duncan, Court Coordinator, Supreme Court of Wyoming, Supreme Court Building, Cheyenne, WY 82002, (307) 777-7581

*NASJE member

This list of state judicial educators represents the latest information we have received. Please notify us if any changes should be made.—ED



CONTINUING PROFESSIONAL EDUCATION ADVISORY BULLETIN

A service of the
**JUDICIAL
EDUCATION
ADULT
EDUCATION
PROJECT**

Sponsored by
**The National
Association of
State Judicial
Educators**
and
**The University
of Georgia**

Diane E. Tallman
Project Manager, JEAEP
Department of Human
Resource Development
Georgia Center for
Continuing Education
The University of Georgia
Athens, GA 30602
404-542-2275

Richard D. Reeves
Project Advisor, JEAEP
Executive Director
Institute of Continuing
Judicial Education
School of Law
The University of Georgia
Athens, GA 30602
404-542-7491

Editor's Column

This edition of the *Continuing Professional Education Advisory Bulletin*, like the previous one, targets a specific issue related to judicial education. In this issue, we examine technical assistance for judicial education organizations. As part of the Judicial Education Technical Assistance Consortium, the JEAEP Project provides on-site technical assistance for judicial educators. During the past year, the *Technical Assistance Consulting Service* has provided consultants who have worked together with judicial educators to solve specific problems or tackle projects within their organizations.

In this issue, we provide an update on the projects that the *Technical Assistance Consulting Service* is sponsoring this year. Another article describes how organizations can "make the most" of a technical assistance consultant, while a companion article discusses the value of higher education in the field of judicial education. The "Resources" column lists several sources for further reading on the effective use of consultants. The theme is on effectively tapping the resources of others — something many organizations may be doing more and more of in this time of limited resources.

Diane E. Tallman
Editor

Getting the Most from Technical Assistance

Many organizations find that, from time to time, they must draw upon the expertise of an external consultant. Judicial organizations are no exception. Technical assistance consultants can provide short-term, focused effort on a specific project or problem. They bring not only expertise, but an "outside" perspective and credibility. However, it can often be challenging to bring a consultant into an organization, since there may be little structure and few guidelines to aid the consultant-organization relationship. Individuals and organizations usually learn about effectively utilizing technical assistance through experience or discussions with others. While this type of experiential learning is

very useful, it can also be helpful to pull together insights and information so that it can be easily accessed. This article will attempt to do so.

Providing technical assistance is a major thrust of the JEAEP Project. Through the *Technical Assistance Consulting Service*, many organizations have had the opportunity to receive technical assistance from an educational consultant. This issue of the *Advisory Bulletin* will focus on technical assistance. It will describe some of the things that judicial organizations should be aware of in establishing a successful technical assistance consultation.

Why Use a Consultant?

Many judicial organizations find an external consultant to be extremely useful and appropriate. Consultants can be especially appropriate when: (a) internal staff and resources are fully committed; (b) the prestige of an outside "expert" is needed; (c) an objective, independent perspective is needed on a long-standing problem or project; or (d) the content or "process" expertise of a consultant is necessary to fulfill a particular task or to advise the organization.

Consultants can charge substantial fees for their services, but the organization will receive targeted attention to a particular project, fresh ideas and perspectives, and the added "prestige factor" of the external consultant that may make his or her ideas easier to support within the organization. Additionally, consultants can be less expensive than hiring a part-time or full-time staff person.

Even when a consultant assists on projects that the judicial education organization might have originally developed, the outside expert can provide credibility that the internal staff could never have, since "no one is a prophet in his/her own land." Consultants can be especially helpful in garnering support for a particular issue, or in making necessary organizational changes.

Before hiring an outside consultant, judicial educators would benefit from asking themselves:

- Do I really want an independent opinion from someone outside the organization?
- What kind of expertise is needed to solve the problem?

- Does the organization have the time and staff to work with the consultant?
- What's keeping my own staff from solving the problem? (Wergin, 1989, p. 8)

The answers to these types of questions can help an organization better prepare for an external consultant, and better communicate their needs to that consultant. Organizations must be able to articulate why they are seeking the assistance of a consultant.

Preparing for the Consultant

The judicial educator can clarify his or her expectations for the technical assistance by considering such questions as the above. It is up to the judicial education organization to prepare for and "set the agenda" for the technical assistance; the consultant can certainly assist in refining needs or articulating new problems, but the organization must define what the consultant is expected to do. For instance, if part of the consultant's responsibilities is to define issues or do "process" work, this should be communicated and agreed upon in advance.

A critical part of preparing consultants is to provide as much information as possible about the judicial education organization. The consultant was chosen because of his or her content or process expertise; however, they may not be familiar with the structure, the culture, or the political realities of the specific organization. They will need to be informed by the judicial educator or others within the organization in order to have maximum effectiveness.

In addition to clarifying and communicating expectations for the technical assistance to the consultant, the judicial educator should prepare his or her own organization. Adequate support for the technical assistance is essential. In Wergin's (1989) study on consulting in higher education, administrative support was the most consistent determinant of project success. The commitment by administration had two components: (a) the individual sponsoring the project represented the interests of the institution and believed in the project, and (b) this individual had decision-making authority within

the organization. Support by the organizational decision makers, such as the state court administrator, chief justice, or education board will make the difference between an effective technical assistance consultation and an ineffective one.

Involvement should be solicited from individuals who will be affected by the consultant's recommendations, who perceive the need for the consultant, or who need to be educated about the issue itself. These individuals should be aware of the expectations held for the outside consultant. And, if so agreed upon, they need to know what their roles and responsibilities will involve for the technical assistance.

Consultants can be especially helpful in making necessary organizational change.

Contracting with the Consultant

The judicial education organization should discuss administrative details thoroughly with the consultant. Again, advance preparation is critical. Based upon the expectations discussed earlier, the judicial educator and consultant should discuss and agree on fees, expenses, the timeline for the technical assistance, potential problems, progress reports, any special conditions, and oversight. These items should appear in a contract or letter of agreement. Other items may include: subcontracting, insurance and liability, termination, nonperformance, confidentiality, and conflict of interest (Shenson, 1990). It is important not to undermine a potentially successful technical assistance consultation by an inadequate discussion of these important points.

The contract is a critical part of any consultation, and deserves more careful examination than can be accommodated in a newsletter article. The "Resources" column of this newsletter lists several books that discuss the nature

of the contract and provide sample contracts and letters of agreement. Judicial educators can refer to these resources for an in-depth treatment of contracts.

Evaluating the Consultation

After the technical assistance has been completed, the judicial education organization should reflect on the effectiveness of the consultation. Wergin (1989, p. 20) notes that both the *process* of the consultation and the *outcome* of the consultation should be evaluated.

Reports are often developed detailing the outcomes of the technical assistance. It is useful to consider asking the consultant to create a variety of written products for different audiences. For instance, an "executive summary" is useful to present to decision makers within the organization; others may find that glossier, public relations-type publications are useful. The judicial educator should consider various formats to present the outcome of the consultation.

Summary

Technical assistance consultations occur in many organizations. They can be a relevant, time- and cost-effective means of solving issues, completing projects, or interjecting a new perspective into a long-standing issue. These benefits can easily outweigh the costs; however, attention to advance preparation, clear communication, and thorough discussion of expectations is necessary to create an environment where a successful consultation can occur.

References

- Shenson, H.L. (1990). *How to select and manage consultants: A guide to getting what you pay for*. San Diego, CA: University Associates.
- Wergin, J.F. (1989). *Consulting in higher education: Principles for institutions and consultants*. Washington, DC: Association of American Colleges.

Diane E. Tallman, Ed.D., is project director of the JEAEP Project.

Opening To Outsiders: Judicial and Higher Education

When it comes to working with state courts, do people with vocational experience located primarily in higher education seem to be routinely dismissed as possessing relevant knowledge or useful capabilities? In judicial administrative activities, such as judicial education, any prevailing unwillingness to reach into local post-secondary institutions for assistance may significantly weaken the potential of those court-based activities.

State judicial education's traditional reliance upon its own personnel—the judge teacher, the court administrator evaluator, the nationally-based consultant, the constituent program planner, is well established. It is laudable. But, as the discipline of CJE matures into its third decade of existence, the intellectual capital of judiciary professional continuing education and training within each state deserves enrichment.

Judges and court clerks and administrators are too busy to study the societal impact of their day-to-day decisions. Moreover, they normally lack both the methodological sophistication and resources to acquire the broadest perspectives on the effects and merits of what they do. On the other hand, academic researchers, teachers and consultative resources, when specifically directed to do so, can inject multifaceted or comprehensive and objective perspectives into issues that helpfully challenge the anecdotal experience of judges or others.

While law teachers are often recognized as contributing in this way to deeper appreciation of the policy behind or evolution in the application of particular substantive law, state judicial education may be even more greatly enhanced by expertise drawn from beyond the law schools. For example, presentation of self through gestures and speech may be more thoroughly explored with the aid of a communications expert than a court person. Forensic psychometry usually is not a strong area of expertise claimed by one or more judges in any given state. In the areas of juvenile law, family law,

mental health law, moreover, social science scholars and clinical researchers should be tasked to meaningfully assist the judiciary. Financial accounting reports, which can have significant bearing in both commercial and many domestic cases, are not easily understood by most judges. This listing illustrates but a few of the areas in which non-judicial expertise can strengthen judicial education.

Judicial education may be greatly enhanced by expertise drawn from beyond the law schools.

Local vocational schools can furnish judges, as well as other judiciary professionals, the best hands-on training in how to use a computer found anywhere. These schools are technically and experientially equipped to teach basic use of major commercial software packages. Their convenient locations typically blanket entire states. It's more economical for most state court systems to rent their services than to try to staff, equip, and maintain a judicial branch computer learning lab. The same can be said of the formal academic resources alluded to in the previous paragraph.

The role of the state judicial educator in the next decade will ever more increasingly involve opening the door and structuring the pathway for non-traditional contributions to judiciary professional continuing education. Virtually every locale of state judicial education possesses already most of the needed resources. Post-secondary educational research and teaching institutions need now to be cultivated by judicial administrators, in order to assure that their potential for contributing effectively in each state is achieved, and they become partners with the state courts in improving the administration of justice.

Richard Reaves is Executive Director of the Georgia Institute of Continuing Judicial Education and Project Advisor on the JEAEP Project.

Resources

Holtz, H. (1989). *Choosing and using a consultant: A manager's guide to consulting services*. New York: John Wiley & Sons.

An increasingly technological and complex society has created a growing dependence on consultants. To Holtz, a consultant is any individual or organization with a specialty and provides counsel and/or related services for a fee. This book is useful for the judicial educator who feels the services of a consultant could help make his or her practice more effective. The book focuses on three general problem areas: (a) recognizing a problem exists that is beyond one's scope; (b) analyzing the problem to determine the type of consultant needed; and (c) finding, choosing, and utilizing the consultant. This book will guide the manager through the necessary process to solve these problems.

Shenson, H. L. (1990). *How to select and manage consultants*. Lexington, MA: Lexington Books.

This book is written for those who could benefit from a consultant's services. It describes how to locate, contract with and work with consultants, and evaluate and maximize their services. Shenson begins by defining and describing consulting roles and reasons why consultants are used. He discusses the various types of consultants and provides an overview of the consulting process. Included are questions to ask when interviewing potential consultants, which helps assure the judicial educator that the best consultant for the task is chosen. Shenson devotes several chapters to information on the consultant's fee and contract procedures. He provides many examples of contracts in various professions, which can be easily adapted to the judicial education field.

Wergin, J. F. (1989). *Consulting in higher education: Principles for institutions and consultants*. Washington, DC: Association of American Colleges.

This brief (35 pages) handbook provides the answer to the question "What are the key ingredients of a successful consultation?" It is aimed at both consultants and university personnel interested in engaging the services of a consultant. The first section of the handbook provides 10 principles for educational organizations desiring to contract with an external consultant. The second and final section offers another 10 principles for prospective consultants. Wergin derives these principles from the actual experiences of a variety of higher education institutions, problems, and consulting styles used and are applicable to most educational settings.

Technical Assistance Update from the JEAEP Project

The JEAEP Project offers state judicial educators three distinct services, one of which is the *Technical Assistance Consulting Service*. This service offers judicial educators the opportunity to receive technical assistance targeting a special concern or project in their organization. The *Consulting Service* functions like a "broker" to link judicial organizations with regional consultants. All consultation fees, materials, and travel expenses of the consultants are paid for by the *Consulting Service*.

In the last issue of the *NASJE News*, the technical assistance projects sponsored by the JEAEP Project last year were briefly described. The following list provides information on the technical assistance projects sponsored thus far this year. Each project was selected by the JEAEP Project Advisory Panel.

Alaska Magistrate Services Office. A consultant will assist in organizing the structure and sequence of the overall training program for magistrates.

Colorado Judicial Department. A consultant will develop and assist in presenting a workshop to train

selected judge leaders in skills needed to conduct and facilitate meetings.

Kentucky Administrative Office of the Courts. A consultant will design a needs assessment instrument for use with appellate and trial judges in Kentucky, as well as design evaluation instruments to assist in determining if judicial education programs are effectively meeting the needs of judicial personnel.

National Association of State Judicial Educators. A consultant reviewed and critiqued the existing draft of the "Principles of Continuing Judicial Education." This critique was provided directly to the NASJE Judicial Education Standards Project Committee, which met in early July in Atlanta.

New Hampshire Administrative Office of the Courts. As part of New Hampshire's efforts to establish a Judicial Branch education program, a consultant will assist in the development, testing, implementation, and analysis of a needs assessment for various Judicial Branch constituent groups. The consultant will also provide suggestions for identifying responses to these needs.

North Carolina Institute of Government. A consultant will assist in revising the current training program for appellate law clerks. Special focus will be in the area of instructional methods.

During September, the JEAEP Project Advisory Panel will select more projects for technical assistance. Any judicial educator interested in applying for technical assistance through the *Technical Assistance Consulting Service* should contact Diane Tallman (404/542-2275) or Richard Reaves (404/542-7491). The JEAEP Project will provide technical assistance for as many projects as grant funds allow.

Potential projects should relate to the educational function of the judicial organization, including educational processes (for example, needs assessment, curriculum development, evaluation), organizational development (for

example, mentoring programs, change management), and human resource development (for example, training in management skills, leadership, or creativity). Requests for technical assistance do not need to be fully developed at the time of application. Refinement of each project occurs through discussion with JEAEP Project staff. Preliminary ideas for technical assistance are encouraged.

Continuing Professional Education Advisory Bulletin

The *Continuing Professional Education Advisory Bulletin* is published as an insert to the *NASJE News* by The University of Georgia Center for Continuing Education. It is made possible by a grant from the State Justice Institute (R-91-044). Opinions expressed herein, however, do not necessarily reflect the views of the State Justice Institute.

Diane E. Tallman, *Editor*

Georgia Center for Continuing Education
Department of Human Resource Development
JEAEP Project Office
The University of Georgia
Athens, Georgia 30602
404/542-2275



Satellite, *continued*

attendees, and eliminate travel expenses. For example, in 27 of Alabama's 67 counties, the county extension office is located in the courthouse. In the remaining counties, the office is located within a few blocks.

The teleconference, "Managing Cases Effectively," included the following topics: caseload management; capital trial procedures; the expeditious settlement of drug cases; and rural court management. Three of these topics had recently been addressed at national education programs in which Alabama judges had participated. Each topic was allowed 30 minutes and was followed by a 10-minute question and answer period. To ensure audience participation, 10 coordinator/facilitators in the trial courts were contacted and asked to formulate questions. Each conference site was equipped with a one-way video and two-way audio system so that attendees could ask questions of presenters and both the question and response could be heard statewide. Because the program was broadcast throughout the northern hemisphere, there were concerns over receiving calls from private citizens. This fear was not unwarranted. The first caller was a private citizen from Mississippi asking how a particular case before the trial court in her state should be handled.

After the program objectives, topics, and time segments were formalized, faculty members were selected. Once convinced to appear on live television, the presenters as well as the television producer/director suggested a pre-teleconference planning meeting to ensure a smooth telecast. The planning meeting afforded presenters an opportunity to ask what would be expected of them on the set and how graphic information should be visually formatted for presentation.

Another critical component, as the AJC quickly learned, was a clear and concise system of communica-

tion between the AJC and members of the court system. Notices carefully explained program objectives and provided date, time, and location of the conference. The AJC opted first to send a general notice to all judges, clerks, registers, and court administrators, announcing the program and explaining that the one-time satellite broadcast would replace the previously scheduled regional seminars.

Another important element was to involve key people at each site as local coordinators/facilitators. They would coordinate with the extension office, ascertain the maximum number that the extension office auditorium would hold, circulate notices about place and time of the seminar, inform the extension office of the number of attendees, preside at the conference site, and ensure that evaluation and continuing legal education (CLE) forms would be completed and forwarded to the Alabama Judicial College.

For the first satellite program, the presiding judge or circuit clerk in each county was requested by letter to serve as local coordinator/facilitator with a response deadline. The letter outlined their duties and contained sample notices to be copied and posted throughout the courthouse. If unable to serve as coordinator/facilitator, they were asked to return a form indicating their designee. As the deadline approached, several counties had not responded, and staff time was required to telephone individuals requesting that they serve as the coordinator/facilitator.

In retrospect, coordinators/facilitators should have been selected before any general announcement was sent to seminar participants. Failure to do this resulted in prospective attendees making inquiries to extension offices about the program before the offices had been contacted. This confusion might have been eliminated if the coordinator/facilitators had ample time to contact local extension offices.

Several weeks prior to the conference, evaluation and CLE forms were

developed and distributed to the coordinators/facilitators along with final conference instructions. After the deadline had expired, staff time was spent telephoning coordinators who did not meet the deadline asking them to return the attendance list, evaluations, and CLE forms.

An interesting aspect of using satellite is that other local officials and officers of the court outside the unified judicial system can also participate. Approval of CLE credits was granted for attorneys through the Alabama state bar, and each coordinator/facilitator was encouraged to contact members of the local bar. Representatives from law enforcement, pardon and parole offices, and district attorney offices were present at some conference sites.

After notices had been mailed and coordinator/facilitators secured, the date for the teleconference finally arrived. The faculty and director met the evening before the broadcast for rehearsal. The director went over each faculty presentation, displayed graphic information as it would appear to the live audience, and carefully explained last minute instructions. The rehearsal lasted two hours and was helpful in relieving last minute stage fright.

The first satellite broadcast went extremely well. Four hundred forty participants witnessed the first satellite teleconference. Viewers heralded the program as a complete success. Alabama's Chief Justice Sonny Hornsby's reaction to the program was, "This is an exciting and innovative approach to judicial education. I am pleased that Alabama is one of the first states to utilize satellite transmission to provide a state judicial education program. The possibilities for court management and education are limited only by our vision."

If you would like additional information or would like to view the video of the broadcast, please contact Frank Gregory or Debbie Gordon at the Alabama Judicial College, 817 South Court Street, Montgomery, AL. The telephone number is (205) 834-7990. ■

NASJE News would like to know of your experiences with satellite broadcasting. Please send us details.—ED

Presenting Matters Neutrally: Gender Neutral Language

Michael W. Runner

Consider the following two ways of speaking to a group of judges about handling a defendant who wishes to proceed pro se (to defend himself or herself):

- The pro se defendant can be very difficult to deal with because he generally does not know the law or court procedure. We cannot treat him differently because of his ignorance. Of course, we must warn him that unless he secures the services of a lawyer, his defense could be seriously compromised. Many of these fellas rethink it at that point and decide to find some young hot shot lawyer who is eager to make his mark. I'm sure you guys have seen this happen in your own courts.
- The pro se defendant can be very difficult to deal with because generally he or she does not know the law or court procedure. We cannot treat the defendant differently because of this ignorance. Of course, we must give a warning that unless the defendant secures the services of a lawyer, the defense could be seriously compromised. Many defendants rethink it at that point and decide to find some young lawyer who is eager to make a mark. I'm sure you have all seen this happen in your own courts.

The second example, slightly longer and more formal, avoids references to a specific gender. Obviously, not all defendants are male and the same holds true for the audience of judges. The use of gender-neutral/inclusive language avoids the appearance of bias or insensitivity and acknowledges men and women as equal members of society.

The Modern World of Writing and Speaking

Gender-neutral expression (speaking and writing) is no longer optional. Special judicial task forces

in some 18 states have issued reports extensively documenting the presence of gender bias in the courts, and committees in numerous other states are examining the issue. Objective indicators of this bias include the use of gender-based language and the stereotyping of gender roles. At the very least, a speaker or writer who fails to use gender-neutral terminology creates the appearance of gender bias, and may project his or her actual bias. Similarly, a communicator who weaves gender-based stereotypes into case studies or examples conveys bias as part of the substantive program.

In response to gender bias investigation and reports, many court systems have revised court rules, model jury instructions, documents, forms, notices, and correspondence. Judicial educators should heed these changes and ensure that their program speakers and writers, as well as their administrative operations, communicate neutrally.

With few exceptions, judicial education audiences comprise both genders and different races and backgrounds. Most speakers and writers who make frequent presentations have recognized this fact and adapted their speech or writing to avoid gender-based references. Many volunteer speakers in judicial education programs, however, have not given the matter much thought or have simply forgotten to tailor their comments for a variety of reasons, such as stage fright or concern with the substance of their remarks. They may simply need to be reminded to use gender-neutral language and given some pointers on how best to do it. Writers may need to edit their work more closely or to learn techniques for avoiding gender-based references in their text.

Some people may resist changing old patterns of communication, and some will rationalize their recalcitrance by saying they do not want to bend or perhaps clutter the language. Others may try to sweep the issue

aside at the outset by saying something like, "Now when I say 'he,' 'him,' 'man,' etc., I mean both 'he and she.' It's just too difficult to say both each time." In reality, the communicator may resist because of bias, conscious or unconscious, or may not want to take the time to learn how to adapt the speech or writing to modern ways of addressing audiences. Gender neutrality and inclusion are not achieved merely by giving a broad qualifier and then continuing to use gender-based terms. Likewise, the composition of an audience (i.e., all male or all female) does not justify a speaker's failure to speak neutrally and inclusively.

Techniques for Communicating Neutrally

From an intellectual standpoint, it is not difficult to speak and write neutrally. Gender-neutral expression, however, does require thought and practice. The presenter must consciously consider neutrality of wording in addition to substance and clarity. And it will take time to change. Speakers will make mistakes, but generally they will catch themselves and eventually neutral expression will become second nature. When presenters speak neutrally, their audiences will at least perceive them as sensitive to differences in people, regardless of the quality of their remarks. For specific information you can provide to speakers and writers on how to adapt their presentations, see "What You Can Tell Your Speakers and Writers." Consider the following guidelines in reviewing and adapting your own practices.

Guidelines for Judicial Educators

Judicial educators can take great strides toward helping their speakers and writers to communicate neutrally. The following checklist can help educators begin to address these issues.

Michael W. Runner is Assistant Director, California Center for Judicial Education and Research.—ED

Set an example for your judges and colleagues. Use gender-neutral/inclusive language yourself with confidence and conviction. Don't limit your efforts to public expressions. Speak neutrally in public and private, without joking about your efforts. Be patient with yourself.

Spread the word. Talk with your colleagues and judges about the reasons for speaking neutrally. Persuade them to convert their speech and writing.

Identify role models. Identify respected judges and faculty who use gender-neutral/inclusive language. Tell them you appreciate their efforts and incorporate them as models on panels or in faculty training sessions.

Educate your faculty. Help your faculty learn how to speak neutrally. Include a reminder and some tips for using gender-neutral terms with your faculty confirmation letters (see suggestions accompanying this article). Request your faculty training instructors or consultants to address the issue.

Review written communication from your office. Check standard forms, letters, announcements, registration materials, etc. Are they gender-neutral/inclusive? Make small, subtle changes to acknowledge that both men and women are judges, attorneys, litigants, and colleagues.

Know when and when not to suggest changes. Learn to recognize when it is possible to suggest changes and when it is better to say nothing. There are times when it is not your place, it would do no good, or the climate is not right to ask another person to change his or her speech or writing. You may, of course, want to avoid being in the position of a silent bystander more than once with the same person.

Consider a neutral approach to informing speakers/writers. Take a broad, systemwide approach to suggesting the use of gender-neutral language. Instead of informing only selected persons, circulate a request and list of pointers to all faculty as a matter of course.

Be patient. Changing the spoken and written word is a slow process. Language is personal and some people have strong personal or intellectual barriers to changing the

continued on page 10

Gender-Neutral Guidelines for Speakers and Writers

The following guidelines can help prospective speakers and writers to communicate neutrally. They are based on materials developed by the New Jersey Administrative Office of the Courts and the New York Office of Court Administration, leaders in the effort to eliminate gender bias in the courts.

1. **Avoid using a male pronoun when referring to both genders.** Do not use "he," "his," or "him" when you intend to refer both to men and women. Use the following alternatives:
 - **Eliminate the pronoun, when possible.** Example: The assignment judge shall perform additional duties, as assigned to ~~him~~ by the chief justice.
 - **Replace the pronoun with a neutral article.** Example: An attorney must prepare ~~his~~ the case before coming to court.
 - **Change singular pronouns to plural (and make related changes).** Example: ~~Each supervisor~~ Supervisors must inform ~~his~~ their employees about these changes in procedures.
 - **Use an adjective other than the pronoun to modify the noun.** Example: A judge shall not lend the prestige of ~~his~~ judicial office to advance the private interest of the judge or others.
 - **Use "who" with or without a noun.** Example: ~~He is~~ An attorney who shows disrespect to the judge ~~he~~ may be found in contempt of court.
 - **Repeat the noun or use a synonym.** This method may be most effective when several singular pronouns need to be replaced. Frequently, the elimination of several pronouns also increases clarity. Example: Each employee must turn in ~~his~~ a health benefit selection card to the personnel officer assigned to ~~his~~ that worker's unit. ~~He~~ Any employee who does not do this by December 1st ~~he~~ may lose ~~his~~ insurance coverage.
 - **Rewrite the sentence to remove unnecessary pronouns.** This may entail the most work, but the excessive use of pronouns, as in the preceding example, may suggest the need for a rewrite to communicate more clearly and directly. Example (rewrite of preceding example): Any employee who does not return a completed health benefit selection card to the unit personnel officer by December 1st may lose insurance coverage.
 - **Use he/she, his/her, or him/her sparingly.** Constant use will break the flow of speech or written communication. A gender alternative is appropriate, however, in model jury instructions and other materials in which the judge must adapt the language to a particular case.
2. **Avoid stereotyping roles.** Stereotyping can occur through a writer's or speaker's choice of illustrative examples, case studies, or specific words that

contain prejudicial implications. Use the following guidelines to avoid words or phrases that imply an evaluation of the sexes, however subtle.

- Instead of "man and wife" use parallel terms such as "man and woman" or "husband and wife."
- Avoid using the word "girl" or "boy" unless that is the correct age-based term, e.g., secretaries are women or men, not "girls" or "boys."
- Do not use the word "female" or "male" before an occupation or role unless the gender is relevant. Examples to avoid: "female doctor," "male nurse," "female judge," "female attorney," "male secretary."
- Avoid the "Dear Sir" or "Gentlemen" form of address. When you do not have the name of the person(s) to whom you are writing, use the title or occupation, e.g., "Dear Counsel" or if this is not known, then use "Dear Sir or Madam."
- Do not rely on female characters for stereotypical, gender-based roles, such as secretaries, rape victims, homemakers, or rambling witnesses. Women also belong in hypothetical questions or role-plays dealing with expert witnesses, double-crossing executives, attorneys accused of misconduct, or police officers charged with falsifying reports.
- 3. **Use modern, gender-neutral/inclusive terminology.** Avoid terms that apply to one sex; instead, focus neutrally on the work performed.

USE

chair, chairperson
police officer
fire fighter
worker
colleagues
electrician, plumber, etc.
flight attendant
postal worker, letter carrier
homemaker
Member of Congress, Representative
representative, spokesperson
agent, processor, distributor, etc.
business people, business personnel
person
workforce
fill or staff a post or position
five-member staff
actor

DONT USE

chairman
policeman
fireman
workman
brethren
fellow workers
repairman
stewardess
mailman
housewife
Congressman
spokesman
middleman
businessmen
man
manpower
to man a post or position
five-man staff
actor/actress

For additional information about gender fairness in judicial education, consult *Promoting Gender Fairness Through Judicial Education: A Guide to the Issues and Resources*, by Lynn Hecht Schafran, Esq., Women Judges' Fund for Justice (1989). ■

President's Column, *continued*

The JERITT project continues to produce quality publications for our use, including: 1) the *Judicial Educators Directory*, 2) *Judicial Education Programs Summary*, 3) *Judicial Education Grant Awards Sourcebook*, and 4) the *Bulletin*, which features cutting edge issues in continuing education and summarizes JERITT's technical assistance services. A forthcoming reference volume—*Judicial Education Issues and Trends Annual*—will provide information about state judicial education organizations based on a national survey conducted by JERITT.

Finally, the JEAEP project has been very active in strengthening state judicial education by enabling judicial organizations to access the teaching, consultation, research, and

practical expertise of the continuing professional education discipline. The project has provided technical assistance to over a dozen jurisdictions. In addition, JEAEP is responsible for preparing the continuing education insert in this newsletter and publishing the *Judicial Education Manual*, designed to integrate adult education concepts, theories, and methodologies to the daily operation and administration of continuing judicial education. The *Manual* is scheduled to be published early next year.

During the business meeting at the annual conference, we expect to review a set of "Principles of Judicial Education" prepared by the Standards Committee. The proposed principles are the product of a long

and dedicated process to identify realistic educational objectives to enhance the professional competency of all persons performing judicial functions. The committee solicited and received input from a wide range of groups and individuals associated with continuing judicial education. We look forward to the report of the Standards Committee this fall.

Lastly, I am pleased to report that SJI has approved NASJE's grant application to fund a "Judicial Education Management System." The project was described in my previous column.

Hope to see you at the annual conference in San Antonio in October. ■

Presenting, *continued*

language they use. Given time to learn and assistance in changing, most persons will adapt.

Challenges to Change

Some speakers may challenge efforts to change their form of expression. The judicial educator may want to anticipate how to respond when a speaker cannot or will not incorporate gender-neutral language. Initially, the educator should consider how much he or she has tried to encourage the speaker to change. Has the educator provided a specific and direct evaluation of the speaker's communication? Has the speaker received clear, realistic guidelines on how to speak neutrally?

If a speaker refuses to change after a direct evaluation and appropriate assistance, the educator or education committee chair may want to consider how badly the speaker is needed in the future for the particular topic. It may be relatively easy, for example, to substitute a different lawyer or professor. An experienced judge who is an expert on a specialized topic and also a good speaker,

however, may be more difficult to replace.

In balancing these considerations, and perhaps others, the educator might reasonably decide to continue using a speaker who resists educational efforts about gender-neutral expression. That does not necessar-

ily mean that the efforts to change have failed. The educator can continue attempts to lead the speaker toward neutrality, if possible. Also, the educator can be on the look-out for a skilled substitute who will incorporate gender neutral/inclusive language. ■

Hello, Thanks, Goodbye

Michael R. Hemphill, Ph.D., is the grant evaluator for the NASJE newsletter. Professor Hemphill is Associate Professor of Speech Communication and Chair of the Speech Communication Department at the University of Arkansas at Little Rock. Professor Hemphill will be attending the annual conference at San Antonio where he will meet with the newsletter committee and informally interview conference attendees.

The NASJE editorial committee would like to thank the following individuals for their contributions to this issue of *NASJE News*: Ed Borrelli, Bill Capers, Dennis Catlin, Robert Church, Suzanne Keith, Ellen Marshall, Mignon "Dee" Beranek, Kathleen Sikora, Julie Townley, and Karen Waldrop.

Betty Ann Johnson, of St. Paul, Minnesota, is leaving her seat on the NASJE editorial committee. Betty Ann has served on the newsletter board since December 1988. During the last committee meeting, Kay Boothman, committee chair, thanked Betty Ann for her years of service, and welcomed her offer to contribute articles to *NASJE News*. ■

PROFILE

Dan Schenk



He may not have danced with wolves, but his background might be more fascinating. South Dakota's Dan Schenk—blunt, plainspoken, open as the prairie plains—gets the job done as the veteran judicial educator in a state known as the "Land of the Sioux." He is well suited for the task.

Although sixteenth in land area among the United States, South Dakota is one of the most sparsely populated, having only 700,000 residents. Intersected by the Missouri River, the Black Hills border Wyoming in the west. Mount Rushmore, the Badlands, Crazy Horse Mountain, Wounded Knee, and Deadwood are well-known South Dakota sites. Pheasants, antelope, and coyotes are more plentiful than the cinematic wolf.

Dan Schenk was born in Pierre, one of our nation's smallest state capitals, on Christmas Day. South Dakota's climate can be characterized by extremes of temperature and persistent winds and blizzards are not uncommon. Perhaps that is why Dan plants his feet firmly on the ground, why he cocks his head slightly in conversation. Although intense, the broad-chested, mustachioed judicial educator is perhaps best known for his sense of humor. "One needs to

maintain a very healthy ability to never take yourself too seriously," suggests Dan. In this field, that is good counsel indeed.

What road led Dan Schenk to assume responsibilities for judicial education in South Dakota? What path did he take to the state court administrative office where, as the personnel and training officer, judicial education is only one half of his responsibilities?

The seed may have been planted when Dan's grandfather served on the South Dakota Supreme Court. Dan's father was a civilian in the military corps of engineers. Because of his father's work, the family often traveled, including a move to Massachusetts. Dan always returned to South Dakota.

He graduated from the University of South Dakota and worked as a special agent in military intelligence. At the time of the Tet Offensive, he labored in Vietnam, living alone and working in small villages with a Montagnard interpreter.

To this day, the Far East remains his avocation. Dan and Becky, his schoolteacher (and artist) wife of twenty years, continue to visit Hong Kong, Bangkok, Macao, and other Asian cities periodically.

As if his Vietnam experiences were not life threatening enough, Dan enjoyed extensive rodeo adventures, in which he suffered two concussions, five broken ribs, a broken left collarbone, several broken noses, and a dislocated left shoulder. Several years playing polo in Pierre for North America's oldest continuous polo club may have been only slightly less exciting. Perhaps that is why Dan's principal exercise today is swimming, with occasional excursions into racquetball.

In 1971 Dan began employment with the Youth Development and Delinquency Prevention Act (YDDPA) agency in South Dakota. Within six months, he became its director. Since YDDPA worked with the Law Enforcement Assistance Administration (LEAA), Dan eventually became a law enforcement specialist in the state planning agency for LEAA. He became its acting director in 1974.

State court administrators began to appear in many states at this time. When South Dakota named its first state court administrator in 1974, Dan was soon invited to assume responsibilities for personnel and training. At the time there was one formal meeting of the state judiciary per year.

By 1980 Dan had completed the Court Executive Development Program of the Institute for Court Management to become an ICM Fellow.

One of the accomplishments of which Dan is most proud is institutionalizing a regular course of meaningful training for judges and related court employees. This includes not only the regular judicial conference, but the annual in-state judges training institute for 55 to 60 state justices, judges, and law-trained magistrates; a program for the 12 to 15 current administrators and administrative personnel; a program for 120 clerks; a program for 45 court reporters; a new program for deputy clerks each year; and a new orientation program for new judges. A mentorship program is in development. New judges are also sent by court rule to programs at the National Judicial College in Reno. Otherwise, the state has no mandatory judicial education requirements.

Juvenile probation training is under the aegis of the director of court services, although Dan provides child support training for referees.

Occasionally there are cooperative regional programs with nearby states. In the not-too-distant past, Dan did the

continued on page 12

Profile, continued

principal staff work in South Dakota when the state hosted the annual meeting of the Conference of Chief Justices.

As the judicial educator, Dan works with a five-person judges training committee. He consults as well with Chief Justice Robert A. Miller, who maintains a special interest in continuing education for the judicial branch and labored long and diligently for the Conference of Chief Justices meeting. This year the chief justice is spearheading a "Year of Reconciliation" among state and tribal courts. Education is an important component of the reconciliation effort.

Dan is particularly pleased with the endorsement and support of the entire supreme court bench for judicial education.

How is the training subsidized?

With education costs of approximately \$150,000 per annum, money is raised by liquidated costs of \$15 assessed against each criminal conviction. Law enforcement, corrections, and the judiciary access this special central pool, which is a separate line item in the state budget and does not come from general funds.

South Dakota is a small state, so Dan inherited other broad responsibilities. These include extensive personnel responsibilities, fair labor standards issues, budget, meetings with the state's presiding judges and supervisors, and special assignments, such as the transfer of certain collection and child support duties to South Dakota's Department of Social Services. Dan and Linda Hausvik, the personnel and training clerk, make a formidable team

supported by state court administrator Tom Geraets.

Forty-eight-year-old Dan Schenk is one of the longest tenured judicial educators in the country. He became a NASJE member early, but was initially unable to participate as actively in the organization as he has in recent years. At present, he serves on the NASJE board of directors as the midwest representative.

Dan remains highly positive about his NASJE experience, saying, "NASJE members are as dedicated and as serious about their work as members of any organization with whom I've come in contact." He adds, "I am continually struck by the diversity of the membership, but the impressive commonality of purpose."

One example of NASJE's diversity of membership and commonality of purpose is Dan himself. ■



National Association of State Judicial Educators

NASJE Editorial Committee

President Jerry K. Beatty Des Moines, Iowa	Kay Boothman, Chair Little Rock, Arkansas	Michael W. Runner Emeryville, California
Vice-President Larry Stone Columbus, Ohio	James C. Drennan Chapel Hill, North Carolina	M. James Toner Reno, Nevada
Secretary Ed Borrelli New York, New York	Frank Gregory Montgomery, Alabama	Jerry K. Beatty <i>ex officio</i> Des Moines, Iowa
Treasurer V.K. - Wetzel Madison, Wisconsin	Betty Ann Johnson St. Paul, Minnesota	Bill Fishback <i>Managing Editor</i> National Center for State Courts
	Maureen Lally Olympia, Washington	

The editorial committee encourages contributions to NASJE News from judicial educators and other interested parties. Not every contribution will receive a byline. Articles will receive a byline under the following guidelines:

The writing is intended to reflect the opinion of the author;
the editorial committee finds it appropriate to give a byline to make clear that the writing does not reflect the opinion of the editorial committee; or
the writing reflects a substantial piece of work that occupies a prominent place in the newsletter and is at least one newsletter page in length.

In applying these guidelines the committee will resolve close issues against giving bylines to committee members and in favor of giving bylines to noncommittee members. When noncommittee members make contributions not otherwise credited, their names will be listed as contributing to that newsletter.

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.

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