NATIONAL ASSOCIATION OF STATE JUDICIAL EDUCATORS

NASJE News

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Creating Presence

Maureen Conner

"When you have a clear intention to have something, you generate energy that is focused like a laser beam to go out and get what you want. If you intend to have something, you will."

Roman and Packer, *Creating Money*, 1988:13

Theorists, practitioners, and recipients proclaim the benefits of professional development, while at the same time cautioning that in hard times or during political warfare the first thing cut is continuing education. This same battle is being fought between congressional leaders who cry that the cost of educating America is too high and the president who fights back saying the cost of not investing in education is even higher. From the nation's capital to state houses to local governments, K-12, education is being carefully scrutinized. Suddenly everyone has become an expert in education. These self-identified experts offer plans that will improve, transform, or eliminate education as we know it. Therefore, it should come as no surprise that in this environment, continuing education budgets, content, and delivery are of prime interest.

Many in judicial branch education say they have been living with intense scrutiny for years, while others may be experiencing it for the first time. Regardless, the goal is always garnering and maintaining strong and unwavering support for continuing education no matter the political or economic climate.

Maureen Conner is a senior associate with the JERITT Project.

Creating Presence v. Preventing Marginalization

Building strong support depends on whether those involved want simply to prevent judicial branch education from being relegated to the fringes of the judicial bureaucracy, or whether they want it to be central to the business of doing justice. This distinction is critical to how judicial branch education is approached. As an operating mode, preventing marginalization is more reactionary in nature and practice. It focuses on ferreting out weaknesses and predicting the next assault. Defending the value, worth, and contribution of judicial branch education becomes a constant activity, thus preventing the building of broad-based commitment and quality programming. When judicial branch education is marginalized, so are the educators. Therefore, neither the educator nor the education comes from a place of strength. This vulnerability makes it impossible for the educator to exercise leadership or express knowledge or expertise. The likely result is diminished programming, not only in number of offerings but also in meritorious substance.

The direct opposite of preventing marginalization is creating presence. Creating presence is an operating mode that depends on clarity, acknowledged values, stated intentions, hard work, and mastery of people and process. It is not about

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Transitions

A warm welcome is extended to: **Jan Carol Bouch**, trial court training administrator, Colorado Judicial Branch; **Roger Rountree,** executive director of the Texas Justice Court Training Center; **Gwen Spivey,** senior attorney with the Florida Office of the State Courts Administrator; and **Sheila Sewell,** deputy director of the Administrative Office of the Courts, Oklahoma. Good luck wishes are sent to **June Cicero,** former director of continuing education for the Minnesota Supreme Court. June has recently started her own consulting business, Cicero Enterprises, focusing on adult and legal education. A fond farewell will be sent in February to **Larry Stone,** executive director of the Ohio Judicial College. Larry plans to retire from the college, but promises to remain active in NASJE activities. Congratulations to **Karen Waldrop Thorson** and **Kay S. Palmer** on their recent marriages. ■

PRESIDENT'S COLUMN

Kay S. Palmer

With a great deal of humility I write my first column as president of the National Association of State Judicial Educators. I am honored to lead the organization whose members have primary responsibility for educating our judicial branch of government.

I wish to acknowledge the fine work of last year's board, led by V. K. Wetzel. Significant changes were implemented during the past year, and the success of those measures was in no small part due to the board's efforts. NASJE's new board is committed to continuing the significant professional progress made during the past several years.

Since October, Karen Thorson, president-elect, and I have surveyed NASJE members concerning interest in serving on NASJE committees. Karen and I, along with Ellen Marshall, vice president, will work together to appoint committee members and chairs by the end of 1995.

The NASJE board will meet in February to make the final decision on securing the services of a secretariat. Additionally, the board will take on the task of developing policies and procedures for our various association functions.

As NASJE becomes an adult (it is officially twenty-one), I am confident that members will continue to tackle the often difficult tasks presented in our

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REGIONAL NEWS

The **Midwestern Region** had a very informative meeting during the October annual conference in Dearborn. Much of the time was spent sharing information regarding outstanding presenters the members had the opportunity to work with during the past year. **Cathy Springer,** the Midwestern Regional director, is looking into the possibility of monthly "meet me" conference calls among the regional members to continue the sharing of program ideas and materials. Please contact Cathy, c/o Indiana Judicial Center (317) 232-1313, if you have any issues or concerns you would like to have discussed at the NASJE Board of Director's meeting in February.

One hour wasn't enough for the judicial educators of the **Western Region** to present the innovative programming they are engaged in.

Arizona

Probation Officer Certification. Under a new administrative order, probation officers hired after July 1, 1995, must successfully complete Probation Officer Certification within their first year on the job. Certification includes attending a Probation Officer Certification Academy (a two-week program), passing a written examination, and completing twelve months of successful service in the field. The curriculum design includes a task analysis, several curricular designs, and extensive revision from initial concept to final product. Probation officers on staff before July may obtain a study guide and take the test if they so desire. The curriculum design includes everything from examination of the statutes that govern probation in the state to interviewing, search and seizure, and legal liability.

Broadcasting. In a continuing attempt to expand our distance learning opportunities for judicial staff, broadcasting has been increased to include a statewide orientation for all judicial staff (offered four times per year), an annual program providing an overview of the state judicial system, and numerous programs for continuing education (including management and supervision classes).

Community College. A local community college has developed an Associate of Applied Science degree in judicial studies for nonattorney judges and judicial staff. The curriculum was developed in cooperation with the supreme court's Judicial College and Education Services Division. The curriculum is being shared with other community colleges around the state. Some offerings at our judicial staff conferences are earning community college credit for those attending—these may be applied toward the AAS degree. For more information contact Karen Waldrop Thorson (602) 542-9431.

California

Statewide Code of Ethics for Court Employees. The Education Department of the Administrative Office of the Courts surveyed all courts statewide and received over 1200 responses to three ethical questions from all levels of the court system—judges, attorneys, court administrators, managers, and staff. The data compiled from these surveys were used to formulate a code of ethics that covered the concerns identified by the staff of the courts in California. Subsequent to the adoption by the judicial council of this code of ethics, the State Justice Institute has approved a grant to take this project one step further and produce a training video and workbooks for court staff

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Dearborn Hosts 1995 Annual Conference

Conference host Dennis Catlin and his staff at the Michigan Judicial Institute provided a warm welcome to NASJE members and their guests at the annual conference October 8-11, in Dearborn, Michigan. Nearby Greenfield Village and the Henry Ford Museum afforded the opportunity to see such sights as the Wright brothers' bicycle shop, Thomas Edison's laboratory, the chair Abraham Lincoln was sitting in when assassinated, and the limousine John F. Kennedy rode in in Dallas. Greenfield Village's Eagle Tavern, an 1850s stagecoach stop, provided the venue of the annual banquet. New officers elected at the business meeting are Kay S. Palmer (Arkansas), president; Karen Waldrop Thorson (Arizona), president-elect; Ellen Marshall (District of Columbia), vice-president; Paul L. Biderman (New Mexico), secretary; Elizabeth L. Hodges (New Hampshire), treasurer; Judith M. Anderson (Washington), director, Western Region; Blan L. Teagle (Florida), director, Southeastern Region; Cathy Springer (Indiana), director, Midwestern Region; and Richard Saks (New Jersey), director, Northeastern Region.

The Education Committee, under the leadership of chair Catherine Lowe, put together an excellent program. There were preconference workshops on judicial educator mentor training and on instilling ethics. Krista Johns of the National Council of Juvenile and Family Court Judges reported on a national satellite seminar using the American Law Network of the American Bar Association. In an hour-long orientation for new members, Larry Stone led attendees through an informative session on NASJE, JERITT, JEAEP, and other relevant materials. Judge Kenneth Rohrs, of the National Judicial College, and Pamela Bullock, of the State Justice Institute, were luncheon speakers.

Dr. Audrey Nelson-Schneider

Ms. Marcey Uday

The educational sessions officially got underway Monday morning with **Communication.** Dr. Audrey Nelson-Schneider, a communications consultant from Boulder, Colorado, spoke to the NASJE audience on gender differences in communication and how sex roles and norms have influenced the way we communicate. Small group discussions focused peoples' awareness on the differences. Dr. Nelson-Schneider emphasized the need to understand both verbal and nonverbal differences, especially in the areas of self-disclosure, success, failure, and decision making and presented an androgynous approach to bridge the gender gap. Her premise: if we're aware *how* we are different and *why* the differences exist, then *what* we do with those differences brings a greater understanding in the ability to relate comfortably and more effectively with each other.

In **Results Oriented Negotiation,** Professor Roger Haydock presented the two parts of every negotiation—the process and the content. A quirky thing happens if conclusions are reached too quickly—people are unhappy! Psychological factors affect the results. A negotiator's job is to find out the values of both the person represented and "the other side." Roger stressed the ability to empathize. As a negotiator, put yourself in the parties' place to determine what influences them and what pressures they're under.

Roger discussed seven areas of negotiation:

(1) Focus on needs and interests. What does the client want? What does the other side want? What are the mutual interests?
(2) Evaluate the approach. Will it be competitive, indifferent, cooperative? The factors influencing the approach are trust, power, and experience. The lack of experience or perceived lack of experience influences the negotiation.
(3) Assess the ethics/norms that relate to the facts/legal matters/ opinions.
(4) Analyze the situation—your own and the other side's theory of the case.
(5) Exchange information. Decide what you want to know from the other side, and what you want to tell the other side.
(6) Strategies/tactics.
(7) Sources of satisfaction. What can you live with? This question must also be answered initially at the beginning of the negotiation. What is the best alternative if this fails?

Communicating with Difficult People. Using various group activities, Dr. Audrey Nelson-Schneider helped us identify several types of difficult people (for example, the dictator, the back stabber, the fault finder, the whiner) and

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Dearborn Hosts 1995 Annual Conference, *continued*

their rewards for their behavior (attention, decreased responsibility). She then outlined eight steps to take when dealing with difficult people. (1) Evaluate what is going on before you get involved. (2) Label the behaviors. (3) Give up "magical thinking." (4) Keep "detached" and stay "plugged in." (5) Identify your feelings. (6) Develop strategy. (7) Rehearse. (8) Do it and evaluate it. Audrey concluded the session with four thoughts on dealing with difficult people: (1) Take 100 percent responsibility for your happiness. (2) Try to show empathy, not resentment and anger. (3) Change yourself. Difficult people find it hard to change. (4) Rise one level above the difficult person.

Marcey Uday, vice-president of PRISM Performance Systems, in Farmington Hills, Michigan, served as the resource person for **Lateral and Vertical Communication with Bosses, Managers, and Line Staff.** Session objectives were to enable participants to communicate effectively with others based on their organization position, psychological size, and personality style; to discuss one thing at a time using the appropriate form of communication; and to develop a communication strategy for effectively communicating with others.

Judicial educators need to communicate with individuals at various levels and in various positions, both inside and outside their judicial organizations. Discussing one thing at a time generally facilitates more successful conversations and avoids confusion. Ms. Uday cited three basic forms of communciation: fact-finding to receive information, problem-solving to determine a workable solution, and an announcement form to give information.

Before important communication takes place, it may prove helpful to develop a plan or strategy. Focusing on the message, the medium, and the desired outcome are important components of any strategic plan.

Ms. Uday used small group exercises to apply the concepts described above. She helped participants more effectively communicate in their own environments.

First-time attendees. Seated, l. to r.: Debbie Sturtevant, Sheila Sewall, Marcie Crane, and Linda Evans. Standing, l. to r.: George Boyd, Jennifer Fasy, Vicki Perry, Heather Hidalgo, Robin Pierce, and Bill Simmons

Culturally Competent Communications. Dee Beranek, deputy state courts administrator and director of judicial education at the Florida Supreme Court, and Debra Roberts, court counsel of Florida's Sixth Judicial Circuit, presented a program they developed for the Florida courts. The program brought together multicultural, ethnically diverse AOC employees who not only exhibited cultural diversity, but also held diverse professional positions in the office. What emerged from this group was information that could powerfully influence management decisions and office dynamics in a positive way for years to come. Ms. Beranek and Ms. Roberts discussed language, custom, and interpretations; how to supervise across cultural lines; and insights they developed throughout the program.

Video Technology. Larry Stone, judicial educator and former radio and television producer, gave the audience a shopping list from which to select items for the three-hour session. Larry covered the basics beginning with a technical overview of how image and sound is broadcast via television and video. This session was very much a how-to class—how to use excerpts from off: air recordings, how to magnify or enlarge images (especially important when motion is involved in the training). Teleconferencing/distance learning was discussed, and video production from start to finish was covered.

Managing People Through Change, presented by Heidi Kolbe, of the Kolbe Company in Sacramento, California, offered tools to assist managers and supervisors. The tools included in the denial phase that accompanies change are providing accurate information regarding the change, establishing an open-door policy, and being ready to assess the current consequences. Ms. Kolbe stated that when resistance occurs, listen and select people willing to assist with the change, reward early successes and build on small wins, and encourage people to express negatives and let them talk as a group. Small group exercises allowed the participants to practice the skills learned in this session.

Team Management: A Joint Powers Agreement. Jay Thomas Buck, president of PRISM Performance Systems, served as the faculty resource person for the session. Its focus was on examining the role of sponsorship in establishing high performing teams, discussing team and group development models, and creating a team life cycle model to assist in constructive team growth.

Starting with the definition of team as a "group of interdependent individuals, organized and committed to achieving a common purpose," Mr. Buck pointed out that teamwork is a characteristic of high-performing organizations and is used to achieve complex objectives. Teamwork is cooperative and collaborative behavior that supports and helps others work together to accomplish objectives.

Characteristics of highly effective teams are: all members understand the goals of the team and are committed to their accomplishment, no one person dominates the team's activities, adequate levels of complementary skills are on the team, and team goals are as important as individual goals.

A sponsor is a manager to whom the team reports. The sponsor accepts accountability for the team's performance, but the task itself is the team's responsibility. The sponsor may provide organizational vision, mission, and goals.

Teams themselves need to progress through stages of development. Mr. Buck discussed the "orming" model of group development that describes how individuals behave in a group setting and develop on an interpersonal level. "Orming" has four stages: forming (group members try to decide why they are there), storming (the group negotiates roles and participation levels), norming (the group sets informal rules to work on its task), and performing (team members function effectively together).

Teams can also go through a cycle of development at the task level. Described as the four Ps, this cycle involves purpose, positions, process, and ultimately performance.

Mr. Buck went on to describe the "team life cycle model." Each of the five phases in the team life cycle (structuring, organizing, applying, achieving, and excelling) has unique characteristics. There are five different phases in a team's life. After viewing a video on teamwork, the participants formed groups to analyze the teamwork exemplified and described the different phases of that team's life cycle.

Barriers and Boons to Professional Growth. Bob Keegan, a developmental psychologist from Harvard University, talked of education being transformative. It has the possibility of changing the ways we learn. With education one runs the risk of leaving the habits of mind. It's putting the form itself at risk for change.

Bob spoke of people's need to contribute. People are buoyed by making a difference. People hunger for mattering. Six discourses were unveiled with several hands-on exercises to get educators familiar with each discourse.

The first area is the discourse of ongoing regard. At work people undercommunicate feelings of appreciation and admiration. Those words of appreciation/admiration provide oxygen to the cells to keep individuals growing and developing at work. It is more powerful if the feedback is direct and specific and an expression of the person's own experience not a listing of characteristics (sounding like a Hallmark card).

The second discourse is NBC talk (nag, bitch, complain). This discourse is rampant in the work world.

Number three discourse deals with commitments. What sorts of things are more supportive to my ongoing development? What items would I like to see happen less for my ongoing development? The commitment is identified from the responses to the above items.

With the fourth discourse, that of personal responsibility, educators explored what keeps them from fully realizing the value of their commitment. In the discourse of our inner contradictions (fifth area), participants examined what it would take to create a context to support the commitment and challenge the contradictions.

In the final discourse, our big assumptions, Bob suggested individuals explore the assumptions by observing those things that challenge the assumptions. Once observation is completed, design a modest and safe experience by making fine modifications in the assumptions. Transformative learning either alters or is in relationship with our assumptions. In closing, Bob wished us great leaps and safe landing.

Facilitated by Cathy Lowe, **Issues and Answers** provided participants an opportunity for assistance with professional problems. The group was divided into two tables of six or seven. Each person had one minute to relate a problem, then the group discussed each problem for eleven minutes. Everyone gained fresh insight and perspectives on the problems. Finally, each group chose one problem that the group felt still needed assistance and the whole group worked on these problems. ■

President's Column, *continued*

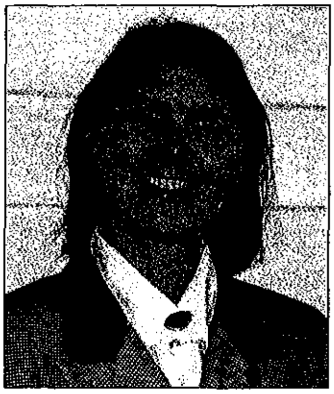
ever-evolving profession. Judicial educators face substantial challenges not only regarding methods and content of presentations, but often most seriously, the price of delivering products to the people we serve. While those hurdles will continue, when we pool our knowledge and ideas, we "rise to the occasion" and provide quality services.

My hats (most of us wear many) are off to you for the services you provide in your states and at a national level. I will ask many of you to assist the association during the next year. I have little doubt that you will perform according to your usual high standards! Thank you again for your trust and confidence in me. ■

Future Conferences

October 13-16, 1996
Hotel Royal Plaza
Lake Buena Vista, Florida

October 5-8, 1997
Cal-Neva
Lake Tahoe, Nevada



PROFILE

Elizabeth Louise Hodges

Her manner is thoughtful. Slightly high cheekbones accent a graceful smile when she speaks. A precision in discourse reveals experience with a world of letters where libraries and bookstores are familiar terrain. A resident of New Hampshire for fourteen years, and Boston before that, "Libby Lou" Hodges nonetheless grew up very much a woman of the South. Named after two grandmothers named Thelma (Elizabeth) and Louise, she spent her early years in the last capital of the Confederacy, Danville, Virginia. From Danville to Concord, New Hampshire, Libby's journey to her position as director of judicial education (and legal counsel to the New Hampshire Administrative Office of the Courts) proved replete with ingredients constituting a fascinating life portfolio.

Libby's interests are catholic. White water rafting on the same river as in *Deliverance,* summers as a lifeguard, horseback riding, getting hands dirty working in the garden, disclose a person with some affinity to the earth. Some of Libby's fondest memories recall her early life on the farm, climbing trees, going to their own neighborhood store, running to her grandparents' home across five country acres, and playing in the Virginia tobacco fields "covered with tobacco tar." At the time, she thought this was the "greatest fun in the world."

Barefoot girl with cheek of tan. It did not seem surprising that her independence and interests after high school (for example, service as treasurer in student government and also as a cheerleader) led her to writing. At Westhampton College, a women's institution in the University of Richmond, Libby majored in journalism. At Hollins College in Roanoke, on a full academic scholarship, she earned a master's degree in creative writing. She even taught writing to women in city jails. Over an eight-year span from 1974-1982, Libby wrote and published more than forty poems. Europe was an experience, too. After graduate school, Libby studied languages at the Goethe Institute.

When Libby moved to Boston in the seventies, she experienced culture shock. "Everyone in Boston is a writer." In Boston, she in effect severed her southern contacts, but not her southern bonds. She did not abandon social interests, however. If anything, they may have been more greatly cultivated. Libby became politically active. She advocated. She volunteered. She started a newspaper.

In 1981, Libby moved with her husband, Danny, to New Hampshire, near his parents' farm. In Concord, Libby worked one-and-one-half years at the American Civil Liberties Union, even serving as acting director for several months as she matriculated at Franklin Pierce Law School, earning her law degree in 1986. She interned for federal circuit court judge Hugh Bownes and worked at the private law firm of Orr & Reno before coming to the AOC.

Libby's interest in education comes naturally. Her mother, with a master's in education from the University of Virginia, was a career educator, serving as both teacher and principal. Libby's father is an engineer. Even her husband, Danny, whom Libby describes as an extremely devoted father, steady and reliable, is "incredibly smart."

"My role in life is to keep him honest; also to try to keep him from being so cynical." Danny is himself a free-lance writer with a degree in music composition whose interests include the electric guitar and playing rock and roll. (Is it surprising that his mother, Maxine Kumin, is a well-known poet?)

Danny and Libby have one son, Noah Hodges Kumin, who turned six in December. "Noodle" (a private nickname) attends a Montessori school. "I take a very active part in education there," Libby explains. She takes her role as a parent very seriously. "It is the most difficult and the most important thing I have ever done in my life. I just love it. I adore it. It is my highest priority." Libby herself was the eldest of three daughters.

Libby's roots are sinking more deeply into New Hampshire. After living for fourteen years in a 200-year-old Cape home, the family is moving to another 200-year-old Cape home closer to work on two-and-one-half acres. The first home in Weare is close to the home of U.S. Supreme Court Justice David Souter.

"I love this job," Libby affirms, when speaking of her present position. In particular, she speaks highly of Chief Justice David A. Brock and his support for meaningful judicial education. Libby seems content with life in general.

How did Libby become involved with NASJE? "I first heard about NASJE from Rich Reaves. We were at the Leadership Institute in North Carolina." She credits Rich with being a most helpful (and bright) mentor.

Libby's first NASJE conference was in San Antonio. "My first impression was that judicial educators were 'dressed to the

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Regional News, *continued*

concerning the ethical dilemmas faced by employees and covered in the code of ethics. For more information contact Claudia Fernandes at (415) 356-6433.

College for Court Clerks is a two-week course that people can attend for one or both weeks. Five substantive law areas are covered. Counties provide scholarships to participants from other counties unable to pay for the program costs. Contact Sherri Camps (415) 396-9146 for more information.

New Mexico

Television Documentary. The Law Center, University of New Mexico, and the local public television channel are developing an hour-long documentary aimed at the general public most likely to encounter the courts of limited jurisdiction or tribal courts. This documentary will provide an overview of the courts and provide information on how to work within them if you ever have to go to court. They will be televised on the public network channel and tapes will be distributed statewide. A sequel on presenting a case as a pro se litigant is planned. For more information contact P. M. Dubhaigh Ingrassia (505) 277-5006.

Benchguide (Ethics Section). An ethics section for limited jurisdiction judges (nonlawyers) based on the new ABA code has been completed. It is user friendly and easy for the judge to use. For more information contact Paul Biderman. (505) 277-5006.

Domestic Violence Program New Mexico continues to offer training/education around the state. A mock trial is part of the program design. Contact P. M. Dubhaigh Ingrassia for more information.

Oregon

New Judicial Education Library Catalog. Oregon's judicial education library currently consists of over 900 items by 201 publishers organized into 55 topic areas. Each item is labeled with a "call number" for shelving and retrieval purposes. The topics are grouped alphabetically, with the materials shelved numerically within each topic area. The library has been inventoried on Paradox for Windows database software.

Updating DUI Benchbook. A grant through the Traffic Safety Institute (Federal 408) provided funds to update the DUI benchbook. A contract with the University of Oregon Law School had law students research the area and draft the materials and professors review them. Nori and her advisory committee then edited the materials to their specifications. The National Judicial College was so impressed with the work it is using it as a model for its own benchbooks. The local prosecutors also use it. For more information contact Nori McCann Cross (503) 986-5500.

Washington

Judges in the Classroom. Judges in the Classroom, sponsored by the Office of the Administrator of the Courts and the Office of the Superintendent of Public Instruction, pairs judges and teachers in upper elementary, middle, and high school classrooms. A special curriculum of thirty lessons enables judges to actively participate in teaching. The lesson plans give judges explicit instructions for teaching each lesson, along with accompanying handouts for students. Hypotheticals and case studies, mock trials and other participatory activities are used to promote student learning. Contact Chuck Ericksen for more information (360) 705-5233.

Professional Development Program. This program is based on the premise that the judicial system will benefit from participation of court personnel in educational programs and leadership activities. Therefore, the goals of the program are to (1) encourage court personnel to participate in court-related educational programs; (2) encourage court personnel to assume leadership roles in the court community; (3) encourage court personnel to design and implement a project that contributes to the improvement of court management; and (4) recognize court personnel who complete the professional development program. The program is open to all court employees in Washington State. Participation is optional and does not preclude participation in any other course, educational program, or degree program. Call Maureen Lally for more information (360) 705-5232.

Utah

Jennifer Fasy reported on the newest program development—court employees attendance at lunchtime college classes. Jennifer circulated curriculum guides/education manuals for clerks and probation officers.

Diane Cowdrey is developing a law and literature course. ■

Profile, *continued*

nines,' and I had brought the wrong clothes." This declaration is from a comfortably casual person who prefers T-shirts and jeans.

Libby had other impressions as well. She found the organization "very professional." She found participants "a wonderful group of people—helpful and smart." She enjoyed the conference. "I went to San Antonio as a nonmember, but I joined the organization immediately—and I'm not a joiner.

Libby has been to every meeting since San Antonio in 1991. (She has saved all her conference notebooks.) In the interim she served on the advisory board to JEAEP; as the liaison to the ABA Conference of Special Court Judges, where she met Louis Condon; as a member of the NASJE Nominations Committee in 1994; and now as the treasurer of NASJE.

Elizabeth Louise Hodges—a self-sufficient and independent woman not altogether unlike some cinematic namesakes. A person who enjoys waking up to beautiful sunrises and settling down to panoramic sunsets. And a woman who will still, when visited by the muse, write poetry. ■

Creating Presence, *continued*

readying for the next attack. It is about setting forth a clear intention followed by focused and disciplined action.

Creating Presence in Judicial Branch Education

The vast majority of judicial branch education takes place within the states. Therefore, to determine how presence is created, a cross section of state judicial educators from all four NASJE regions was interviewed. The sample included new educators and seasoned veterans from large and small organizations. All were asked to comment on what things created and strengthened the presence of their organization and programming. They were asked to consider organizational structure, alliances and relationships, popularity of programming, and audiences served, as well as any other factors affecting their education organization.

The interview responses were remarkably consistent, and they spoke to all of the previously stated elements involved in creating presence. What follows is a summary of their responses.

Support from the Top

First and foremost the interviewees said the supreme court justices must take a strong position on the importance of continuing education to the doing of justice and administration of the courts. The interviewees offered several actions that their respective supreme courts have taken that demonstrate undisputed support for continuing education.

- Earmarking state funds from the court's budget for judicial education with the vast majority of the funds dedicated to in-state efforts with a small pool available for out-of-state programs.
- Establishing a supervising justice for judicial branch education.
- Passing a supreme court rule that made some, if not all, judicial branch education mandatory.
- Adopting curriculum plans set forth by the judicial education or advisory committee.
- Personally inviting audience members to attend programs.

The interviewees indicated the most powerful message their supreme courts sent supporting the value of education and the belief that it is critical to superb judging and competent court personnel was through dedicating funds for education that would be secure as long as the court had a budget. This means the supreme court must make education a priority, which may result in protecting moneys within its budget for education or lobbying for additional fees designated solely for judicial branch education.

The Role, Integrity, and Credibility of the Educator

The second factor in creating presence concerned the role, integrity, and credibility of the judicial educator. Interviewees thought it critical that the judicial educator and the programming had to be synonymous with extraordinarily high quality.

The quality factor will do much to define the role of the educator. Poor or mediocre program planning and delivery will result in a limited role and lost credibility for the judicial educator. The judicial educator must initiate new and creative programming specifically tailored to the target audience. Stagnation in approach, content, or delivery should be constantly guarded against.

The supreme court, state court administrator, judges, and court personnel must know they have a competent and knowledgeable professional in their judicial educator. They must know they can count on the educator to develop the educational framework and keep a finger on the pulse of the education needs through advisory committees, needs assessments, field visits to the courts, and liaisons with all of the court associations.

The interviewees offered several examples of how they built credibility for themselves and their programming:

- Providing education services to all of the judicial and court employee professional associations. Services may range from assistance in planning to contribution of funds for association events related to education.
- Publishing a newsletter dedicated to continuing education.
- Assisting judges and court personnel in whatever way possible, regardless of whether their inquiries were related to education. The judicial educator is the representative from the supreme court who is most often in contact with large numbers of trial court judges and personnel; therefore, the educator can become a troubleshooter, an information agent, or facilitator of networking in or between groups.
- Acknowledging outstanding records of attendance with plaques, a press release prepared for those who received the plaques for the local news media, photographs with the chief justice of each participant receiving the award, or certificates of completion.
- Involving all parties in the planning process to identify needs. Competing educational priorities often surface; therefore, creativity and political savvy must be employed to resolve any problem. A solution can always be found through problem solving or negotiating.
- Developing a cadre of in-state faculty and providing basic and advanced faculty development focusing on participatory learning and teaching.
- Supplementing in-state faculty with qualified out-of-state faculty.
- Developing and implementing long-range operational plans, educational curricula, standards, and policies.
- Continually evaluating the quality of the programming and assessing the changing needs of the audiences.
- Developing collegial relationships among the participant groups to reduce isolation and to make all groups feel they are part of a larger organization dedicated to providing justice for the citizens of their states. Time is necessary to accomplish this; consequently, programs should never be less than one day long.

- Holding programs in a retreat setting, which encourages networking and makes it safe to have frank and open discussions. If such facilities are not available, programs should be held in hotels where the judicial education program occupies the entire facility.
- Visiting the courts. Court visits build relationships between the judicial educator and the judges and personnel. This kind of outreach demonstrates the supreme court and administrative office care about the trial courts. Additionally, the judicial educator can obtain ideas about how education can facilitate the work of the courts.

These examples point to the necessity for the judicial educator to think and act strategically. Judicial educators must decide what they stand for and what the education will stand for. They must set forth their values and act from those values. Building and maintaining strong relationships with the supreme court, state court administrator, judges, and court personnel are key; however, a plan complete with priorities is a necessity before embarking on any activity.

Support from the Field

Third and last, the judges and court personnel must want the continuing education. Many interviewees stated this desire for professional development is demonstrated through high attendance at programs by a broad sector of the targeted audiences. Lobbying by judges and court personnel for education programming and money with the supreme court, and even with the legislature, is another outcome of field support that creates presence.

It is evident there is nothing magical about creating presence. Hard work is the only avenue to success. But hard work must be grounded in a clear plan, executed strategically, aligned with stated values, and embedded in relationships of mutual respect.

Creating presence is accomplished through mastery of people and process. Those educators who offered their insights and experiences prove judicial branch educators can do more than prevent marginalization. They can create a presence through their clarity of purpose, consistent and focused action, high quality programming, strong relationships, guidance and involvement from their audience, support from the trial court, and unwavering commitment from their supreme court. ■

If I Had It to Do Over Again

At the annual conference, *NASJE News*'s roving reporters asked participants what they wish they had learned but never did. **Jan Bouch,** of Denver, Colorado, would have learned airplane mechanics. Perhaps she should team up with **Judith Anderson,** of Olympia, Washington, who wishes she had learned to fly an airplane, and **Claudia Fernandes,** of California, who is a would-be sky diver. **Susan Leseman,** of Tallahassee, Florida, would have devoted more time to creative writing. "I need the discipline for it," she explains. **Dan Schenk** would have "learned to whistle really loud with my fingers. I also wish I had learned more languages." Dan's soulmate is **Dennis Catlin,** of Michigan, who would have learned a language and a musical instrument. **Sheila Sewell,** of Oklahoma City, Oklahoma, and **Deborah Sturdivant,** of Albuquerque, New Mexico, must be winter Olympic fans: Sheila would have learned to ice skate and Deborah would have learned to ski. Our final athlete is **Virginia Leavitt,** of Colorado, who wishes she had learned to play tennis. **Kenny Miller,** of San Marcos, Texas, would like to have learned more chutzpah. **Bill Fulton,** of Falls Church, Virginia, wishes he had learned how to be a parent. (Our guess is that Bill has lots of company in that regard!) **Suzanne Keith,** of Nashville, Tennessee, and **Michael Wright,** of University, Mississippi, would have gone into entirely different careers—Suzanne in medicine and Michael in architecture.

We also asked folks what they are currently reading. Jan Bouch is reading *The Shipping News* by Annie Proulx. Kenny Miller has taken up James Michener's *Mexico.* Judith Anderson is reading *Grievous Sin* by Faye Kellerman, and Sheila Sewell is exploring *Lost World* by Michael Creighton. John Grisham's *The Chamber* caught the fancy of Michael Wright, and Suzanne Keith will finish *Women Are from Venus, Men Are from Mars,* even though it's not particularly recommended by Audrey Nelson-Schneider. Bill Fulton is reading Senge's *The Fifth Discipline.* Virginia Leavitt, Claudia Fernandes, and Dennis Catlin are reading McCarthy's *The Crossing,* Rice's *Mehoch, the Devil,* and Tom Clancy's newest book and *The Celestine Prophecy,* respectively. Dan Schenk recently "inherited an entire set of beautiful leather-bound books by Mark Twain from my 95-year-old grandmother. Because I returned from a trip to Istanbul in the last few months, I was moved to read *Innocents Abroad* by Mark Twain." Susan Leseman reports, "At the moment I am reading *Divided Lives* by Elsa Walsh. It's the story of three professional women and the challenges they encountered in balancing their personal and professional lives. So far I am finishing up two of the professional women profiled, namely Meredith Vieira, the television correspondent formerly on *60 Minutes,* as well as Rachel Worby of West Virginia, the first lady of the state and the conductor of the symphony orchestra there." The prize for dedication goes to Deborah Sturdivant who had only been on the job one day before attending the annual conference. She indicated that she is engrossed in *The History of the New Mexico Judicial Center* and various policy and procedures manuals. ■

Driving Fear out of the Workplace

This is part two of a two-part article. In the first part (*NASJE News*, Fall 1995), Daniel Oestreich identified the problem of fear in the workplace and how fear is a significant barrier to organizational change. In part two he offers solutions.

Seven Strategies

Acknowledge the Presence of Fear. The first goal is often to get people talking about fear as an internal organizational problem. Building a checklist of fear's symptoms is one action a work group can take to open interest in the topic in a nonthreatening way. It can help overcome the habit of denying fear's effect in organizations or taking it for granted. When people mention such common symptoms as "us vs. them" thinking, bad decisions, and cover-ups of mistakes as part of the checklist, they may begin to connect fear with their own experiences and the experiences of those they know.

Pay Attention to Interpersonal Conduct. Once fear's presence and negative effect are acknowledged, managers can take steps to isolate and reduce it. We believe a solid first step is to help managers, supervisors, team leaders, and executives—anyone in a formal or informal leadership role—to avoid abrasive or abusive conduct. The specific abrasive behaviors that cause fear vary in intensity and subtlety. As mentioned earlier, the behaviors range from glaring eye contact to yelling and shouting and discounting people's heartfelt concerns. These behaviors should be avoided because they undermine constructive workplace relationships and lead to low performance. With a little leadership, work groups can develop clear guidelines for the behaviors that foster high levels of trust, innovation, and problem-solving capacity.

Reward the Messenger. Another strategy for overcoming fear relates to how leaders respond to criticism—or to any "bad news" about what is happening in the organization that feels like criticism. Some action steps include not reacting defensively, being patient enough to hear out the messenger's full message, and asking associates and subordinates for feedback on interpersonal relations and communications. People also need to search collaboratively for the causes of problems, whatever they are. One key theme is to eliminate blaming and search for the technical or management systems issues that may be the source of the problem.

Reduce Ambiguous Behavior. As mentioned, another primary cause of fear is conduct that is difficult for others to interpret. To combat this often subtle but powerful source of tension in workplace relationships, people should master good interpersonal observation and group process skills and provide as much clear information as possible about their intentions and decisions. It is also important to eliminate putting others in double-binds or giving out mixed messages. Leaders can ask people to highlight any mixed messages they hear so that discrepancies between words and actions can be addressed openly.

Discuss the Undiscussables. One of the best and most powerful ways to begin overcoming fear's influence is to discuss the undiscussables. This is a rich technique for accessing hidden issues and problems covered up in relationships, work groups, and organizations as a whole. This is not a one-time event, but a principle of disclosure that should become part of everyday communications.

The concept of undiscussable issues can be introduced in a variety of ways to work groups. One approach is to simply raise the idea of "undiscussables" as a useful communications concept. At a more elaborate level, the concept can be the basis of a systematic analysis of work group culture using a third-party facilitator to help diagnose what topics are not being talked about, why, and what effect this is having. Undiscussables are not to be taken lightly. They often reflect highly sensitive issues and require patience, care, and follow-through to resolve or manage effectively.

Collaborate on Decisions. Autocratic—or simply murky—decision-making processes also cause anxiety. To overcome fears associated with organizational decision making, leaders and their groups can study their own typical decision-making methods and make improvements. Fear of "secretive" decision making is a common element in many organizations, even those moving toward more participative, collaborative, or delegative styles. It is important to refine communications around common decision-making stages, such as seeking input from others and communicating back to people once a decision has been made. Work groups moving toward more collaborative methods need to define exactly what they mean by consensus and develop strategies for times when consensus does not work or is not appropriate.

Challenge Worst-case Thinking. Worst-case thinking is "catastrophizing"—seeing the negative side of events, falling prey to either/or thinking, and anticipating failure. One clue that someone is expressing personal fears in this way are comments he or she makes that reflect discouragement, cynicism, or frustration. Examples are:

"I'm sure this is not going to work."
"If we don't pull this off, we'll be in deep trouble."
"I don't understand what this whole thing is about, anyway."

A leader can help a person out of these snares and "mind-traps" by supportively questioning the accuracy of the individual's perceptions and helping him or her to take constructive action. During periods of stress and change, helping others to explore what could go wrong and develop contingencies helps them maintain a realistic view of their situation. In these days when downsizing and restructuring are

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common, working through worst-case thinking is particularly important. Allowing individuals, teams, even whole organizations to express and respond to their worst cases, to talk about the truth of situations, what is known and what is not known, can be a powerful way to help everyone move forward.

Underlying Skills

The seven strategies work well if leaders have the skills and attitudes needed to carry them out. From my work consulting on these strategies since publication of *Driving Fear Out of the Workplace,* I've learned some important things.

In particular, leaders who are threatened by open communications will find building a trust-based workplace especially tough. You can't ask employees to trust you and one another without being open to what the impediments to trust may be in your own behavior. That seems obvious, but neglects how deeply leaders have been programmed by our business culture to be emotionally invulnerable. To open oneself to hearing about behavior or beliefs or problems where you, as the leader, have intentionally or unintentionally undermined relationships is "outside the box"—way outside the box for many of us.

The most valuable skill—and one we are not practiced at—is asking for and acting on feedback from other people, particularly feedback about relationships, communication, our leadership itself. While there are innovations now to help with this process ("360 degree appraisals," for example), even these new management techniques may not actually give leaders skill in openly and directly talking about their own behaviors. Consequently, they may not accomplish the most important work of changing the quality of relationships from fear to trust.

Because leaders have not been taught this skill, they miss opportunities to help others express their important concerns. If the unstated ground rule is that any problem may be discussed except those that involve me as the leader, then the field of possible improvements diminishes greatly. The reason for this is that the most powerful organizational changes may in some way be connected to the leader and how the leader operates.

For example, the president of a 3,000-person technical company sincerely asked for a few minutes of feedback from his executive team about his skills as a leader and about his relationships. Within thirty minutes he had learned that a major project distinctly connected to the company's worldwide competitiveness was not likely to be completed within deadline. More important, he learned that his own over-confident statements about meeting the intended schedule were making people wonder if they should lie to him about the company's capabilities. The undercurrent theme that deadlines must be met or else was deeply reinforced by the sense that any missed deadline was a leadership failure, and therefore, because the leaders were supposed to be perfect, could not be talked about. The president's vulnerable, gutsy request for knowledge—ultimately self-knowledge—is an outstanding example of what leadership now is all about.

While the problems described above might seem extreme, in my experience with both small and large organizations, they are not unusual at all. In fact, they are as common as the front-line supervisor or manager who sends the message that "if you bring me a problem bring me a solution as well." It might sound heretical, but the fact is that some problems, because they deal with us, our own attitudes, behaviors, and beliefs as leaders, just won't be solved so easily. Our pronouncements wanting to make others more responsible, more "accountable," may have some value, but they may also tell others we don't want to hear the really bad news.

As leaders, we model a change toward higher levels of self-awareness. We model a shift toward dealing with our own "nose" problems. What is a nose problem? Try this. Take your index finger and touch the end of it to the tip of your nose. Who are you pointing at? That's the place to begin driving out fear: our own anxieties of what we might learn in asking for feedback, dealing with the criticism, the perceptions true and untrue of others, the emotional realities, not just the technical realities, of the community we call a workplace. To understand fear and to truly learn to drive it out can be a long journey for us as leaders, a personal transformation, if you will, of the obsolete concepts of leadership we hold. That personal transformation is not an intellectual thing. It is gut learning, an emotional passage of the first order.

Being the Messenger

Often, when speaking with managers or employees I find there is a natural desire for people to explain that they would like to make changes in their organizations, but can't because of the behavior of those above them who would not accept or support this work. This is an awful reality to live, but again, I am convinced it is not at all uncommon. My advice, which I am sorry to say is incomplete, is to do what work you can in the arenas in which you have the most influence. If there is work to do with those who report to you or with teammates in building trust, in dealing with undiscussables that involve you and others, you can start there. As time goes by, you may feel your own capabilities evolving and you may decide to take the risk to share your observations at higher levels. You may want to give your own boss feedback, or simply encourage that person to learn how to ask for it.

There is no shortcut here, no easy formula, but a few things do seem apparent as ways to be a trustworthy messenger.

- Don't dump the whole cartload at once. Bring one or two key points.
- Be tactful but direct. Be neither brutal nor so indirect that the real and complete message is obscured.
- Check your negative assumptions about the receiver at the door.
- Describe why you are bringing the feedback. What is your motive? How does it connect to the improvement of the organization, your commitment to customer service?
- Don't force a decision, allow consideration and "soak time." Be available to talk about it more than once.

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- If you can think of some, suggest options for action or new behavior.
- Acknowledge your part of the problem, own that this is your feedback, your perception of the problem and welcome feedback in return about what you might be contributing.

There are no guarantees in this tough work. In deciding whether to speak up, rely upon your own values. Carefully evaluate the damage you and your organization may sustain if you do not share your observations. Define the opportunities before you in positive terms. Then be driven both by what is right and by what is feasible. After considering your options, you may decide legitimately the time is not appropriate and you must cope with the status quo. If the situation is truly hopeless, you may decide to leave the organization to protect yourself from an untenable situation. This also is a legitimate choice.

Challenges of the Path

The work of trust building is challenging and will be gradual. Leaders committed to this work may feel caught between their personal vision of a high-trust, quality organization and a slowly changing reality. To use the phrase of one manager who believes in these ideals, many of us operate somewhere in the "gray spaces between what ought to be and what can be."

The good news, and it is profoundly good, is that managers and employees in many organizations are responding to new patterns of thinking. "Them" and "Us" is no longer a satisfactory or inevitable mindset. Many people are discovering, whatever their organizational level and role, that we all basically want the same things: pride in what we do and the organizations we work for, a sense of being all one team. We want to use our skills constructively, contributing to products or services highly valued by others. We want to be listened to, respected, appreciated, and trusted.

Increasingly, there are leaders who want to facilitate the transformation to the new kind of organization in which these discoveries are a way of life. They have as their goal breaking down barriers between levels, departments, teams, people. They work daily at listening to the workplace, at building a new kind of relationship, at transforming negative energy into positive accomplishment. The effort to understand and to reduce fear holds promise for moving organizations more quickly toward an extraordinary future. ■

National Association of State Judicial Educators

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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.

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