

Administrative Law Judges and State Judicial Education

Richard D. Reaves

A few state-based continuing judicial education programs address the training needs of judges and hearing officers working in state-level executive-agency administrative law courts. The National Judicial College has a significant history of training this segment of the nation's adjudicatory officers. These precedents raise the question of whether state judicial education organizations, already overburdened, understaffed, and underfunded, should shrink from providing services to these individuals, or is there some value to be gained from the association? Three reasons appear as traditional "givens" to guide state-based CJE providers away from serving executive agency administrative law courts.

First, administrative law judges are personnel of the executive branch; they are hired and fired according to laws, rules, and customs that differ greatly from judicial branch regulations. Second, the quality of justice administered by these courts is tainted by ministerial expediency, which may include *ex parte* influence from the judges' parent agencies and too brisk or even flawed due process. Third, the

vast number of administrative law judges is hidden within the complex personnel structure of the executive branch and to adequately serve such an extraordinarily large and indeterminate constituency would consume the vital energy of the CJE staff.

While each of these concerns contains a measure of truth, they warrant a thoughtful critique and should not be accepted as the last word on this matter.

First, the code of judicial conduct, in both the 1972 and 1990 ABA models, expressly includes persons serving in virtually any judicial capacity, not just constitutional or legislatively created trial courts. Administrative law judges and hearing officers can be guided and their judicial conduct assessed according to these standards. Impartial adjudication is a value honored in many places; it is not exclusively a treasure of the trial courts. Concluding that the judicial branch is powerless to impose any significant sanctions against executive department personnel for judicial ethics violations simply is not as closed a question as many wish to suggest. In many state court systems the professional disciplinary agency and the judicial selection or appointment authority are not one and the same, yet they still collaborate on enforcing standards of judicial professionalism.

Furthermore, the substantive matters found in dispute when administrative agencies and regular

trial courts are compared do not diverge as dramatically as one might imagine. For example, a sexual harassment claim may influence a holding regarding benefits in an administrative unemployment insurance hearing as assuredly as it provides a cause of action in civil court. A workers' compensation judge needs to know as much about particular types of physical injuries incurred on the job as a trial judge needs to know about the same kind of injuries suffered from a weekend auto accident. Imposition of a civil penalty for an environmental hazard dumping violation presents evidentiary proof questions to an administrative hearing officer that are similar to those faced by trial courts when sanctioning under a criminal fine or ruling on an analogous breach-of-contract claim. These examples of substantive similarities indicate some real potential for compatibility in the development and use of judicial education programs. Indeed, administrative law judge training may serve as both a financial resource and a pilot testing ground for various CJE projects.

Second, the quality of justice in administrative law courts is different, but not necessarily inferior, when compared to trial court decisions. Due process is less formal in administrative law forums, and, consequently, these forums are often criticized. However, this informality

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PRESIDENT'S
COLUMN

Vicki Wetzel



I would like to thank all fifty NASJE members who responded to my President survey regarding willingness to serve on NASJE committees for 1996 or 1997. In both the spirit of volunteerism, it's all yours, and well.

The NASJE Standards Committee had a productive meeting February 24-25. I would like to thank Catherine Springer, Joe Thottet and especially Richard Baka who chaired the session because Tony Bisser was unable to attend. For joining me for a two-day work session, NASJE's *Principles and Standards of Continuing Judicial Education* were first published in 1991 and have been endorsed by a number of organizations, including the Conference of Chief Justices. The committee made the following recommendations, subsequently endorsed by the NASJE board:

1. Fine-tune and update some of the existing Standards.
2. Expand some existing Standards and commentaries to include language regarding alternative dispute resolution, computer education, technology applications, faculty selection and diversity, security, etc.
3. Highlight the endorsements by various organizations.

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Code of Judicial Conduct

Cynthia Gray

Recognizing the importance of high standards of judicial behavior, all states have adopted a code of judicial conduct. Most of these codes are based on (although not identical to) the model code of judicial conduct adopted by the American Bar Association in 1972 and revised in 1990. The first two canons announce the general principles that underlie the code: A judge shall uphold the integrity and independence of the judiciary, and a judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities.

The code requires judges to be patient and courteous to all persons they encounter in their official capacity. One of the changes made to the code in 1990 was to emphasize that judges have a duty to perform their judicial responsibilities without bias or prejudice. Thus, one of the provisions in the 1990 model code expressly provides: "A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status." Since 1990, over twenty states have added an antibias provision to their codes.

The code also states that judges should disqualify themselves from any case in which their impartiality might reasonably be questioned. For example, judges must remove themselves from a case when they have a personal bias or prejudice concerning a party or personal knowledge of disputed evidence; where they served as a lawyer in the matter; where they have a family, social, business, or professional relationship with a party or attorney; or where they have a financial interest in a party to the case.

Another important provision in the code prohibits ex parte communications, communications that

involve fewer than all of the parties in a case. To ensure every party the right to be heard, the code provides that judges may "neither initiate nor consider ex parte or other communications concerning a pending or impending proceeding."

The code contains restrictions on judges' civic and charitable activities, political conduct, and business involvement, as well as their official conduct. There are several reasons for regulating a judge's behavior off the bench. First, if a judge takes sides on an issue off the bench, that judge's impartiality on the bench may be questioned. Second, inappropriate off-the-bench conduct can create disrespect for a judge that is inconsistent with maintaining public confidence in the judiciary. Third, judges cannot be allowed to exploit the power and prestige of the judicial office to the personal advantage of themselves or others. Finally, outside influences and activities must not distract judges from their primary responsibilities.

The American Judicature Society's Center for Judicial Conduct Organizations has several programs for teaching judicial conduct to judges. For example, *Judicial Ethics and the Administration of Justice* is a videotaped instruction program in which professional actors portray judges and other courtroom participants in several scenarios that illustrate ethical conflicts that can arise for judges. A panel of experts then discusses the issues. The two tapes are accompanied by an instructor's manual and self-study guide. *The Judicial Conduct and Ethics Curriculum* is designed for use at judicial conferences and similar meetings. The curriculum covers nine topics; study materials outline the important issues and principles for each topic and summarize key cases and advisory opinions. The curriculum also includes instructor's materials that contain additional background material, questions to stimulate group discussion, hypothetical situations, and other learning activities. ■

Cynthia Gray is the director of the American Judicature Society's Center for Judicial Conduct Organizations.

Medical-Legal Issues

Krista Johns

Judicial educators are constantly challenged to create an educational environment that is both renewing and growth-inspiring. At the same time, limited time and funding resources make it difficult to encompass all of the areas in which judges are expected to be informed. In this setting, well-designed model curricula and other training aids can be of tremendous benefit to judicial education, especially with curriculum adaptation funding available from the State Justice Institute (SJI) and other sources.

The National Council of Juvenile and Family Court Judges has, for several years, been developing material on medical-legal issues. Products of this effort include the 1992 course materials, *Medical-Legal Issues in Juvenile and Family Courts*, and the 1993 publication, *Child Development: A Judge's Reference Guide*. What has been learned during these efforts is that distribution of a curriculum and availability of adaptation grants do not necessarily assure that the subject matter reaches the intended judge audiences. Additional hindering factors come into play, particularly when the subject matter, like medical-legal issues, has not been a regular part of the training menu. Among the obstructions encountered are:

- Unfamiliarity of judicial educators and planning committees with the full range of subjects that inform court decision making.
- Unavailability of identified local expertise in the subject area.
- Limited time and other resources within a state to identify and

develop training in new subject areas (and limited, if any, time for grant writing).

- Perception that "medical-legal issues" is the sort of topic that can be offered once, rather than a field of knowledge that needs to be integrated into the ongoing judicial education plan.

To remove these impediments, the council has developed a judicial educator's workshop and accompanying guidebook on implementing medical-legal training in judicial education.

Funded by SJI, the project involves presenting the workshop in three locations and distributing the guidebook to all state judicial educators.

The first workshop was held January 12-14, 1995, in Memphis, Tennessee, for judicial educators and selected planning committee judges from Tennessee, Arkansas, and Mississippi. Conducted over two days, from noon Thursday to noon Saturday, the workshop began with an orientation to the broad range of topics within the medical field. A class trip to the regional medical library and introduction to medical databases complemented the workshop presentations and exercises.

The group then began a step-by-step process for planning and conducting a medical-legal training session. Over the course of a day, participants talked about determining what their audience needs, selecting and refining topics, identifying, recruiting, and developing faculty, and producing course materials. The educators also discussed methods for overcoming unfamiliarity with a subject and for finding

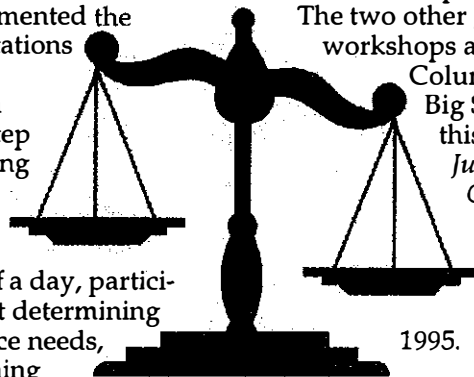
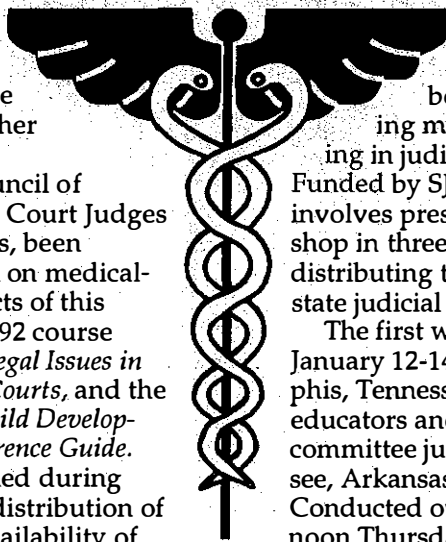
qualified local speakers. Participants used topics of their own selection to develop agendas for potential courses.

During the final portion of the workshop, participants explored ways to include medical issues in the ongoing judicial education plan in each state. A central point of discussion was that judicial educators need to avoid conceptualizing independent medical-legal seminars or separate medical-legal training tracks as the "niche" for this particular field. Rather, the ongoing incorporation should be accomplished by asking about any judicial subject being offered, "Are there any health or medicine-related issues that should be addressed within this subject?" In this way, medical issues can arise naturally, in a context relevant to the judge audience.

Participants left the workshop expressing confidence that they had a much better understanding of the range of health and medicine topics judges must face. They also gained a greater appreciation of the planning process. The consensus was that each state should do more to make medical topics available as an ongoing part of its judicial education curriculum and that they now had a better grasp of how to implement a medical issues program.

The two other grant-funded workshops are scheduled for Columbus, Ohio, and Big Sky, Montana, later this spring. The *Judicial Educator's Guidebook for Implementing Medical-legal Training* will be distributed in fall

1995. ■



Krista Johns is director of curriculum development for the National Council of Juvenile and Family Court Judges in Reno, Nevada.

A Magistrate Correspondence Course: *How We Did It In Alaska*

Janna Stewart

Throughout Alaska, a state one-third the size of the contiguous United States, there are approximately fifty state court magistrates, a third of whom are law trained. One of the primary training tools available for new Alaskan magistrates is a comprehensive set of correspondence lessons, each of which consists of an instructional essay, a test, and an answer key. These lessons provide detailed and specific guidance for many magistrate duties. (See the sidebar for a list of the lessons.)

While a few lessons existed in earlier versions for a decade or more, in 1993 the Alaska court system received a grant from the State Justice Institute (SJI) that enabled Magistrate Services (part of the office of the administrative director) to hire a writer. I am the sole employee in Magistrate Services; my title is magistrate education coordinator. In just one year the writer and I composed, printed, and distributed this course of nineteen lessons to all Alaskan magistrates, as well as to state judicial educators and SJI libraries throughout the country. During that year I continued all my other judicial education duties, and we had only the occasional use of a secretary. If you are thinking about developing such a course for your state, here is how we did it.

Audience and Distribution

It is very important to know the audience for whom the lessons are intended. If your audience members vary in experience and education, as Alaskan magistrates do (they range from Harvard Law graduates to Yupik Eskimo ivory carvers who speak English as a second language and work only fifteen hours a week), you must choose a writing tone and

style to which all audience members can adapt.

It is also important to think about when and how the lessons will be distributed. In Alaska all new magistrates receive the lessons as soon as they are hired. They are generally required to complete them early in their employment, frequently within the first few months. They work on the lessons individually at their own court locations, rather than in teams or groups. Often they are required to complete certain lessons before they can perform specific judicial duties. For example, magistrates cannot issue search warrants until they have satisfactorily completed the search warrant lesson.

Topic Planning

Determine how many lessons you want and the order and priority of the lessons, but stay flexible. You may find, as we did, that your initial ideas about topic organization will change. For example, we were well

into this project before we decided that criminal law and criminal procedure had to be separate lessons and before we realized that sentencing should be two lessons. You may also find that you overestimated (or underestimated) the number of topics and lessons you are able to complete. We gave up on a number of lessons along the way.

Source Materials

We were able to put our course together in a relatively short time because we started with a strong collection of audience-appropriate and audience-tested training materials for each topic. In Alaska, as in most states, there are no commercially prepared training materials appropriate for magistrate training. Commonly available materials, such as those prepared for lawyers, are often not useful for judicial officers, particularly those in courts of limited jurisdiction.

We used a great variety of materials in writing these lessons: old

Lesson Titles

1. Introduction to the Court System
2. Jurisdiction
3. Introduction to Legal Research and Reference Materials
4. Judicial Ethics
5. Principles of Criminal Law
6. Principles of Criminal Procedures
7. Complaints, Summonses, and Arrest Warrants
8. Arraignments, Felony 1st Appearances, and Preliminary Exams
9. Bail and Other Conditions of Release
10. Sentencing, Part One: Accepting a Plea
11. Sentencing, Part Two: Determining the Sentence
12. Fugitive and Extradition Proceedings
13. Minor Offenses
14. Search Warrants
15. Appointment of Counsel and Self-Representation
16. Post-Judgment Proceedings (Enforcing Indirect/Direct Terms)
17. Children's Proceedings
18. Domestic Violence
19. Notary Duties

Janna Stewart is magistrate education coordinator for the Alaska Court System.

lessons, conference handouts, bench scripts, memos about new laws and forms, training outlines from the office of the district attorney and the public defender agency, and materials from continuing legal education seminars, to name a few. For the lesson on domestic violence restraining orders, we used the *Alaska Court System Domestic Violence Manual* as the lesson, and we prepared a test to go with it.

Lesson Format

Early in the project you must decide on the format and the details of production and distribution. For example, because some of our courts are in remote rural locations where the most exotic office equipment is a fax machine, we decided to use a very low-tech 3-ring binder format (we currently use two binders, which contain almost 900 pages of material). The course is mailed out to all new magistrates, who read the lessons, complete the tests, and mail the tests back to Magistrate Services. The tests are reviewed and then returned along with an "official" answer key. The complete course thus serves as a reference manual for the magistrate.

Because Magistrate Services is a one-person office, we decided it would be too time-consuming to update courses that have been completed. All sitting magistrates regularly receive information about changes in the law, so they are responsible for revising or supplementing their own copies of the course if they want to use them for future reference. We do revise the master set of lessons from which copies are made for new magistrates, however.

Necessary Expertise

To ensure that the lessons will be practical and useful, we recommend that at least one person on the project have extensive hands-on training experience with the target audience in each of the lesson topics. I had practiced both civil and criminal law, had lived in several places in rural Alaska (where most of our magistrates work), had been a magistrate for three years, and had been the Magistrate Education Coordinator for almost five years when we undertook this project.

Thus, I had both content and teaching experience in virtually all topics. In addition, I was fortunate to be able to hire an able writer who had practiced criminal law.

Another critical component of the project was our use of reviewers. After each lesson was written, I edited it extensively, and the edited draft was sent to a group of experienced magistrates and training judges for review. Their comments were critical in helping us to stay on track in each lesson. Some reviewers worked through all nineteen lessons; others helped only on those lessons in which they had particular interest or expertise.

Details, Details

We decided not to use page numbers when making references within the lessons, to avoid having to change page references whenever revisions caused page numbers to shift. Instead, we refer to lesson sections. We avoided reprinting the text of statutes and court rules as much as possible, thus reducing the need to make revisions when those sources change. For the same reason we mentioned court forms, but we reprinted few of them.

While each lesson stands alone, we assume that the reader has completed the previous lessons. For example, the reader should be familiar with statutes, rules, or administrative regulations after lesson three, which is about legal research and reference materials.

During the writing phase, we placed footers on each page to identify the lesson number and the date of the draft. In the finished course, the footer indicates the date of distribution. That date changes as we revise pages, and we keep track of pages that have been updated.

We made extensive use of hypothetical vignettes in both the lessons and the tests. Some of those hypotheticals required several pages; others were very brief. All hypotheticals were "boxed" on the page to distinguish them from the text of the lessons. Just for fun, we named the characters in those hypotheticals alphabetically: Abigail, Billy, Chuck, Daren, and so forth. We mixed up the gender of the players (not all peace officers are male, for example), and we used a

few unisex names as well. Assigning gender to characters allowed us to avoid awkward grammatical patterns such as "he or she" and "his or hers."

If I had it to do over again . . .

Because the word-processing system available at the time these lessons were written had limited capability to do graphs, charts, tables, and diagrams, we were forced to cut-and-paste many such items. That makes revisions much more difficult. A more sophisticated word processing program would solve that problem.

We underestimated the amount of time and work that went into editing. We also underestimated the work of putting together the final version for printing (which we did in-house). We discovered too late that the use of narrow margins (to reduce the number of pages) caused us to lose text when we punched the holes for the 3-ring binders!

We should have kept notes for a glossary or an index as we went along, but we put off deciding whether to do a glossary or an index, and by the time we realized those would have been useful tools, we were out of time. We also should have kept a running list of tables, charts, and diagrams to include in the table of contents. It would have made writing and using the manual much more efficient. And finally, we should have made a list of rule, statute, and case law cites to make it easier to revise the manual.

We should have taken time to prepare templates or transparent overlays for correcting the tests. Even though most of the tests have primarily essay questions, templates would speed up the correcting of the fill-in, multiple-choice, and matching answers.

Last Words

All judicial educators know that training new judicial officers is never-ending process. Having a comprehensive training course has made that process easier and much more efficient in Alaska. Furthermore, I believe that working through this project made me a better judicial educator. If you think this type of course might work for you, I highly recommend that you give it a try. ■

Management Training for Court Staff

While many states have comprehensive programs for judicial education (or are at least moving in that direction), training opportunities for court staff are often limited. One group of employees frequently overlooked is managers. Managers in the court system often find themselves promoted on the basis of seniority or proficiency in their present jobs. Often they have had little or no management experience or training. They usually have a hefty work load in addition to their managerial responsibilities. Because of these factors, court managers may tend to minimize their supervisory role, focusing instead on their regular work load. Management training is, therefore, especially important for them.

Recognizing the need for management training in Utah and using a grant from the JEAEP Project, we hired a consultant to conduct a needs assessment and develop a comprehensive education program. The needs assessment consisted of both a traditional written questionnaire to all managers in the court system (approximately 120), and focus groups. One important finding from the focus groups was that managers were not aware of their managerial responsibilities—the “people skills” needed to create an effective work environment. They focused almost exclusively on their regular work load, and perceived management functions as unimportant and/or intrusive. Therefore, in designing the management training program, one of the most important objectives was to instill a sense of their role as a manager.

A committee worked with the consultant to design the curriculum. Ultimately, the *Management Development Program (MDP)* was created, especially designed for the Utah state courts. It consists of six core courses and “application projects” designed to apply the principles learned in the courses to one’s actual work. The program is mandatory for all managers in the courts. Courses include:

Orientation to Management.

Objectives include:

- increasing awareness of the critical role of the manager
- improving skills related to leadership, team building, and decision-making
- through a self-assessment (Kiersey Temperament Sorter), increasing understanding of their leadership style
- learning the five levels of decision making
- discussing and brainstorming issues specific to courts that affect the role of the manager

Effective Work Teams.

Objectives include:

- increasing participants’ analytical and communications skills relating to teams
- increasing ways to use the skills of team members
- designing application plans for using team skills in the work setting
- understanding the advantages of teams in the court system

Performance Management.

Objectives include:

- developing parameters for team performance
- enlarging knowledge of performance recordkeeping
- identifying and capitalizing on individual team member motivations
- practicing problem resolution and confronting unsuccessful performance
- learning how to involve team members in specifying performance criteria and associated measurements

Managing Conflict.

Objectives include:

- diagnosing sources of conflict
- choosing appropriate techniques for managing conflict
- diminishing conflicts by preventing their sources
- increasing skills in managing a wide range of conflict situations

Leadership.

Objectives include:

- developing leadership skills
- using Kiersey, assessing style and learning how to achieve maximum results
- understanding role of the leader in a team setting
- differentiating “management” from “leadership”

Leadership and Change.

Objectives include:

- increasing effectiveness in managing external and internal change
- learning how to assist staff during organizational change
- understanding one model of the change process
- identifying ways to move the organization forward and help align team members with change

A focus of the program is the team concept, which is reinforced in each class. Each participant receives a copy of *Creating the High-Performance Team* (Buchholz and Roth) during the first class and is expected to read it during the two years it takes to complete the program. After participants complete the entire program, new classes are offered periodically on more specialized areas of management development. The core classes will be offered during the year for new managers.

One of the unique aspects of the program is that we offer the courses regionally, to reduce travel time for participants and time away from their jobs. Each one-day course will be offered seven times across the state, with a maximum of twenty-five participants in each class. Both in-house and external faculty teach the classes, including members of the Human Resource Department, thereby helping to lower costs of the program.

The *Management Development Program* was begun in March 1994, and since then has met with consistent praise from managers. The concepts they are learning are

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PROFILE

Catherine M. Springer

People in Indiana walk down the street and smile. They are friendly and make you feel welcome. I like that. When you meet her, you feel Cathy Springer and Indiana just seem to go together. Her smile comes easily, and she makes you feel welcome. She loves Indianapolis, too. "It's a great city in which to live. It's not so big that one gets lost. It has a wonderful art museum, a world-class symphony, and Broadway plays, but you don't have to go any great distance to find rolling countryside and farmland."

Catherine M. Springer, the education director for the Indiana Judicial Center and currently the NASJE Midwestern Regional director, is a positive person. She enjoys her work. "I am very grateful I have this job. I find it rewarding, personally and professionally. I love working with the judges in my state. I look forward to coming to work. Not a day goes by when I don't learn something."

How does she feel about her NASJE cohorts? "Everyone in NASJE is so willing to help. They are very public-service minded. We are in a wonderful profession."

And so it goes. She is congenial and agreeable, and her openness, sincerity, and common sense

come through even the telephone lines carried from pole to pole across Indiana and beyond.

How did Cathy Springer come to the field of judicial education? For that matter, how did Cathy, born and raised in Clarendon Hills, a western suburb of Chicago, become an Indiana Hoosier?

"I was very fortunate growing up and having the life I had," Cathy explains. "I walked to my grade school and came home every day for lunch. It was a *Leave It to Beaver* life." Her parents, both living, still reside in the Chicago area. Only recently did they sell the family home where they raised Cathy and Mary Ann, Cathy's elder sibling by two years. Her father, an accountant, worked for the same company for forty years. Her mother was a homemaker. Family life was solid and secure.

It was Butler University that brought Cathy to Indiana. Butler was "far, but not too far, from Chicago." Butler is located in Indianapolis where her father's brother lives. She enrolled her freshman year and joined her older sister who was transferring in as a junior. Cathy majored in psychology, graduated in 1976, and dreamt of getting a Ph.D. in counseling. The reality of making a living interfered with

this dream, so for three years she worked in the personnel field as an employment recruiter. "It was not my niche," Cathy stated. In February 1980 she "happened across an ad" for work at the Indiana Judicial Center. Connie Dove, then the education director in Indiana, hired Cathy as a conference coordinator, an assistant to Connie. The Indiana Judicial Center, originating in 1970, was an early pioneer in state judicial education offices. The state judicial education office is separate from the administrative office of the courts and provides education and other services to the Indiana judiciary and court personnel. In 1980 Cathy was unsure how long her job would last at the center. There was even some talk of the center being "sunsetting" by the legislature. Fortunately, the center continues today under the able direction of George Glass.

When Connie Dove left for California in 1981, Cathy became more involved in actual program design. "I was always interested more in the substance of the programs than in the logistics," Cathy continues.

She will always remember Connie's words of wisdom: "You don't always get a lot of thanks

sometimes for the things you do. But you get the most satisfaction from within." Cathy has found this advice useful and true.

It has now been fifteen years since Cathy entered the field. Feeling a need for additional credentials to support her experience, she returned to Indiana University where, in 1991, she earned a master's degree in adult education.

When did Cathy Springer become involved with NASJE? She knew of Connie Dove's involvement, but, when out-of-state funds atrophied, no one traveled out of state. With his arrival in 1986, George Glass thought a liaison with NASJE important for Indiana. As a consequence, Cathy's first NASJE experience was to participate in the annual conference at New Orleans. She had then labored in the judicial education vineyard for seven years. In New Orleans she enjoyed a reunion with Connie Dove and appreciated Larry Stone's technology presentation. Later, Cathy joined Tony Fisser in the NASJE Standards effort, resulting in the NASJE publication *Principles and Standards of Continuing Judicial Education*.

Cathy has made additional contributions to NASJE and the profession.

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President's Column, *continued*

4. Renew efforts to develop similar Standards for nonjudge court personnel by an expanded Standards Committee.
5. Reprint the revised Standards, perhaps in two parts, when the expanded membership of the Standards Committee, with NASJE membership endorsement, produces the nonjudge Personnel Standards. In preparation for the February meeting Tony Fisser had sent a questionnaire to members. The responses assisted the committee's deliberations. Thank you, Tony, and thanks to all of you who faxed in your responses!

The NASJE Board of Directors also held a very productive midyear meeting, February 26-27. Catherine Lowe, chair of the NASJE Education Committee, and Dennis Catlin, site host for the fall NASJE meeting, joined the board for its review of the Education Committee's proposed agenda draft. We spent considerable time revising and approving the Education Committee's plans. Details on the entire conference will be forthcoming. It should be another outstanding conference. Thanks to the education committee for a great job and to Catherine Lowe for an outstanding presentation to the board.

Among the other agenda items the board discussed were the following: **Approval of the 1996 annual conference site**, which will take place October 11-17, 1996, at the Hotel Royal Plaza, Walt Disney World Village, Lake Buena Vista, Florida. **1997 annual conference site**: an ad hoc committee chaired by Karen Waldrop is still exploring Reno as a site; the board approved a change of dates to October 19-22,

because in 1997 Yom Kippur falls on the Columbus Day weekend. **NASJE elections and nominations from the floor**: The board directed the nominating committee to consider appropriate procedures for carrying out the process of accepting nominations from the floor. **Terms of officers**: The board decided to revisit this issue after the recently revised bylaws have been in operation for three presidencies, including mine. **Terms of committee members**: The board majority voted to establish three-year, annually staggered terms for service on all NASJE committees and projects, with the opportunity for members to succeed themselves one time; such terms would also apply to NASJE liaisons and representatives to other organizations in instances where the NASJE president makes the appointments. **Diversity Committee**: The board approved the creation of a "diversity task force" whose mission would be to recommend to other NASJE committees and projects and the board methods and opportunities for addressing "diversity." I have appointed P. M. Dubhaigh-Ingrassia, New Mexico, as chair for the term of my presidency (chair will rotate each year for three years), as well as several members who expressed an interest in their responses to the "President's Survey." **NASJE Management/Functions/Procedures Guide**: The board approved my suggestion to establish a committee to develop a guide for future NASJE officers, board members, committee members, and NASJE members. Larry Stone has agreed to chair this effort, with the assistance of Karen Waldrop and a number of present and past NASJE presidents and officers. **Project**

endorsements: Ellen Marshall will fine-tune a proposed procedure for NASJE to guide future NASJE officers and the board in regards to requests for NASJE endorsements of others' projects and grant proposals; she will be assisted by Richard Saks and Richard Reaves. **NASJE secretariat**: The board approved the concept of contracting with someone familiar with NASJE affairs and management (for example, a "retired" member), for the purpose of performing some tasks now performed by the secretary and treasurer (for example, maintaining an up-to-date membership list, invoicing/billing/paying for NASJE, etc.). **Interorganizational relationships**: The board strongly supports ongoing efforts to maintain and strengthen our relationship with other organizations.

These discussions and decisions are only some of the items the board considered. As usual, all members of the board worked together effectively as a team in dealing with all items on the agenda. I want to again express my thanks for their hard work and dedication to NASJE, and to thank Karen for making the local arrangements for this productive meeting.

Finally, I am happy to report that the State Justice Institute, at its March board meeting, approved the "Resource Manual and Training for Judicial Educator Mentors" grant application, which originated with our "Mentor Committee," chaired by Rita Culbertson. Consequently, a special mentor training pilot program will be conducted this fall immediately before our annual meeting. Congratulations to all committee members and thanks for your good work! ■

Management Training, *continued*

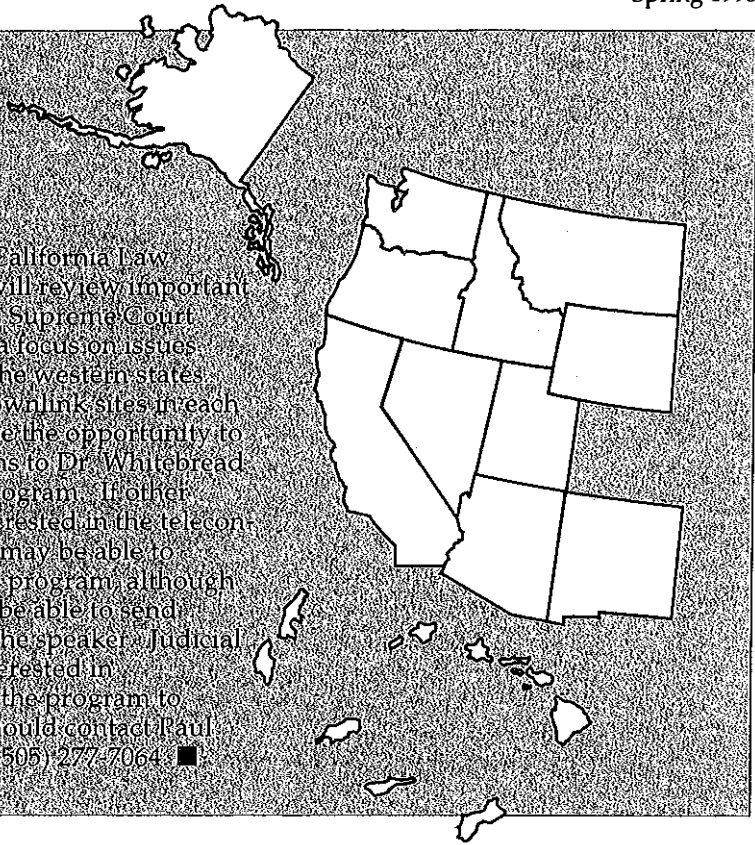
repeated in other programs for clerks and probation officers, providing a common vocabulary for court staff. Local programs are springing up in each district, as managers are exposed to these ideas

and want to bring their staff on board. It has been exciting to see the results of this program and to give managers the opportunity to reflect on their critical role in the courts.

For information on this program, contact Diane Cowdrey, Director of Education, Utah Administrative Office of the Courts (801) 578-3843. Internet: dianet@courtlink.utcourts.gov ■

REGIONAL NEWS

Western Region



The western states continue to keep in close contact through the regional newsletter managed by Judith Anderson, of Washington, our NASJE Western Region representative. A major activity of this region is the Symposium on Constitutional Law, teleconference, scheduled for September 8, 1995 (1:30 p.m. - 5:00 p.m. MST). This effort is organized jointly by Arizona, California, Hawaii, New Mexico, Oregon, Utah, and Washington. This project recently received funding from the State Justice Institute. The symposium will feature Charles Whitebread, professor of law at the University

of Southern California Law Center. He will review important United States Supreme Court rulings with a focus on issues pertinent to the western states. Persons at downlink sites in each state will have the opportunity to send questions to Dr. Whitebread during the program. If other states are interested in the teleconference, they may be able to downlink the program, although they will not be able to send questions to the speaker. Judicial educators interested in downlinking the program to their states should contact Paul Biderman at (505) 277-7064. ■

Administrative Law Judges and State Judicial Education, *continued*

does not necessarily mean that truth is found less often, or with any lesser degree of certainty, than in a regular trial court. Nor does it mean that trial court proceedings are inherently better. Due process in trial courts, like that applied by administrative law judges, is not static. Due process is a product of evolution; it looks different today than it did ten, twenty, fifty, or one hundred years ago. As such, it is no different than the informal due process of the administrative law tribunal, which changes to accommodate new concerns and new clientele. The continual testing of due process norms occurring in administrative law practice may leave one with a greater appreciation for the function and effectiveness of varied due process mechanisms than the more rigid rules of the trial courts.

In addition, the results of administrative hearings are usually subject to appellate review by the state courts. Judicial education efforts that improve the work of administrative law judges ultimately benefit

the state courts in conducting appellate review.

Third, the sheer size of administrative law judiciaries may be significant. State court CJE programs should not be expected to undertake the training of these individuals without receiving due compensation as well as personnel and product support. Executive agencies of state governments tend to have budgets far larger than any judicial branch. Working from this resource base, such agencies can readily carve out five, ten, fifteen, or twenty thousand dollars for development and delivery of continuing professional education. Nevertheless, the traditional stand-offishness of state courts' CJE programs will encourage agencies to allocate these dollars to other vendors. This is a critical mistake, both for the resource welfare of judiciary CJE departments as well as the beneficial development of continuing judicial education in substance.

Moreover, if overreaching by executive agency leadership truly is

a problem for the administrative law courts, the state court system's inherent interest in the apparent fairness and true impartiality of all adjudicatory proceedings is more readily served through educational nurture at the hands of the state judiciary than through some outside vendor.

For these reasons, state court educational programs should seriously consider meeting the continuing education needs of the administrative law judges and hearing officers of their state's executive branch agencies. By providing this service, judicial educators should expect to encounter at least the three arguments cited to refrain from getting involved with these individuals. The counter assertions given should be remembered, but, they probably reflect only the beginning of numerous other good reasons for enriching the scope and depth of judiciary continuing education in this way. ■

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Profile, continued

She has served on the Membership Committee and the Judicial Education Management System (JEMS) Committee. During the 1994 annual conference, Cathy chaired the Nominating Committee. She now serves as a member of the 1995 NASJE Education Committee and on the board as director for the Mid-western Region.

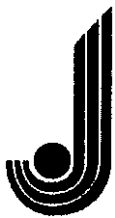
Cathy credits George Glass, Connie Dove, Richard Saks, Larry Stone, Tony Fisser, Rita Culbertson, and Dennis Catlin as being worthy mentors. She is perhaps proudest of her work in implementing a mentor judge program in Indiana and working with new judges.

Over the years Cathy Springer has been involved in other volunteer work. For many years, even in high school, she had done hospital volunteer work. She has been active on such boards as the Juvenile Diabetes Foundation and her college sorority. She is also a member of the Mayor's Commission on Family Violence and the Planning Committee of the YWCA Women's Fall Games. She and her husband are active members of the Bethlehem Lutheran Church.

Cathy finds time to be a voracious reader, favoring historical novels and mystery works. She enjoys playing the piano, designing jew-

elry, and spending time with her family. She has developed into an avid sports fan since her marriage to husband, Rick, and they enjoy attending the Pacers' basketball and Colts' football games. An Indiana judge introduced her to her future husband near Valentine's Day in 1990. "It's fun being married to your best friend!" Cathy comments.

It is a pleasure to know Cathy Springer. Conscientious, ethical, fair, and modest, she is an asset to judicial education. "Life seems to be more enjoyable with each advancing year," Cathy says. And Cathy is good for life. ■



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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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