



## A Socially Effective Way to Use Judicial Education Statistics

Maureen Connor

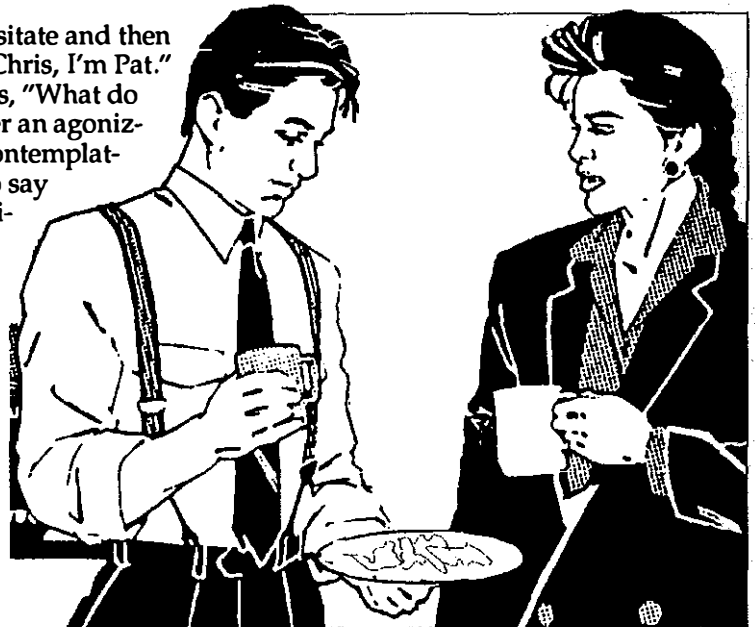
**I**t is a Friday night, and you are leaving the office with your mind full of work done and work yet to do. Your life as a judicial educator is fast paced, intellectually stimulating, physically demanding, and personally challenging. Your work is a constant balancing act. You may balance budgets, programs, personnel, and egos all in the span of a day. Such balancing requires agility and flexibility and necessitates that you take time to relax in a socially revitalizing environment. Whether you go willingly or unwillingly to a social engagement, the inevitable question will surface—"What do you do?" You will hesitate for a second and wonder whether or not you want to answer this question, knowing what the follow-up questions will be when you say that you are a judicial educator. Take heart—help is on its way.

What follows is an example of how you can use judicial education statistics and be socially successful all at the same time. The statistics used in this example are from the JERITT Judicial Education Survey conducted in 1991 and 1992. If you need more statistics or want to verify what you read here, consult *Issues and Trends in Judicial Education*: volumes I and II.

So, there you are grazing at the food table when the inevitable small talk begins. The ice breaker is delivered. "Hi, I'm Chris, and who are

you?" You hesitate and then respond, "Hi Chris, I'm Pat." Chris then asks, "What do you do?" After an agonizing moment contemplating whether to say astronaut, environmentalist, or household technician or just respond with the truth, you say, "I'm a judicial educator." Chris pauses, shows an appropriately inquisitive expression, and says, "What's that?"

"Chris, I'm not surprised that you haven't heard of judicial education as it is a relatively new discipline, but it is a discipline on the move. Before 1961 there were only 2 state and 4 national judicial education organizations. By 1970, 9 state organizations and 8 national judicial education organizations were operational. Chris, perhaps you remember the LEAA—the now defunct Law



Enforcement Assistance Administration. The reason I mention this dearly departed organization is because the greatest growth in judicial education organizations took place between 1971 to 1980 with the help of LEAA funds. During that time, judicial education organizations grew to 35. Between 1981 and 1990, national judicial education organizations grew by 1 for a total of

*continued on page eight*

### Plan to attend the 1993 NASJE annual conference

**T**he 1993 NASJE annual conference, hosted by the western region, will be held in the Union Square area of San Francisco. Conference information will be mailed in July—look for it! ■

Maureen Connor, of the JERITT Project, is chair of the NASJE Education Committee.—ED

## PRESIDENT'S COLUMN

Larry Stone



I am pleased to report that the strategic planning process described here in the last issue is on schedule.

In late January, all NASJE members (full, general, and associate) were sent a letter outlining the need for member input and an essay on the pros and cons of several membership categories being considered. Members were asked to indicate a preference for the future membership composition of the association based on the essay. As of February 5, 35 members have responded. At the midyear meeting of the board of directors, information gleaned from the responses will be used to develop proposed new membership categories. Additional essays on the other topics under consideration will be developed based on the proposed new membership categories. NASJE members will then be asked to provide input in these areas as they did for membership composition. Following a review of the responses, the board will direct the bylaws committee to draft appropriate bylaws changes. After member input and board approval of the proposed bylaws changes, the membership will vote on final revised bylaws. The board and I appreciate your cooperation, assistance, and patience in this time-consuming process.

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## Faculty Database Available to Judicial Educators

Searching for a faculty member to teach a new, emerging issue of the law? Or do you have two short segments available—for example, one hour on hearsay and two hours on domestic violence—and want to find one person who can teach both? The faculty database maintained by The National Judicial College can help you.

The faculty database is a computer-based list of judges, lawyers, and other professionals who are interested in teaching judges. Each person has completed a form describing, among other things, their adult education training, teaching in state and national judicial education programs, and subjects they are interested in teaching. It was established under a grant from the State Justice Institute and is maintained by the National Judicial College.

Many people listed include references on their teaching ability. But you are not limited to using those references. State judicial educators often are helpful in giving assessments of the teaching skills and abilities of persons from their states listed on the database.

Searches for faculty on the database can be based upon a number of

different criteria, including the subjects they are interested in teaching, profession, and state of residence. In addition, there is a special search parameter for females and minorities (including persons with disabilities).

The database maintains a résumé for each person listed. Users may review complete résumés and print them.

Many state judicial educators have used this database. Dan Schenk, South Dakota's state judicial educator, states, "I have used this service on a regular basis and have found it particularly helpful in filling 'hard to find' speaker slots."

If you are interested in using the faculty database to identify potential faculty members, you may use it via modem. Or staff members at NJC will conduct the search for you and send you the written résumés of the faculty who meet your search criteria. You should contact John Albrecht, program attorney, or Nancy Martin, course administrator, The National Judicial College, 1-800-255-8343, if you want a search done or if you have any questions. ■

## JEAEP TA: Prepared to Serve

**JEAEP** collaborations are now ready to be furnished.

The Judicial Education Adult Education Project (JEAEP) strives to meet expressed needs, primarily through linking higher education resources with judicial education desires. After a judicial education organization defines a problem, the project locates an appropriate resource to devise a solution. Consultation fees and travel costs are covered by JEAEP, through a State Justice Institute (SJI) grant to the University of Georgia.

TA consulting may be requested for a variety of educational or orga-

nizational tasks, such as evaluation methods, faculty coaching, instructional aides, materials design, needs assessment, policy studies, resource identification, and strategic planning.

Organizations interested in applying for this valuable collaborative technical assistance should write to JEAEP, The Georgia Center for Continuing Education, Human Resource Development Department, Athens, GA 30602. For further information, call Rich Reaves, ICJE of GA, 706-542-7491, or JEAEP at 706-642-2275. ■

# Bankruptcy Seminar Program Gives State Judges New Insight

Samuel J. Gerdano

**B**ankruptcy is booming in America. During the first half of 1992, more individuals and businesses (nearly 505,000) sought protection from creditors through the Federal bankruptcy law than in any single six-month period in history. It is expected that close to 1,000,000 new bankruptcies will have been filed in 1992, breaking all records for an eighth consecutive year. Since 1979, when the modern Bankruptcy Code went into effect, more than 6.5 million cases have been filed. No region of the country has been immune to these bankruptcies, though the rate of increase has been most acute in the East and Northeast.

The American Bankruptcy Institute (ABI), the nation's leading multidisciplinary organization devoted to research and education on issues related to insolvency, has designed and thoroughly road tested a seminar program to facilitate an understanding of the many areas where bankruptcy affects state trial court practice. The program has been funded by a grant from the State Justice Institute (SJI) since 1991 and is offered at no cost to the states.

The interrelationship between Federal bankruptcy law and state substantive and procedural law presents issues vital to the state court process in areas such as domestic relations, criminal restitution, and jurisdiction. The ABI/SJI program is the only one available to help resolve conflicts that may arise between these areas and bankruptcy law. The program will help produce a more efficient and fair administration of law while achieving a mutual understanding of issues that affect

both bankruptcy and state courts. The objective is to help state court trial judges better spot and deal with bankruptcy issues, and thereby improve the harmonization between bankruptcy and state substantive law.

Chief Justice Rehnquist, in an address to the ABI annual spring meeting on May 18, 1992, highlighted the close connection between the ABI/SJI seminar program and the success of the first National Conference on State-Federal Judicial Relationships, held in April in Orlando, Florida:

As one of its purposes, the [Orlando] Conference sought to determine which activities of the federal courts currently provide the greatest friction point between the state and federal systems. Surprisingly, the consensus choice was not habeas corpus or diversity jurisdiction, although these continue to be a fertile source for disagreement. *Instead, the work of the bankruptcy court was widely recognized as the major friction point.* I suppose that is not surprising when one considers in combination the number of bankruptcy cases in the system and the breadth of the Bankruptcy Code's automatic stay provisions. Even under the best conditions, a state judge or administrative official may be expected to resent having to put time into a matter only to see it automatically foreclosed by the filing of a bankruptcy petition, or worse yet, to see a state court litigant hauled into bankruptcy court and fined for willfully violating the Code's stay provisions. Moreover, state court counsel and the state judge may be un-

Many state judicial educators have taken advantage of the "Bankruptcy Issues for State Trial Judges" program although they faced objections from many state trial judges, who thought that they had no interest in bankruptcy issues or that bankruptcy was not relevant to their jurisdiction. The following comments from a Texas trial judge typify the reactions from trial judges who have attended the bankruptcy program. "I was pleasantly surprised at the tremendous interest from the judges attending. There were *many questions and good ones.* I now get the feeling that state trial judges are *very interested* in this subject. I thought this would be boring. It was not." This program provides state trial judges with resolutions to state court actions that are affected by bankruptcy.

As an advisory committee member to this project, and as a state judicial educator, I can enthusiastically recommend the program as an informative, educational activity. If you are interested in having this program conducted in your state or would like further information, please contact me or Sam Gerdano at the American Bankruptcy Institute.

—Rita Culbertson, Kentucky

familiar with the Code's procedures for lifting the automatic stay, or may not understand the justification for the wide scope of matters brought within the automatic stay provisions. [Emphasis added].

*continued on page four*

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Samuel J. Gerdano is executive director of the American Bankruptcy Institute, which is based in Washington, D.C.

The ABI/SJI program, which has been successfully delivered in 12 states to date (New Jersey, Idaho, Ohio, Alaska, New Hampshire, New Mexico, Wyoming, Georgia, Texas, Alabama, Mississippi, and Arkansas), is a seminar in which the state judiciary and the ABI faculty find solutions to the practical situations faced by state courts. Because many of the programs will be given with already-established judicial conference meetings, this no-cost program is especially helpful to state judicial educators.

Each seminar runs approximately three to four hours. The faculty will be a panel of bankruptcy experts, with emphasis on inclusion of bankruptcy judges and others from the state where the program is conducted. The programs begin with a panel discussion outlining the tensions between federal and state law,

with suggested methods for dealing with them. This discussion focuses the state court judges on the key areas where they will most need a practical understanding of bankruptcy and the role of their counterpart federal judge. This discussion stimulates the dialogue that will follow. The remaining portion of the program consists of an open exchange among judges and the faculty. The objective is to encourage maximum input by the state court judges so that actual situations can be discussed and solutions proposed by the judges themselves, based on the "road map" provided in the prior discussion. The faculty will serve as a facilitator, suggesting courses of action, keeping the discussion moving, and encouraging the development of solutions consistent with the requirements of bankruptcy law.

Each participant is furnished with a deskbook of materials, developed by the ABI, organized by bankruptcy topic. The materials are oriented to the practical, rather than the academic. The deskbook covers such issues as the impact of the automatic stay, the power of the bankruptcy courts to enjoin state courts, the effect of bankruptcy on criminal cases, the impact of the bankruptcy discharge, and domestic relations. The deskbook also contains a bibliography and index to direct judges to additional information. Judicial educators have praised the deskbooks, which have been recently updated to make them even more useful.

ABI plans to offer the program in 12 additional states during 1993. For more information about the program, or to schedule the program for your state's trial judges, judicial educators should contact the ABI at 510 C Street, N.E., Washington, DC 20002, or call (202) 543-1234. ■

## 1993 NASJE Committees

### Education (Standing)

Maureen E. Conner, MI (Chair)  
Karen Waldrop, AZ (Board)  
June H. Cicero, MN  
William T. Capers, VA  
Ann E. Sweeney, WA

### Membership (Standing)

Diana L. Clemons, KY (Chair)  
(Southeast)  
Paul L. Biderman, NM (Board)  
Jane H. Tanner, GA (Southwest)  
Holly Hitchcock, RI (Northeast)  
Maureen Lally, WA (West)

### Nominating (Standing)

Suzanne G. Keith, TN (Chair)  
Laurence B. Stone, OH (Board)  
Richard D. Reaves, GA  
Nori J. McCann Cross, OR

### Standards (Standing)

Anthony B. Fisser, CT (Chair)  
V.K.-Wetzel, WI (Board)  
Richard L. Saks, NJ  
Catherine M. Springer, IN  
Joseph A. Trotter, DC

### Bylaws Revision (Special)

Dan Schenk, SD (Chair)  
V.K.-Wetzel, WI (Board)  
Richard H. Rosswurm, WV  
(Board)  
Ellen Marshall, MD  
John R. Meecks, FL  
Scott Smith, TX

### Newsletter (Special)

Michael W. Runner, CA (Chair)  
Maureen Lally, WA  
M. James Toner, NCJFCJ  
Richard D. Reaves, GA  
Patricia Garcia, NM  
Blan Teagle, FL

### JEAEP, NASJE Representatives

Kay S. Boothman, AR  
Elizabeth L. Hodges, NH  
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### JERITT, NASJE Representatives

Jerry K. Beatty, IA  
Rita S. Culbertson, KY  
Laurence B. Stone, OH

### Leadership Institute, NASJE Representatives

June H. Cicero, MN

# Mandatory (?) CJE Compliance

*At the annual judges conference, a participant, who is there because rules mandate that he or she be there, registers for the first day of the conference, comes into a session, sits in a prominent place, and during the first presentation, begins to read a newspaper. The next day, while the conference is in session, the judge plays golf. The judge attends the social functions and will attend the final segment of the conference. In another town, a judge is playing golf when, according to the rules, the judge should be in attendance.*

As mandatory continuing judicial education becomes more common, the issue of whether a judge is complying with the rules will likely become more important. At the annual NASJE conference in October, NASJE News asked judicial educators to respond to the following questions, which were posted on a flipchart.

The specific questions and their responses were:

**1. Are you (the state judicial education program) the attendance monitor?**

Yes—FL, GA, OH (for Judicial College courses), SD, WV, WI  
 Arizona—records submitted by local recordkeepers; SJEO compiles and submits reports to Supreme Court  
 Arkansas—no (judges report their attendance to SJEO who certifies the list)  
 New Hampshire and Nevada—no (attendance sheets and voluntary verification placed in each person's files)

New Mexico—yes (AOC); no (Judicial Center)  
 North Carolina—no (judges report their attendance to state court administrator)

**2. Are records kept (i.e., is attendance monitored) by the:**

Day	Half-day	Session
South Dakota	Wisconsin (Half-days plus sessions)	Georgia
New Mexico	New Mexico	Florida
Ohio		Arizona New Mexico Nevada West Virginia Arkansas

**3. What are the sanctions for noncompliance?**

Arizona—from "warning" to termination, depending on situation and philosophy of presiding judge of the county  
 Arkansas—disbarment  
 Georgia—notify training council for jurisdiction in which judge serves; notify Judicial Qualifications Commission  
 New Hampshire—none  
 Nevada—same as Georgia  
 North Carolina—notify chief justice; no formal sanctions  
 Ohio—notify disciplinary commission  
 South Dakota—publicity  
 Utah—part of judicial evaluation  
 West Virginia—none with teeth

NASJE News will continue to explore the mandatory CJE compliance issues that judicial educators face. Please tell us how you would handle the judge described in the hypothetical situation. Or tell us if you think the following situations present issues for those who monitor attendance at mandatory training events, and if so, how you would handle them.

*A judge falls asleep during a boring lecture.*

*In another concurrent session, a judge works on an order in a pending case. The subject of the order is not the same as the subject of the class.*

*Another judge routinely stays an extra half-hour talking in the halls after each break.*

*Another judge gets so many phone calls that at least half the day is spent on the phone. ■*

## Transitions

**Paul M. Li**, executive director, California Center for Judicial Education and Research, retired in March. Paul was a founding member of NASJE and also served as president from 1979-1980.

**James C. Drennan**, formerly assistant director, Institute of Government at the University of North Carolina, has been named North Carolina's state court administrator.

In Tennessee, the Executive Secretary's Office has been renamed (by statute) the Administrative Office of the Courts and restructured. **Suzanne Keith** is deputy director of the AOC; **Mary Tom Plummer** is director of education, who has two education assistants; and **Susan Taylor** is director of research and planning. ■

## Membership Information

To receive NASJE membership information, contact Diana Clemons, chair, NASJE Membership Committee, Education Services, Administrative Office of the Courts, 100 Millcreek Park, Frankfort, KY 40601-9230; (502/564-2350). ■

# The National Judicial College Publishes Instructional Guide on the Court-related Needs of Older People and Persons with Disabilities

The National Judicial College, under a grant from the State Justice Institute, has distributed the publication, *Implementing the Court-related Needs of Older People and Persons with Disabilities: An Instructional Guide*. It was mailed to all state judicial educators in December 1992. The guide contains model course materials, visual aids, trainer's notes, and learning activities on topics such as the Americans with Disabilities Act, human service concepts in disability law, and surrogate decision making in health care decisions for older people. A chapter on how to replicate the training in a state is included. The instructional guide will be helpful in presenting an entire seminar in this area or selected segments.

The learning objectives were that participations will be able to:

1. Appraise each older person and person with disabilities who comes before a court in different roles (e.g., witness, juror, party, attorney) as an individual.
2. Describe the changing demographics of older people and persons with disabilities in the population.
3. Identify basic human service concepts in relation to the body of laws and practices protecting older people and persons with disabilities.
4. Describe the different surrogate decision-making methods available for older persons and recognize the decisions (including health care decisions) when each should be used.
5. Recognize the best practices, techniques, and technologies to respond to the Americans with Disabilities Act (ADA) and their own state's laws and to enhance the judicial system's accessibility to and inclusion of older people and persons with disabilities.
6. Identify potential resources, including the aging and disability networks within their communities, that can be marshaled to assist judges in carrying out duties in chambers, courtroom, courthouse, and community.
7. Design a plan of action to implement Objective 5.

A chapter on replicating the training along with a checklist to assure that all steps are followed is included. It lists the people who should be included on any planning committee and the tasks that the committee should complete. The written materials can be easily adapted to an in-state presentation.

The guide reprints the materials along with trainer's notes. The notes tell which visual aids to use when teaching that portion of the materials. The written materials are coordinated with the faculty presentations and allow the participant to apply the knowledge taught in the class effectively. Further, the notes give the faculty model answers to the questions that should be posed to the audience. The instructional guide makes it very easy for state judicial educators to replicate all or part of this seminar. Questions about the guide or the program should be directed to John Albrecht, Program Attorney, The National Judicial College, University of Nevada, Reno, NV 89557. ■

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## President's Column, *continued*

Committee assignments for 1993 are listed on page 4. Readers will note that relatively few changes have been made in the committees themselves or their makeup. I am committed to involving more members on committees, but feel that it is appropriate to maintain a degree of status quo with the committees as we proceed through the strategic planning process. I anticipate a markedly different committee struc-

ture once that process is completed. Congratulations are in order for the JERITT, JEAEP, NASJE News and Leadership Institute projects. All received continuation grants from the State Justice Institute.

NASJE will miss the contributions of two longtime judicial educators, who are moving on to bigger and better things. Paul Li, executive director of the California Center for Judicial Education and Research, will be retiring later this year. As many

readers know, Paul is one of the founders of NASJE and is considered to be the dean of state judicial educators. Jim Drennan, of the Institute of Government at the University of North Carolina, has become the director of the Administrative Office of the Courts for North Carolina. Jim has been an active member of NASJE for many years and a longtime valued member of the newsletter committee. ■

# ADA "Access" Implications for Judicial Education Services

The Americans with Disabilities Act commands the attention of state judicial education programs in a variety of arenas. This rather new enactment of the federal Congress contains provisions that specifically affect (1) employment of disabled persons, (2) public agencies' responsibilities to accommodate persons with disabilities in their programs, (3) the similar duties of private-sector organizations, (4) requirements connected with telecommunications programming, and (5) other miscellaneous considerations. Generally, this law is subject to court enforcement by employing federal civil rights litigation procedures.

The meaning of the term *persons with disabilities* covered by the ADA introduces a concept so broadly defined that requests made for compliance with the law should be evaluated and responded to on a case-by-case basis. Accommodation for any one disability should never be assumed adequate for another even similar disability. Most important, initial reaction to the law should be in the form of proactive efforts to satisfy its requirements as they pertain to individual cases.

In short, the law requires programs conducted by public-sector agencies (which is virtually all state judicial education programs) to be fully accessible to persons with disabilities, i.e., accessible in *all* ways, or in other words, as accessible as they are to people without disabilities. Access is routinely thought of in terms of physical barriers to those who use canes, crutches, or wheelchairs. But, it also involves accommodation to those who have difficulties with hearing, speech, vision, and even learning.

For example, special radio transmissions to hearing-enhancement devices may need to be furnished for certain judicial education conference

and seminar attendees who possess some hearing impairment. Alternatively, in cases of severe hearing disability, it may be necessary to provide a signing or sign-language interpreter. Under the ADA, the obligation now rests with program sponsors to furnish whatever services are needed to establish a level "playing field" among disabled and nondisabled participants.

Another disability problem judicial educators' may encounter is that of vision impairments. Large-type printed materials may need to be supplied, or handouts may need to be produced in braille. Text created in a WordPerfect 5.1 provided in diskette form can now be read by printers that create braille printouts. One software conversion program for this application goes by the name of Duxbury, and it drives a standard braille impression maker.

Human or electronic readers may need to be used in certain instances with persons whose sight is impaired. Technology is available to render an electronic speaking voice from scanned text in place of a printed handout. Xerox is one company marketing machinery to accomplish this feat. Obviously, audio taping of presentations provides some self-study assistance to the sight impaired, but the more sophisticated efforts outlined above are required to give attendees the full benefit of program handout and other resource material. Suppliers of benchbooks, monographs, and other printed materials would do well to become familiar with this new technology to assist the vision impaired.

It goes without saying that all judicial educational publications and program announcements should inform people with disabilities that they are welcome to take part in the program. They should invite them

to suggest ways the sponsor might make their participation accessible or neutralize their disability. Such language might be: "Access provided for people with disabilities. Call \_\_\_\_\_ by (date) for specific requests."

Similarly, when offering the service of a sign language interpreter, program announcements should be clear on the type of interpreting resource being offered, or the types for which requests for help can be fulfilled. Standard American Sign Language for the hearing impaired is different from straight finger spelling. More important, it's different from the familiar or colloquial signing used by people who grew up and function in totally deaf households and communities. Minimally, the general offer to provide a sign language interpreter is probably an advisable element of all program announcements.

Concern for participants with limited mobility remains a problem to be dealt with by program sponsors, even though they may not be responsible for building architecture. More often than not, the judicial educational program sponsors have selected the meeting site. The program sponsor should assume responsibility for furnishing signs or necessary guides. Moreover, indoor transportation may be advisable in some instances, especially for users of canes and crutches.

In all events, by furnishing advanced notice of the willingness to make judicial education services and programs fully accessible, along with a date certain to receive requests for specific assistance that will enable adequate response time and preparation, the judicial education program provider can fulfill its accessibility obligation under the Americans with Disabilities Act. ■

## Judicial Education Statistics, *continued*

9 and state organizations grew by 12 for a total of 47."

Being an astute people watcher, you can tell that Chris has developed a real interest in your story. You decide to impress Chris with the outstanding character of the professional company you keep. "You know Chris, over two-thirds of the state judicial education organizations are affiliated with either their state supreme court or court administration office or both. Less than a third are affiliated with universities or judges' conferences or are non-profit corporations or some other combination of these organizations.

"Perhaps the most interesting thing about my work is that it is authorized by a higher order, so to speak. Chris, I don't mean to sound like an elitist, after all it is the '90s, but the authorization of my work is quite impressive. Nearly a third of all state judicial education organizations exist by statute. One-third are mandated through court order or rule. Three exist by articles of incorporation. National organizations, in particular, use incorporation. Other state judicial education organizations exist by judicial council rule, administrative decision of the supreme court, or constitutional provision."

Chris now zeros in on whether you are socially worthy. After all, Chris, while trying to get into this '90s mentality of less is more, is not quite there yet after having to demonstrate the appropriate corporate affection for BMWs, cappuccino, and condos to make it to the senior management level of International Investments Unlimited. So, not wanting to waste any more time on prestige by association, Chris wants to know your educational background, how much money you make, and whether you are in a growth, or at least stable, career field. Chris looks you in the eye and unflinchingly asks, "What's the bottom line, Pat? How much money do judicial educators make?" Pat, armed with statistics, says, "I'm impressed with your directness, Chris. You don't even pretend to be interested in my line about the spiritual fulfillment I

gain from my job and how that is more important than money. I hope no one is listening as we talk about this instead of talking about global well-being, environmental fitness, and personal enrichment. Don't get me wrong, all of that stuff is very important to me, but I'm not quite sure what is socially appropriate to reveal in such conversations, but I can answer your question with certainty and ease. First, let me say that in 1991, 46.5 percent of all state judicial education directors had juris doctorate degrees, 34.9 percent had master's degrees, and 4.7 percent were four-year college graduates. Now for salaries, the median salary of state judicial education directors in 1992 was \$54,500. That income level is fairly stable. Judicial educators, 61.9 percent in fact, indicated that from 1990 to 1992 their salaries didn't change. However, 14.3 percent reported that their salaries increased by 1 to 4 percent and 23.8 percent reported their salaries increased 5 percent or more over the same two-year period. In this day of right sizing, also known as down sizing, this is good news. Assistance or associate state judicial education directors had median annual salaries in 1992 of \$36,212. This judicial education position didn't fare quite as well as directors because while 20 percent reported an increase in salary from 1 to 4 percent, 30 percent reported decreases from 1 to 15 percent, while 50 percent reported salaries unchanged. The median salary for program attorneys was \$37,000 and for nonattorney program staff the median salary was \$30,952, and for support staff it was at \$21,396. You know Chris, I expect that salaries and staff composition will stay pretty much the same because judicial education organizations from 1990-1992 experienced only minimal changes in the number of staff. I must emphasize, though, that the changes are small given these uncertain economic times. But for those organizations experiencing the changes, the impact is tremendous because judicial education organizations are typically staffed by a few dedicated individuals serving the many."

Chris, deciding that perhaps it will be socially safe to continue this conversation with Pat, wants more information about what Pat actually does and how much money it takes to train judges. Chris asks, "Pat, tell me a little about who you provide services for and what size your budget is."

"I wondered, Chris, when you were going to ask if judicial educators really train judges. Most people think that judges don't need training, and most people don't even have a clue as to all of the other professional, technical, and support staff that it takes to keep the courts operating. Judicial education is big business. The median enrollment for 1992 in-state judicial education programs was 1,200, and this number reflects a median increase of 6.5 percent from 1990 to 1992. The primary audience is trial judges and, to a lesser extent, appellate and chief or presiding judges. The secondary audience, but not secondary by much, are court administrators, deputy court administrators, and clerks. Judicial educators also train court reporters and recorders; probation officers; counselors, caseworkers, and therapists; clerical staff and technical support staff; and security personnel, like bailiffs.

"It takes a fair amount of money to conduct these programs for both our primary and secondary audiences. The median budget for state judicial education organizations was \$321,000 in 1992, and the budget range is from less than \$100,000 to nearly 3 million dollars. This money covers increased programming, too. Almost 46 percent of my colleagues reported on the 1992 JERITT Judicial Education Survey that they expect their programming to stay the same over the coming year, but 18.2 percent reported that they expect a 1 to 5 percent increase; 9.1 percent reported an expected increase of 6 to 10 percent; 2.3 percent expect an increase of 11 to 20 percent; 4.5 percent expect a 21 to 30 percent increase; and 13.6 percent expect a programming increase of 31 percent or more. Budgets are also expected to increase, even though 55.8 percent of



judicial educators reported they expected no change in 1992: 9.3 percent expect a 1 to 5 percent increase; 2.3 percent expect a 6 to 10 percent increase, and 18.6 percent expect an 11 percent increase or more. However, some judicial educators expect decreases over the coming year. Seven percent expect decreases of 1 to 5 percent, 4.7 percent expect decreases of 6 to 10 percent, and 2.3 percent expect decreases of 11 percent or more.

"Chris, I suspect that funding for judicial education will have to stay fairly stable because many states have mandatory judicial education provisions. In fact, 70.2 percent of my colleagues operate under mandatory requirements. The requirements vary from state to state and are fairly complicated; perhaps we can discuss the requirements in more detail later. I can tell you that of the 34 judicial education organizations reporting mandatory education provisions, the requirements are serious business, as 55.9 percent of the

provisions were established by court rule, 35.3 percent by court order, 29.4 percent by statute, 11.8 percent by administrative order, 8.8 percent by chief justice policy, and 2.9 percent by some other means.

"Chris, I know that we have been talking about the operational aspects of judicial education, but there is another side to my work. While you may think that what I am about to say is a '90s statement, it is not, for what I am about to say is the bedrock of our judicial system." You hesitate, knowing that your delivery must be perfect if you hope to further develop your relationship with Chris and show that you are not solely interested in material things. "What I and my judicial educator colleagues hope to accomplish through judicial education is to prepare the courts to deal with the issues that confront our society in such a way that the courts are part of the solution and not part of the problem. It is the justice system that is charged with the responsibility of ensuring

that the citizens of our country enjoy the rights guaranteed to them under both state and national constitutions. To make certain that the justice system never fails its obligation, judicial educators have the responsibility of keeping the judges and court personnel current on changes in the law, update the theory and practice of court administration and judicial management, and inform judicial officers and personnel of the changing needs of the people we serve."

Chris links arms with Pat, and walks toward the door, and says, "You have touched my life with your enthusiasm, knowledge, and passion for your work. I am going to ask the valet to bring my BMW so that we can go to the cafe and enjoy a tall raspberry-vanilla cappuccino and get to know each other better. Who knows, maybe we can even end the evening by attending that save the sea mammal rally being held by the bay."

Pat, being a quick study, as are all judicial educators, smiles and says, "Lead the way." ■

## Hellos and Goodbyes

The composition of the NASJE newsletter committee has changed yet again. Jim Drennan, a longtime member of the association and an original newsletter committee member, has opted for an easier job—Jim has resigned from the committee to become North Carolina's state court administrator. Jim's work for the newsletter will be missed not only by its fellow committee members but also by its readers. Who can forget such spellbinding and Pulitzer-worthy articles as "Mandatory Continuing Judicial Education" and "Alcohol and Host Liability"?

Also departing the committee are Carla Kolling (ND) and Frank Gregory (AL). They, too, will be missed by their committee colleagues, but we look forward to tapping their expertise as we find need and to seeing them again at the NASJE annual conferences and other professional events.

To replace these steadfast workers, President Larry Stone searched high and low for individuals of impeccable integrity and an unimaginably high propensity for personal sacrifice—not to mention having no idea what the job would entail. That having failed, Larry named Pat Garcia (NM) and Blan Teagle (FL) to the committee. ■



Paul Biderman, director of the New Mexico Judicial Center, was elected NASJE western regional director at the 1992 annual conference. Paul will serve on the NASJE Board.

# Training Court-appointed Guardians

**F**ailed guardianships complicate the work of the courts that create them. They waste the resources of wards. They result in cumbersome and often unpleasant subsequent proceedings. They reflect badly on the efficiency and sometimes the integrity of the judicial process.

Lay citizens almost never are equipped to function effectively as court-appointed fiduciaries. Yet, guardianship over the property of a child, as well as over the person of an elderly adult, typically involves lay (nonlawyer) guardians, often

members of the ward's family. Easing the work of judges and other court officials who supervise the decisions of such guardians impels training these fiduciaries about their duties. It builds the morale of all the principals affected by these guardians and provides a positive public educational operation for court officials.

State judicial educators have helped their probate courts train guardians through creation of printed pamphlets, videotapes, and

other educational programs. Georgia's ICJE has supplied its 159 probate courts with two 30-minute videotapes, while North Dakota offers a seminar, and Wisconsin has produced printed booklets for these courts.

For more information about the videotapes, "Guardianship Over the Property of a Minor" and "Guardianship for an Adult Ward," contact Ms. Sherry Carson, ICJE of Georgia, (706) 542-7491. ■

## Training Judicial Secretaries: *A Burgeoning Activity*

**W**ell-informed judicial secretaries improve the work of courts. For every judge in America's state courts, approximately 14 persons work in specialized supporting staff roles. The judge's secretary, or administrative assistant, serves frequently as the principal liaison between the judge and these other functionaries. The public's perception of judicial diligence and competence is often determined in light of the treatment accorded citizens, or members of the news media, by the judicial secretary.

Judicial secretaries generally possess the respect and confidence of their supervising judges. Often, the two of them operate effectively as a team, particularly in executing and improving judicial administrative tasks. Sometimes, the judge's administrative assistant can demonstrate the wisdom of, or argue for modifications in, certain judicial administrative practices more effectively than any other person. But when judicial assistants do not perform well, it may reflect badly on the efficiency and sometimes the integrity of the courts.

A growing number of state court systems are giving more attention to the regular training of judicial support staff in general, and judicial sec-

retaries in particular. At the same time, such state-sponsored continuing education builds morale and professional esprit among these court employees. State judicial educators have been called upon to help their court systems train judicial secretaries through creation of printed pamphlets, videotapes, and other educational programs.

The range of seminar topics for judicial secretarial training is quite broad. It includes a variety of traditional as well as novel subjects, including:

*Substantive law*—contempt of court, federal bankruptcy and state court litigation, fundamental principles of constitutional criminal procedure including warrant issuance law and procedure, landlord and tenant law, driver's license suspension and reinstatement policies, DNA evidence of personal identity, cults and ritualistic criminal behavior, juvenile court law and practice, sexual harassment law, principles of divorce and custody law, domestic violence law, sentencing powers and prison tour, overview of probation service options, and mental health treatment facilities tour.

*Procedural rules and case-handling practices*—explaining procedures of the court versus giving legal advice,

processing requests for temporary restraining orders or good behavior bonds, adoption proceedings and forms, operation of the sentence review panel or other appellate review mechanisms, fast-track criminal court case management, effectively handling jurors, review of uniform court rules of procedure, lawyer disciplinary procedures, and judicial disciplinary procedures.

*Office operations skills and procedures*—telephone etiquette and resources, use of computerized legal research databases, computer-based calendaring and docket management systems, word processing, legal writing, basic English grammar and rhetoric, treatment resources for impaired lawyers, principles of court security, conflict management in the work place, and judicial ethics and its implications for nonjudicial court personnel.

*Personal fitness and vocational growth*—gender fairness and the courts, employee fringe benefits, personal finance planning, handling job stress, professional appearance and demeanor, taking part in judicial election campaigns, and avoiding becoming a crime victim.

Among the states evolving a tradition training of judicial secretaries are Arkansas, Georgia, and North Carolina. ■

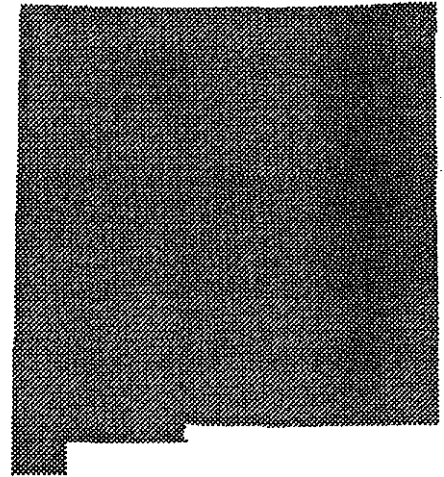
## The Origins of the New Mexico Judicial Education Center

The first year of operation of the New Mexico Judicial Education Center has been an exciting and creative learning experience for all involved. New Mexico's Judicial Education program has gone beyond mere training, in the sense of imparting information from professor to student. The program has presented educational programming as a vehicle for mutual support for growth and development among all program participants.

The bedrock for the Judicial Education Center is the Judicial Education and Training Advisory Committee (JETA). Chaired by Hon. Rozier Sanchez, district judge of the second judicial district, the committee includes representatives from every segment of the judiciary served by the Center, as well as the administrative office of the courts, University of New Mexico Law School, and each house of the state legislature. JETA was responsible for preparing and submitting the original, successful seed money proposal to the State Justice Institute and for the committee work that led to the mission statement, goals and objectives, policies, and standards for the Center.

The success of the first year can be gauged by the products that have emerged. The Center conducted 15 educational programs. Among these programs were:

- Two statewide teleconferences, one funded by the Traffic Safety Bureau of the State Highway and Transportation Department on technologies and sentencing in driving-while-intoxicated cases, the other prepared and broadcast from Arizona's Education Services Office on compliance by courts with the requirements of the Americans with Disabilities Act;
- A two-and-one-half-day mock trial for magistrate judges, demonstrating proper conduct at a criminal misdemeanor jury trial from initial appearance to sentencing;
- Two faculty development seminars that trained some 40 judges, court personnel, and educators in the concepts and techniques of adult education as they relate to the judiciary;
- A full-day workshop on domestic violence and other forms of family conflict for all levels of judges within one judicial district, bringing them together with professionals in the field to develop a joint strategy for prevention, protection, and treatment;
- Joint programming with state and tribal court judges to bridge the jurisdictional and cultural gaps between the different judicial systems within the state's borders;
- Professional and personal development workshops for court personnel, including programs on recognizing and dealing with sexual harassment, improving communications and team building, and a special three-day strategic planning workshop for metropolitan court administrators;
- An orientation program for new magistrate judges, including training in ethics and constitutional underpinnings of required court proceedings;
- Intensive needs assessments, including weighted surveys of priorities produced by representative focus groups, for every segment of the state's judiciary;
- The institution of a supreme court retreat to evaluate appellate procedures and opinions;
- The development of a mission statement and educational standards for the governance of educational programming for the judiciary;
- Initiation of a mentoring program for new limited jurisdiction judges.



The response of the judiciary to these initiatives has been very favorable. Evaluations of educational programs have generally supported our choice of techniques and the quality of most presentations. A more important indication of support for the Center's efforts has come from the large number of judges, court clerks, and administrators who have participated in the planning and implementation of programming; in particular, the 30 judges, clerks, and administrators who have participated in our two-and-one-half-day faculty development workshops, and the dozens more who have expressed an interest in attending such programs. This participation demonstrates a commitment to learn more about adult education and to become an integral part of the programming activities.

The placement of the Judicial Education Center at the Institute of Public Law has proved a remarkable resource for the program. It has allowed the Center to draw upon the faculty and technical resources from throughout the University of New Mexico, as well as providing a home for the Center that is supportive both administratively and through its superb professional staff. Of particular importance has been the UNM Law School, which has donated considerable support through ideas, administrative assistance, and the pool of faculty members who constitute some of our best program presenters.

To launch the Center, the JETA committee advertised for an attorney with an educational and administra-

tive background to serve as director. The committee selected Paul Biderman, a former cabinet secretary and adjunct law professor, who began as director in December 1991. Biderman then hired as program coordinator Ms. P. M. Dubhaigh-Ingrassia, an educator with a background in providing training programs. To organize all their programs, this small staff has drawn upon the resources of the administrative office of the courts, the state judiciary, and various attorneys and other professionals from the Institute of Public Law.

Although the staff will be devoting considerable time to continuing its funding during the upcoming session of the New Mexico legislature, they have nonetheless set ambitious objectives for the Center's second year of operation. These include:

- Conducting the annual judges' and clerks' conference, providing additional training for court administrators and judicial secretaries, and playing a greater role in municipal judge and clerk training;
- Developing final needs assessment reports and curriculum plans for each segment of the judiciary to guide programming decisions for several years;
- Conducting further special programming on domestic violence and family conflict, administration of DWI cases, AIDS and the courts, and programming to address the supreme court's mandate of eliminating gender and other forms of bias in the courts;
- Strengthening orientation and mentoring programs for new judges and contributing to the development of benchbooks for

- all limited jurisdiction courts; and
- Producing additional teleconference programming as a cost-and-time-effective means of delivering quality, intensive educational programs to judges and court personnel throughout the state at convenient locations.

New Mexico's Judicial Education Center has benefited immeasurably from the highly motivated judges and court personnel from within the state and the extremely generous and experienced community of judicial educators from around the country, such as the Leadership Institute, JERITT, and JEAEP. Add to that the professional support of the University of New Mexico, and the result is a strong-first year foundation for an innovative program well suited to meet the needs of its constituency. ■



## National Association of State Judicial Educators

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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.

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