

JNASJE News

Court Visions for the 21st Century

Beatrice P. Monahan

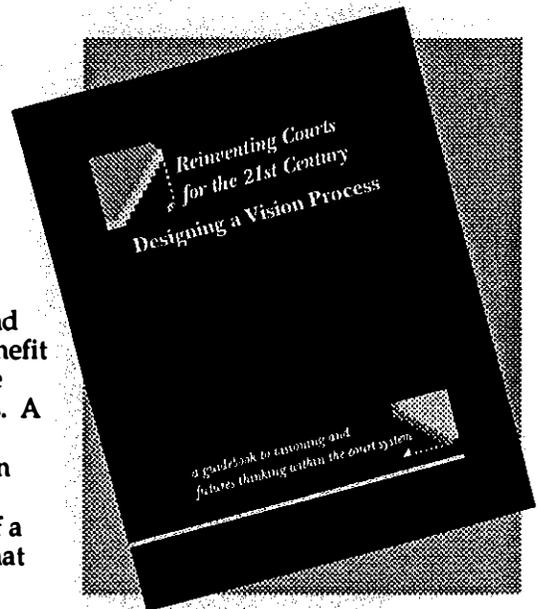
As the 21st century approaches, a growing number of courts and court systems are taking affirmative steps to plan for the courts' futures. A recent project funded by the State Justice Institute (SJI) and conducted by the National Center for State Courts, the Institute for Alternative Futures, and the Hawaii Research Center for Futures Studies developed a curriculum to help with one of the most important elements of strategic long-range planning—creating a vision for the courts.

Vision is one of several tools used by futurists to anticipate the possi-

Beatrice Monahan is senior planning analyst for the Supreme Court of Virginia.

bilities that exist for the future and to position an organization to benefit from the opportunities the future offers and to minimize its threats. A "vision statement," a tangible product emerging from the vision development process, provides a clear and inspiring description of a "preferred future"—the future that its authors and proponents most want to create. Visions have the power to touch and move us. They are the "futures of the heart."

To help state courts draft compelling vision statements, the Vision for the Courts project developed a guidebook to facilitate the vision development process and a video to introduce individuals in the courts community to the concept of vision.



Court Futures Background. Courts first ventured into the futures-planning arena in the 1970s. At that time the Hawaii state judiciary became the forerunner of court futures activities with the publication of *Comprehensive Planning in the Hawaii Judiciary*. The Commission
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Futures for Judicial Educators

John R. Meeks

You may know what a "vision" is and how one is created, but you may also have a question: how can visioning help a judicial educator? If your courts have developed a vision or are thinking about a futures program, there are a number of ways in which you can use visioning to benefit judicial education. In Florida, we discovered that

John Meeks is staff attorney, Legal Affairs and Education Division, Office of the State Courts Administrator of Florida.

visioning is an excellent first step in assessing judges' educational needs; it can broaden judges' perspectives in their daily work, and it raises important leadership and management issues for judges.

A New Form of Needs Assessment. Typically, judges assess their educational needs by identifying the skills, knowledge, or attitudes that they need to improve their performance, based on their experiences or the experiences of others. For example, if they or their peers are

having difficulty with certain rules of evidence or with managing their cases, then an education program can address those needs. In other words, the needs assessment is usually a reaction to things that happened in the past. This is a necessary and effective way to assess educational needs, but visioning can point the way to new challenges for judges.

Visioning is not a court reform exercise that examines the courts as they function today to determine
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PRESIDENT'S COLUMN

Larry Stone



By the time you read this, all members will have received a copy of the proposed bylaws changes. It is essential that you review the proposed changes before voting on them at the October meeting in San Francisco. Major proposed changes include permitting associate members to vote, providing for proxy voting, revising the nominating and election processes, and realigning the terms of office for officers and regional directors. Approved changes would be effective for the 1994 elections.

The proposed bylaws changes reflect the opinions expressed by members responding to the survey mailed in April. If approved, the proposed changes will result in a major restructuring of NASJE.

Perhaps the most dramatic proposed change is the realignment of the terms of office for officers and regional directors. Currently, all officers and regional directors serve two-year terms. Under the proposed new structure, the president, president-elect, vice-president, and immediate past president will serve one-year terms; the secretary, treasurer, and regional directors will serve two-year terms, with the regional directors being elected from their respective regions. Automatic ascension will be from

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A Primer on Producing a Presenters' Handbook

Blan Teagle

They go by different names—faculty handbooks, presenter's handbooks, faculty guides for effective teaching—but the few published judicial education faculty resource manuals have several common elements. Primarily, they orient faculty to their responsibilities and give them some background concerning course preparation and presentation.

Depending on the amount of detail judicial educators want to include, handbooks can prove challenging and time-consuming to develop; but they offer considerable payoffs and require minimal periodic revisions once you have developed them.

In this article, I'll try to answer four fundamental questions about handbooks: (1) Why do one at all?; (2) What should be included?; (3) How do you get it produced?; and (4) How do you use it?

I informally surveyed several judicial educators, whose responses suggested that handbooks are not widely used. Those who use them, however, like the results. Two state organizations, the Office of the Administrator for the Courts in Washington and the Florida College of Advanced Judicial Studies, and one national provider, the National Judicial College, offer some form of written faculty guidelines, each with a slightly different emphasis.

The Florida handbook is devoted exclusively to planning a successful presentation. Both Washington and the National Judicial College address logistic and administrative matters in addition to presentation skills. These distinctions are discussed more below in the context of answering the four basic questions.

Why do a handbook at all? I have thought of five reasons:

(1) *A handbook can be a quick reference to provide basic knowledge of faculty skills.* In most judicial education programs, the background, experience, skills, and ability of faculty differ widely. A handbook helps the provider bring all faculty to a baseline of knowledge essential for building their skills. After reading the handbook, faculty should, of course, practice, but this is not always possible. If you don't have the time or resources to do a formal faculty-training program, the handbook provides the easiest means of imparting knowledge fast and communicating your expectations directly.

(2) *A handbook can serve as the text for faculty-training seminars.* Once written, a handbook can be used repeatedly with minimal revision. When you have the luxury of conducting a faculty-training course before an education program, you have a ready-made textbook and topic resource. While reliance exclusively on a written outline offers no opportunity for experimentation and skills development, a well-crafted handbook lets the trainer train without starting from scratch to develop materials.

(3) *A handbook can add credibility and authority to your organization's judicial education leaders.* Try to get the key judges in your organization to help write the book. The adage "a prophet is ever understood but in his own land" is as true as it is trite. Judicial audiences feel a need to receive wisdom from an outside expert. One way to partially offset this tendency to glamorize the doyen from a distant land is to have the local expert put something in print. A properly used handbook, incorporating the ideas and work of your own deans or education chairs, can make your in-state faculty more willing to listen to their local prophets.

Blan Teagle is staff attorney, Legal Affairs and Education Division, Office of the State Courts Administrator of Florida.

(4) *A handbook can actually cut some expenses by reducing your reliance on outside faculty-training experts. If your judicial leaders help with the drafting, they will be comfortable working with the book and will want to demonstrate its value. Your hope should be that they will want to teach from it. The faculty-training seminars they design using handbooks as course materials may not supplant or eliminate the need for outside experts, but they will reduce your reliance on these persons. Your judicial leaders can put on refresher courses using the handbook, conduct faculty meetings that refer to the handbook, and use individual chapters or topics for quick references or minilectures immediately before, after, or even during a longer program.*

(5) *A handbook can help a diligent faculty member begin a new faculty assignment. Think of it as the "jumper cable" effect to rejuvenate a faculty member. Although many judges like to teach and some of them are more gifted than those who do it for a living, teaching is for the judge an avocation at most. No matter how gifted the instructor, everyone whose primary professional responsibility is outside the educational realm needs an occasional recharge. When faced with a new teaching assignment and an outline and presentation to prepare, a judge can feel overwhelmed without a plan. The handbook, if designed right, can refresh recollection of the planning methodology and calm the instructor's nerves.*

What elements should a handbook include? If you are convinced that a handbook is a good idea, you face tougher questions of what to include and how to balance between being terse enough to be read, but thorough enough to avoid being simplistic. Faculty handbooks can be tailored narrowly to discuss only planning a presentation (the Florida model) or can address a number of administrative and logistic details (National Judicial College and Washington handbooks). In Florida, the College of Advanced Judicial Studies' "Presenter's Handbook" summarizes principles, procedures, and techniques to guide faculty in planning successful presentations

A Comparison of Contents of Three Faculty Handbooks			
Handbook Contents	Washington	National Judicial College	Florida
Needs Assessment			
Learning Objectives			
Preparation of Presentation Content			
Effective Presentations (Methods, Format, Techniques)			
Travel, Logistics, and Reimbursement Information			
Lesson Plan			
Room Arrangements and Audiovisual Support			
Materials Preparation			
Bio Sketch			
Available Resources and Publications			
History and Background			
Description of Programs			
Faculty Selection and Training			
Adult Education Principles and Learning Styles			
Sample Materials			
Attendance and Credit Policies			
Evaluations			
Faculty Responsibilities During the Course			

Shaded boxes indicate that the handbook contains material about the topic listed in the first column.

and preparing complementary program materials. It is a practical guide to teaching, and while it can stand alone, it is designed for use in a faculty-training program.

In Washington and at the National Judicial College, the handbooks discuss not only presentation and materials but also a variety of other topics, such as faculty selection, course descriptions, attendance, credits, travel and reimbursement policies, room arrangements and audiovisual supports, faculty responsibilities while on site, and available resources. (For a complete breakdown on topics and which of the three organizations covers them in its manual, see the accompanying chart.)

After reviewing the topics, you need to decide whether you want a single publication that describes a little bit about everything your

organization does or whether you prefer separate publications, one for administrative and ministerial details, and another as a teaching primer. There is no right answer. Being from Florida and having helped write the Florida handbook, I favor keeping the two functions separate. The best policy is probably to examine all three handbooks referenced here and choose one approach or a hybrid of the three that best suits the needs of your organization.

How should the handbook be produced? Once you decide on the components of your faculty-training program, you must ask what is the best way to get the handbook drafted. This is a three-step process.

(1) *Defining the goals.* If your judges are already committed to the
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The Hidden Curriculum: *Lagniappe For Judicial Educators*

Patricia Murrell

Lagniappe is defined as something given or obtained gratuitously, or by way of good measure. It is that "something extra" that comes, not because it is expected, but because the giver chooses to throw it in for the receiver. It may not be of great value, but it symbolizes a generous spirit and an attitude of care and concern. The hidden curriculum encourages learning that may not be central to the program objectives but that may, in fact, determine whether those objectives will be met.

As judicial educators plan and prepare for programs and seminars, their attention most often turns first to the centerpiece for the event. Who is the presenter? What is the content to be addressed? Where will the event be held? Once these questions have been answered, there is a sigh of relief and a temptation to rest on one's accomplishments. Experienced educators, however, know that only half the job is done.

Of equal importance is the hidden curriculum, the lagniappe that the educator may extend to participants. It resides in the myriad details and often-overlooked opportunities for learning. To the uninitiated, it may appear that these opportunities just "happen"—the veteran knows that nothing is left to chance.

The hidden curriculum consists of the context, the emotional and social surround, of the formal curriculum (Snyder, 1971). For maximum gain, it is essential that these two curricula are congruent, that the patterns and practices in the hidden curriculum reinforce the formal curriculum.

Setting. We do not always have the most pleasant space for our meetings. While most of us would

prefer settings that are open, airy, and light, what we often get are rooms that feel closed, dim lighting, and cramped space. The typical hotel meeting room is often more suited for "speakers" than for facilitators of learning. We have to be thoughtful in our use of this space so as to convey to our participants that they are equal partners in the learning enterprise, that their experience and expertise are valued, and that they are to learn from each other as well as from the presenter or facilitator.

This message is often sent by the way the room is set up. Chairs in straight rows facing a podium or lectern send a message of one-way communication and information exchange; conference tables imply greater equality between learners and presenters; smaller work tables present a more intimate environment and signal the opportunity for greater interaction. If we believe that learning should be cooperative and communal, then we need to arrange the room to encourage interaction.

Hospitality. As a learner approaches the class, what are the features that stand out? Are those features inviting and encouraging, or chilly and foreboding? Parker Palmer (1993) suggests that we should welcome learners into our classes just as we would welcome guests into our homes. Presenters and planners who introduce themselves, greet participants, and make sure the name tags are correct are, in effect, inviting learners to enter the learning space, just as they invite them to enter the physical space. Coffee and other amenities may seem peripheral to the main event, but, in fact, speak volumes about the concern for learners.

Materials. Materials provided for participants can evoke a positive or a negative reaction. Overhead trans-

parencies that are readable from all parts of the room tell participants that the planners care enough to attend to details. Handouts that are well organized and that present appropriate content convey a confidence in their importance to the learner.

Teaching. The manner in which teachers approach both the subject matter and the learners gives us clues as to what the "real" curriculum is. Content may be presented as objective, "finished," and "out there," or it may be offered as an ongoing process, as problem solving, and as an interaction between the teacher and the subject. Teachers who invite the learners into that process and generate discussion are the ones that stimulate learning that goes beyond the immediate material.

Helping learners form questions, honoring the experience that they bring to the course, and treating them with courtesy and dignity are essential if we want to foster a climate of equality in the learning experience. Respect for opinions and concern for learners who are experiencing difficulty in "getting it" help to balance the unequal power relationship that is present in most classroom structures. Such an attitude, within the confines of the topic to be discussed, encourages exploration and inquiry on the part of the learners.

Time. Time is the learners' most prized commodity. They have given us a chunk of their lives for which we should be most grateful. Not only is the time spent in the classroom in formal learning to be cherished, but so are the precious moments scattered throughout the day or evening. Time for meals, or for evening activities, is there for the program planner to use. When such time is designated as "free" or unstructured, it should not be regarded as wasted, but as dedicated

Patricia Hillman Murrell is the director of the Center for the Study of Higher Education at Memphis State University, Memphis, TN. Did you look it up? (lān-yāp).

to the renewing of the spirit, the strengthening of relationships, or the building of networks. Participants will, we hope, reflect on the formal events and derive some meaning from them.

Presenters also have the opportunity to teach during informal interaction with the participants. While necessity often demands the shuttling of speakers in and out of the event, their presence during the entire seminar is highly desirable. Conversation, especially during breaks, often lowers barriers between teacher and student and encourages learning.

Structure. The way in which a teacher or leader structures the learning event can be either very helpful to the participant or very distracting. Making the purpose and objectives of the session clear at the beginning gives a sense of what the boundaries are for the learners. It provides the leader the grounds on which to say, "I appreciate your question, but it is outside the realm of what we are dealing with today." Positioning oneself in such a manner enables the teacher to define the parameters and avoid irrelevant tangents.

For many of us in our formal schooling, the hidden curriculum was negative. It consisted of obstacles to be overcome, barriers to be circumvented, hurdles to be jumped. To be successful, we had to master the unspoken rules. This process often influenced our sense of worth, our self-esteem, and thus our ability to adapt and to learn. Judicial educators have the opportunity to take an ecological view, to consider the totality of the learning situation, and to use it positively to contribute to the learners' development.

Learners entrust us with their time and their intellectual energy. We owe them our best efforts, through the hidden curriculum as well as through the formal curriculum. ■

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President's Column, *continued*

vice-president to president-elect to president only. Obviously, this will permit many more members to become officers and, ultimately, serve as president.

As reflected in many contemporary management philosophies, the proposed structure, if adopted, will require the officers to work together as a team, with even more involvement of the immediate past president in an advisory capacity. Teamwork will be essential if there is to be continuity in the management of the affairs of the association. Since the terms of president, president-elect, and vice-president are only one year in length, all three will have to keep each other informed of all events that affect the association and work together on common goals. Specific goals of the vice-president will have to be addressed immediately upon his or her election if they are to be accomplished over the three-year period. This approach will be necessary if NASJE is to continue to develop and differs considerably from the current practice where each president has two years to implement programs or pursue goals.

I am convinced that this can work, as long as each board member continues to embrace the team philosophy. I wish to emphasize that the proposed structure does not obviate the need for a strong president. The holder of that office will continue to be the spokesperson for the association and be responsible for carrying out the specific duties identified in the bylaws. The only difference is that the president must work even more closely with the other officers to accomplish their goals in addition to his or her own.

Fortunately, for as long as I can remember, the NASJE Board of Directors has indeed worked together closely as a team, under the leadership and guidance of the president.

Again, I encourage you to become familiar with the proposed changes and, if you are a full member, vote as you see fit at the annual meeting.

The education committee, under the leadership of Maureen Conner and Michael Runner, has developed an outstanding and varied program for this year's annual meeting. There is indeed something for everyone, and I hope to see all members and friends of NASJE in San Francisco.

In August, at the ABA annual meeting, we took initial steps to develop a relationship between NASJE and the Special Trial Court Judges section of the ABA. I addressed the section and discussed NASJE and its role in judicial education.

Diana Hatfield Douglass (Clemons) has accepted a new position with the Kentucky Administrative Office of the Courts as a regional director of the division of juvenile services. Diana has been chair of the membership committee for a number of years and resigned that position as of August 27. I wish her well in her new position and want to express my sincere appreciation for her many years of service to the membership committee. Replacing Diana as chair will be Jane H. Tanner, of Georgia. Catherine M. Springer, of Indiana, will be the new representative from the Midwestern Region on the membership committee. ■

Membership Information

To receive NASJE membership information, contact Jane Tanner, chair, NASJE Membership Committee, Institute of Continuing Judicial Education, School of Law, University of Georgia, Athens, GA 30602; (706/542-7401). ■

Court Visions for the 21st Century, *continued*

on the Future of Virginia's Judicial System published its report in the spring of 1989. By the end of that year, Arizona's Commission on the Courts had also published a report. Since then Colorado, Florida, Georgia, Maine, Massachusetts, Michigan, New Hampshire, Texas, and Utah have all undertaken projects to anticipate the future of their judicial systems and to make recommendations on specific activities or courses of activity to lead their courts to a preferred future. In 1990 the American Judicature Society and SJI sponsored the Future and the Courts Conference in Dallas to "formulate visions of the American judicial system over the next 30 years and beyond."

Designing a Vision Process.

Active contemplation of the future has not been easy for the courts, nor does it come naturally to most people working within the courts. In a court system that is precedent driven, asking people to look into the future and consider what might be and what is the best the courts can be regardless of the what has been or what is, is asking a lot. However, with proper guidance, the process can be exciting and invigorating.

Vision for the Courts focused on vision development, a key component to successful futures activity and to long-range strategic planning. The project staff included futurists and individuals familiar with the courts and an advisory committee of judges, court managers, judicial educators, and futurists.

Three vision workshops tested and refined the initial vision design process. The first was held in connection with an Institute for Court Management seminar on Trial Court Performance Standards. The second was conducted for the Sixth Circuit of Florida (Pinellas and Pasco counties) and the third for the Oregon judicial system. After each workshop the course materials were reviewed and revised to incorporate the lessons learned in the various settings. The final course materials appear in *Reinventing Courts for the 21st Century: Designing a Vision*

Process—A Guidebook to Visioning and Futures Thinking Within the Court System. As the workshops were being conducted, a video on vision for the courts was also being designed—portions of the Florida and Oregon workshops were videotaped and later incorporated into a 42-minute video, "Envisioning Justice: Reinventing Courts for the 21st Century."

The Guidebook. The guidebook provides information and material for undertaking a vision process. The first chapter places vision in the context of strategic planning in the courts and outlines the contents of the guidebook. The second chapter, on futures thinking, includes key concepts such as trends, scenarios, visions, and strategies. The third chapter focuses on the participatory nature of the vision process and discusses what vision can and cannot do for an organization.

The fourth chapter deals with designing a vision workshop. Information here ranges from preparatory and planning concerns, to designing agendas that will accommodate a jurisdiction's time and fiscal constraints, to selecting and combining exercises for the workshop. The chapter concludes with a discussion of facilitation and recording skills and their role in a successful workshop. Chapter five reviews the development of futures activity in the courts since the 1970s and emphasizes the importance of providing background material about your court or court system to all participants in the vision process, since those involved will have varying degrees of familiarity with the courts. The final chapter discusses how to proceed beyond the workshop. Among the topics covered are vision refinement and dissemination, additional futures research, strategy development, and implementation.

Six appendices supplement the discussions in the guidebook text. Included in the appendices are sample workshop agendas, detailed descriptions of vision exercises with appropriate handouts, samples of court descriptions used for the

Florida and Oregon workshops, and a list of individuals from the courts who have received training in vision workshop facilitation. One appendix provides inspiring/irreverent quotes appropriate to visioning activities, and another lists a wealth of additional references and resources.

The Video. Because vision in the context of futures thinking and strategic long-range planning is a new concept for most people in the courts community, the video incorporates both court and noncourt examples of vision from the public and private sectors. In addition, the video reviews the key elements of a successful vision workshop, such as the importance of leadership, the need for broad stakeholder involvement, the benefits of graphic representation (the illustrations in the guidebook were produced at the project workshops), and the process of moving from individual to group visions for the courts of the next century. A printed guide to the video, with suggestions for its use in the vision workshop, has also been published.

Obtaining Project Materials. All materials produced by this project—the guidebook, the video, and the guide to the video—will be distributed to the judicial education director in each state. Copies of these materials will also be sent to each chief justice and state court administrator. Additional copies may be purchased from the National Center for State Courts.

Conclusion. Vision development is exciting, challenging, and rewarding whether conducted on a state-wide or individual jurisdiction basis. As courts recognize the value of strategic long-range planning, the importance of vision will become more widely recognized. The curriculum and materials produced through the Vision for the Courts project will provide a valuable resource to all engaged in creating visions for 21st-century courts. ■

Interpreters: Their Impact on Court Proceedings

Joanne I. Moore



Suppose you are a fully bilingual person observing an important personal injury trial where the plaintiff does not speak English. A well-dressed individual takes his place next to the plaintiff on the witness stand and is sworn in as court interpreter. Then the interpreter begins to relate the testimony.

Attorney: Do you mean that the tow truck actually had contact with your vehicle?

Interpreter: Are you saying that the car, that the automobile that lifts cars is in contact with you?

Witness: Yep. Someone began to push me with a black tow truck. Later, he began to move me.

Interpreter: Yep. Someone began to honk at me, and I moved.

Attorney: What happened next?

Interpreter: What happened the following?

Witness: Well, when I was crossing the street, a yellow Mustang was coming from there to here. I hit a wall and I lost consciousness.

Interpreter: When I was crossing the street, a Mustang was coming from here to there. I got in a wreck with the barda and after that I didn't know what happened.

Attorney: Okay, what injuries did you sustain in the accident?

Interpreter: What was the damage that you sustangoed in the accident?

Witness: I cut my hand, between my thumb and here.

Interpreter: I cut my hand, cut my finger from my big finger.

As the testimony continues, you are horrified to discover that the court interpreter distorts or omits the central meaning of almost every utterance. What is more disturbing, however, is that neither the judge, non-English-speaking party, or attorneys are aware that the interpreter is creating a fictitious case.

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Joanne Moore is director of the Court Interpreter Certification Project, Washington State Office of the Administrator for the Courts.

A Primer on Producing a Presenter's Handbook, *continued*

project, schedule a meeting to clarify your organization's particular needs and set goals for the handbook. This process is not unlike planning a curriculum and is much the same as doing typical needs assessment and developing learning objectives. It is best to meet in person and not over the telephone. The round-table approach is best because of the need to divide writing assignments and review some samples together.

(2) *Doing the research.* In most cases extensive research will be required of staff. In all likelihood, however, most of your research materials will be no farther away than your filing cabinet since most of us stay abreast of the judicial education literature. It is very important not only to do the research but to put together a packet and send your findings or excerpts from the materials to the deans or education chairs. If they want to do any of the original writing, these background resources will make it easier for them and give them incentive to get started. You also build your own credibility by demonstrating how well read you are in your field and that you relied on some of that "received wisdom" from published sources.

An added advantage of doing the research yourself first is that if you select the background research you influence the eventual shape of the handbook. Ideally, you will actually combine steps 1 and 2 so that you can share the research with the judges when you have the planning meeting. But, *don't* bring the research to the initial meeting unless you have reviewed it carefully. Keep in mind that judges typically have little patience with overly academic articles that employ a specialized adult education vocabulary. Judicial educators are uniquely suited to select resources and research materials of which most judges have never heard but will readily understand. NASJE News articles, the excellent JERRITT monographs, and publications by other state judicial educators frequently avoid the buzzwords of

academe. The JERRITT manuals also typically have short chapters or subparts that you can excerpt or summarize without requiring your judges to read the whole thing.

Once you have narrowed the research and given your leadership an opportunity to review, set deadlines for the writing phase and divide drafting responsibilities. If the judges want you to do the first draft, set up a writing timetable for you and an editing timetable for them. Then you are ready for the writing phase.

(3) *Writing the text.* Because my experience has been primarily in drafting the components of a manual on "how to teach," and because that portion is probably universally applicable from one educational organization to another, this discussion emphasizes writing the five components of the faculty handbook pertinent to that subject: (1) adult education principles, (2) needs assessment, (3) learning objectives, (4) presentation planning, and (5) materials preparation.

When summarizing adult education principles, prudence dictates avoiding abstract adult education theory. You might need to read about Kolb's experiential learning theory of growth and development or the works of Lindeman and Knowles, but your judges don't necessarily need to have read them to teach well. As Professor Chuck Claxton has said—and I believe he said he was paraphrasing some other wise soul—"Nothing is so practical as good theory and nothing is so theoretical as good practice." It is essential for us to know the theoretical literature and to share it with our judges, but we should share it only when we know we can make it readily accessible to someone outside our field, and only when we can directly relate the theory to the practice of judging.

Despite the preceding caveat, I do suggest writing a chapter about learning styles, characteristics of the adult learner, and reasons for participant-centered training, but I suggest keeping those portions short

and simple. Don't think that you can go to the literature and just lift out an explanation because what you will find is jargon. As most judicial educators know, adult education literature seldom relates instructional design theory and methods to teaching practice. Moreover, most attempts are made by writers who feel no need to communicate with those less fluent in their obscure lexicon. Think of the section on adult education principles as a cursory overview, an outline almost more suitable for overhead transparencies to accompany a discussion than for instructional text designed to stand alone.

With respect to the other four components of the "how to teach" manual—needs assessment, learning objectives, presentation planning, and materials preparation—I recommend keeping these sections of text concise with illustrations of what you are talking about. When possible, use examples rather than lengthy textual descriptions.

The Florida and Washington handbooks, both of which discuss course preparation, are short on text and long on checklists, lesson plans, sample materials, or some form of model. Florida devotes only one page of text each to describing needs assessment and learning objectives. Each of these subjects is explained primarily by reliance on a checklist for conducting needs assessment, an example of a good learning objective, and a description of how the presenter plans content. A checklist of action verbs helps the faculty write measurable objectives. The section on planning the presentation similarly spends no time extolling the virtues of visual support; rather, it presupposes that visual support will be used. It provides a full-page sample of a correctly prepared overhead and a phone number for assistance in designing overheads.

Both Florida and the National Judicial College provide sample "good" outlines highlighting the best work of current faculty. These are critically important and speak volumes. The faculty members

whose permission you ask to feature samples of their work will also be very flattered.

A very useful component of the Washington handbook is the sample lesson plan. Washington faculty fill out the form and turn it in. This imposes the discipline of summarizing the program, drafting objectives, and briefly describing the sequence of the course by a certain date well in advance of the presentation date.

Similarly helpful is a brief section of the National Judicial College handbook explaining faculty responsibilities while on site—ways in which faculty can add to the overall experience for participants at the program.

Implicit in the design of all these handbook components is the notion that they do not provide encyclopedic coverage of the topic at hand. Instead, they summarize and illustrate a concept, then move on.

How do you use the handbook once it is written? The approach described above presupposes that you will introduce the handbook at a live training program taught by the judges in your jurisdiction who will lead the faculty. That, in fact, is probably the most critical point and the one on which I want to close. If your organization plans a handbook, make a commitment to using it as the training material during live instruction. In Florida, the presentations by the deans, who were extensively involved in writing and editing, and the participatory activities they designed force faculty to open the books and familiarize themselves with the contents. This technique immediately engages faculty members in activities directly related to planning their courses and makes them far more likely to use the books later on. The biggest obstacle is usually cracking the binding. Once that is accomplished, you are probably on your way to having a faculty resource that will be relied on for years, promoting consistency and competence among your faculty. ■

Interpreters, *continued*

The testimony quoted above was not made up. It came from a Washington State court interpreter's certification exam performance. Needless to say, the interpreter failed the exam. But for several years, she had interpreted misdemeanor and felony cases without anyone knowing how inaccurate she was. Frighteningly, audits of state courts have shown that this performance is fairly typical of untested court interpreters. In all too many cases, untrained individuals act as court interpreters based on their assertion that they can do the job.

Judges in many states are deeply concerned with interpreter-quality issues. While a number of states provide for court-appointed interpreters in cases involving non-English-speaking persons, only a handful of states require the testing and certification of interpreters. Thus, most states leave the question of the interpreter's qualifications to the judge.

Judicial education should address the effect of interpreters in legal proceedings as well as awareness of other interpreter issues. One overriding interest is interpreter ethics. A frequent judicial complaint is that interpreters do not interpret questions or answers, but instead engage in a colloquy with the witness, then turn to the judge to say "yes" or "no." Ethics codes such as those adopted by the federal courts and by California and Washington states address standards of proper behavior. These include provisions prohibiting conflicts of interest, requiring the interpreter to interpret every utterance made in the courtroom, and prohibiting interpreters from giving legal advice. Even if a state has no ethics code, a discussion of the standards accepted by the federal courts and many state courts is very useful to judges. A video illustrating common ethics problems and an informational booklet are expected to be available in November from the National Center for State Courts, (804) 253-2000.

Another issue is whether there is an effective way to determine a

potential interpreter's qualifications. Since few judges are bilingual, many feel they are not equipped to evaluate language skills. However, there are a number of questions that may be asked to establish a foundation for appointment. For example, a judge may ask the potential interpreter's manner of acquiring each language, the interpreter's educational background in each language, interpreting experiences, and what potential conflicts of interest are present, among other questions.

Third, there needs to be an awareness that an unqualified interpreter can jeopardize a conviction. State court convictions may be overturned in federal court due to the inadequacy of the interpreter. See, e.g., *Tomayo-Reyes v. Keeney*, 926 F.2d. 1492 (9th Cir. 1991), *rev'd on other grounds*, 112 S. Ct. 1715 (1992).

Fourth, there are different types of interpreting, each appropriate in different circumstances. Consecutive interpreting is used for testimony. The interpreter waits for the witness to finish speaking, then interprets the entire statement. Simultaneous interpreting is used to apprise the non-English-speaking party of everything said in court. The interpreter interprets statements made in court a few words after they are said (United Nations style). Simultaneous interpreting is the only practical method of assuring that a defendant participates in the trial and hears all adverse statements, allowing the defendant to exercise his or her constitutional right to confront and cross-examine witnesses.

Immigration is increasing, and the requirements for court-appointed interpreters will need to keep pace. Judges must be able to assure the fairness of proceedings involving interpreters. For information on Washington's judicial education program on interpreters, call Joanne I. Moore, Washington State Office of the Administrator for the Courts, (206) 753-3365. ■

Futures for Judicial Educators, continued

how they could function more effectively tomorrow. Instead, visioning requires participants to set aside the specific problems they have today so they can imagine a picture of their preferred future.

If a vision is a picture of a preferred future 30 years or so from now, then you may wonder how it can relate to judges' current educational needs. It can do so in two ways. First, provided nonjudges and nonlawyers are involved in the process, visioning is an unusual opportunity for judges to learn what lay people expect and want from the judiciary. A theme common at futures programs across the country is that "consumers" are dissatisfied with the justice system. Therefore, even though judges rightfully see themselves as protectors of our constitutional system, the pressures on the system from those who feel disaffected could force harmful changes unless judges can help the courts become more "user friendly."

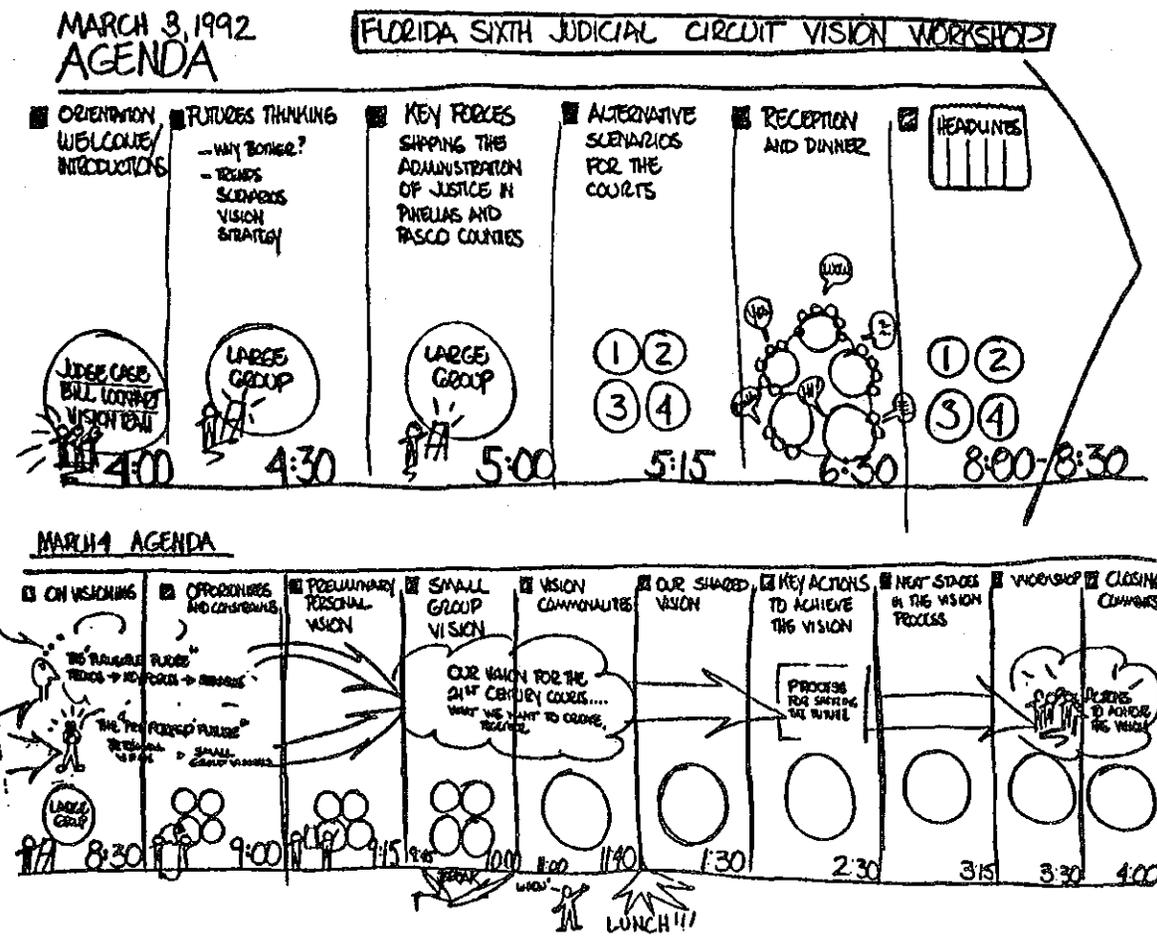
While it is beyond the scope of this article to discuss the extent to which the justice system is not meeting the needs of its constituents, it was clear at a recent visioning conference in Florida that attorney fee awards and delays in civil litigation, for example, are areas that judges may want to continue to address in education programs.

Second, visioning can serve as a needs assessment tool when it is used with strategic planning. In Florida, Chief Justice Rosemary Barkett is sponsoring the 21st Century Justice Project, which will consist primarily of visioning conferences followed by a strategic planning initiative. While the vision is a picture of the preferred justice system 30 years from now, strategic planning will effect incremental changes to move the system toward the vision. Educational needs will thus become apparent in the planning phase, based not on a reaction to yesterday's problems but on a

desire to create a better justice system for tomorrow.

For example, at the recent visioning program in Florida, approximately 60 participants, 20 of whom were judges, agreed that in the year 2020 judges will have specialized skills that will enable them to preside more effectively over complex civil and criminal cases. They also agreed that technology will help litigants early in the dispute resolution process.

With this kind of information, judicial educators can establish a game plan for upcoming education programs. Education committees and judges with leadership roles in education should be told that judges may be expected to know more about the underlying issues in complex civil and criminal matters. By encouraging judges to plan some education programs in response to this information, we can help them anticipate change, thereby increasing judicial influence over how that



change occurs. With respect to technological advances, judicial educators are frequently told, "We need to know what is out there that we can use." That statement could be rephrased to indicate what the judiciary needs, so courts can decide in advance what technology would be useful. If, in the future, pro se litigants will have access to the justice system through interactive computer technology, then judges and court administrators will need to ensure that the technology used prepares litigants and enables them to resolve conflicts using less judicial time and other court resources. Judicial education programs focusing on how best to process and resolve pro se matters could facilitate these technological changes. In this way, judges can identify their educational needs and help shape the future of the justice system at the same time.

A Method of Broadening Judicial Perspective. The second way in which visioning can benefit judicial education requires that judges actually participate in at least some visioning exercises. Whether they do so at a futures conference or a judicial education program does not matter, but judges should be asked for their insight into educational needs soon after a futures program, while the experience is fresh in their minds. At the Florida conference, the visioning exercises helped the judges break out of their usual mind-set, which is to focus on the cases before them at the moment and the on day's docket.

Judges rarely have the opportunity to see where their efforts fit into the big picture of the justice system or to consider the long-term effect of their work on the bench. Visioning exercises provide the structure and the time for judges to think about changes in the recent past and changes that they would like to see in the next 30 years or so. Rather than focusing on parties and attorneys, judges consider justice in society, i.e., the underpinnings of the system, the judge's role, and the effect that the judge's rulings and orders have on parties, attorneys,

and the system as a whole in the long run.

Judges reported that this experience was both invigorating and sobering. The process creates energy and liberates the imagination, but it also encourages a judge to contemplate the weighty responsibilities that attend judicial authority. Judges who have been involved in a visioning conference can be effective planning resources for judicial philosophy and other "art of judging" courses, sentencing, family and juvenile law, and other programs. Again, it is important to catch these judges while they are enthusiastic about the visioning exercise.

A Leadership and Management Tool. The third area in which visioning can be useful to a judicial educator is leadership and management training. While many judges do not see themselves as leaders or managers for various reasons, there are always some who would rather try to shape the future than be buffeted by winds of change from the legislature, executive, and interest groups. For these judges visioning can be an effective way for them to see where the judiciary should go and what it needs to do to get there.

Judicial leaders should also benefit most from participating in a futures program, as opposed merely to reviewing the vision or reports created at another workshop. Even judges who gladly participate in a visioning program have difficulty setting aside their most recent problems and the predisposition to believe that precedent is all-controlling. (In visioning, participants are asked to loosen the bonds of tradition and precedent.) Therefore, it is imperative to give judges the time

and opportunity to reach out to all of the possibilities afforded by the future. If you are a judicial educator in a state where you are considering targeting chief judges and trial court administrators for education, and there will not be a statewide program, you can recommend using a visioning curriculum.

Although we have planned extensively, Florida's 21st Century Justice Project has just begun. We hope this visioning process will enable our courts to create the best possible justice system and that judicial education will benefit from the project and incorporate visioning into its curricula. It is not a foregone conclusion that judicial education will benefit greatly from the effort, however, because too many people believe visioning to be a trendy, if interesting, one-time event. With support from judicial leaders, we believe that misperception can be overcome. Whether you want your judges to benefit from a futures program that has already been conducted or you decide to plan your own program for judicial education purposes, the process of creating a picture of a preferred future can enhance your educational offerings.

This article has focused on what visioning can do for judicial educators in their work. You should know, however, that you have a lot to offer the futures programs that may be undertaken in your state. Judicial educators have the skills and experience to help set achievable objectives and plan effective conference activities, which are essential to successful visioning. Become involved in a futures program if you can. You, the program, and judicial education will all benefit. ■

SJI Update

Depending upon the outcome of a House-Senate conference on appropriations bills, SJI expects to have \$11-11.5 million available for award in FY 1994. ■

Transitions

Charles A. Ericksen has been promoted to Manager, Judicial Education Office, Office of the Administrator of the Courts, for Washington State.

Patricia Green Riley has been named the state judicial educator for Hawaii; she is director, Judicial Education and Resource Development Program, Hawaii State Supreme Court.

Catherine S. Lowe has been named the director of the California Center for Judicial Education and Research. Ms. Lowe replaces

Paul Li, one of NASJE's founding members.

Esther K. Ochsman has been appointed executive director of the Women Judges' Fund for Justice, which cosponsors the Leadership Institute in Judicial Education. Ms. Ochsman succeeds Marilyn Nejeski.

Martha V. Kilbourn, assistant director, Ohio Judicial College, is a new associate member of NASJE.

New general members of NASJE are **Judge Michael Keasler**, Dallas, TX; **Ingo Keilitz**, vice president,

Institute for Court Management; **Ron Barrow**, clerk, First Appellate District Court of Appeals, San Francisco; **K. Kent Batty**, president, National Association for Court Management; **Judge Dolores Hansen**, executive director, National Judicial Institute; **Mary S. Twomey**, senior program specialist, AARP; and **Judith Olean** and **Roger Makin**, general counsel, New Mexico Municipal League. ■



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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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