

NATIONAL ASSOCIATION OF STATE JUDICIAL EDUCATORS

NASJE News

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Three Steps to the Successful Judicial Education Program: *Plan, Prepare, and Prepare*

Michael Pack

We sometimes stumble upon a program format that not only works well, but fulfills every education objective a judicial educator can fathom for any particular program. This format allows no mistakes and is even self-correcting. It anticipates your every need and the need of every participant. This format boosts the potential and impact of the smallest conceptualization. It is quite elusive, this format. Yet each and every time we plan an adult continuing education program, we seek out this ideal. We never achieve the perfect program, but we strive for it all the same, and thus we benefit from a sublime effort. In May 1995, Kentucky employed a risky format for its two-and-a-half day D.U.I. Program for District Judges, and while failing to achieve the mythic program format, we did succeed in delivering a program that conveyed all the learning objectives in a nonthreatening atmosphere of collegiality.

This article describes the thirteen-month planning process used by the program planners and instructors to achieve one of

Kentucky's most substantive, successful education endeavors. You are about to read a war story of sorts, but one to which we can all relate, in preparation, final product, or both. The extensive planning and preparation of judicial education programs is often taken for granted by participants. In detailing this program, I hope judges unfamiliar with the education process will note the commitment of their colleagues to their continuing education. This commitment is admirable in any state, any jurisdiction.

We began planning for the D.U.I. program in March 1994. The National Judicial College informed Education Services, a division of the

Kentucky Administrative Office of the Courts, that National Highway and Traffic Safety Administration (NHTSA) grant funds were available for states to develop education programs for trial judges on driving under the influence of intoxicants. Kentucky applied for and received this funding. The grant would not cover the cost for an entire program, but the Education Committee for the District Judges elected to design a specialty program on D.U.I. and cover the additional expenses from its own continuing education budget. The need for a program devoted solely to D.U.I. adjudication was established by the Education Committee after reviewing agenda



Michael Pack is the assistant manager of Education Services for the Kentucky Administrative Office of the Courts.—ED

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PRESIDENT'S COLUMN

Kay S. Palmer

Greetings! By the time you receive this newsletter, you should have thawed out, and many of you will be in the throes of a heat wave!

The NASJE board met in Reno in mid-February. As always with this board, the discussions were lively, and opinions were abundant. Topics discussed included membership, standards, bylaws, SJL, and secretariat services. Libby Hodges, of New Hampshire, chair of the secretariat search committee, reported that a decision on securing the services of a secretariat will be made by October 1, allowing the secretariat to be a participant in the October 1996 conference in Florida.

Karen Thorson has agreed to develop a NASJE Policy and Procedures Manual to help committees and officers in their tasks. This project should be completed in 1996.

Blan Teagle, chair of the education committee, outlined the 1996 conference program for the board. The committee has used the comprehensive needs assessment compiled by the JERITT project as a guide for developing the program.

I am happy to report that the Mentor Committee is engaged in four "mentorings" in Alabama, Minnesota, Ohio, and Washington. The mentor manual is due to be published this spring.

You can rest well knowing that your organization is in the hands of a very competent board and incredibly efficient chairpersons. I hope you have your calendars marked for October 13-16. The place—well, I'll leave that up to you to figure out, but for a little hint . . . "Now it's time to say good-bye to all my colleagues . . ."

Revitalizing Washington State's Professional Development Program

Maureen Lally

Judicial education can be tricky. Not always successful on first try, but with effort and application of basic principles, programs can be successful in the long term. Washington State's Professional Development Program for court employees is a case in point.

The idea of a continuing education program for court staffers was developed in 1985. The Washington program is loosely modeled after the Institute for Court Management's (ICM) Court Executive Development Program. The Professional Development Program (PDP) differs from ICM's program in the cost and level of specificity for Washington state issues and concerns.

There was no marketing plan. Instead, program brochures were placed in conference notebooks for education sponsored by the Board for Trial Court Education. In five years' time, twenty-five people had enrolled in the program. Still, it languished. People enrolled and worked sporadically, if at all, on the program's educational component. The Program Committee ceased to function.

Then in 1992, the Program Committee was revitalized. Participants were polled to determine what had to change. When the results came back, most respondents said time was the biggest obstacle to graduating. Many folks said they were merely floundering on their own without contact with other individuals or mentors to oversee their progress and offer guidance.

Maureen Lally is a judicial education specialist for the Washington State Office of the Administrator for the Courts.—ED



Justice Charles Z. Smith presents a plaque to the Hon. Siri Woods, Chelan County Clerk, the first Professional Development Program graduate.

To solve the isolation reported by enrollees, the committee created a yearly newsletter called the *Professional Development Program Bulletin*. The newsletter's goal is to have readers connect with others in the program. Feedback after publishing two bulletins revealed participants are motivated by reading what others are doing to earn program credits.

The committee made other revisions based on the survey results. Instead of the three years formerly allowed for completion time, participants have five years to complete the program. Forms are simpler. We revised how points are earned, making it less cumbersome. The program requirements can be completed in any order. Mentor guidelines are in place, and special project requirements are clearer. Each applicant is required to obtain a supervisor's signature so the manager is aware and can support

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Faith, Law, and Morality: A New Challenge in Judicial Education

Krista Johns

The divisions that mark the justice reform debate are symptoms of a deeper reality: we live in a morally and culturally diverse society that is increasingly polarized. The individual values expressed in the public arena challenge many of the accepted collective values that drive society's institutions: equality, individual rights, and the ability of the human spirit to better itself, among them. It should be no surprise, then, that politicians are incapable of crafting meaningful reform. They simply reflect the lack of national moral consensus.

It is no coincidence that public discussion and exploration of spirituality is increasing at the time core societal values are being debated. These discussions are part of a movement to redefine the essence of civilized man and society as we approach the twenty-first century. Our definition of justice is at the core of this debate. As Judge Charles M. McGee has suggested, "[O]ur legal system may emerge from centuries of emphasizing, highlighting and mandating consequences of the worst in human behavior (a deficit model as it were) to a system which emphasizes and enhances individual self worth."

Courts uphold what is right, just, and fair. But without a sense of shared values, our system of justice lacks direction. The courts become vulnerable to special interests. Judges need a framework within which to understand how their values interact with those held by the litigants before them, how they interact with values of the general public, and how all these values

affect our definition of "justice." This framework must be both immediately meaningful and relevant into the new century.

As judicial educators, we should create a forum in which competing values can be explored. Until we surface, acknowledge, and critique competing moral values and establish major priorities, meaningful justice reform (and meaningful *justice*) will elude us. It is important to understand the underlying values that divide us, as well as the values that can serve as a moral foundation for a new approach to justice.

Those involved in the court system will attest to the deep and powerful relationship, for many, between religious beliefs and moral reflection. We need to expand conversations about justice, law, and system reform to include a free discussion of the often latent voices of faith, religious perspective, and religiosity. Rather than recommending a *particular* religious perspective, it is important to analyze with intellectual rigor the role of religious perspectives in shaping both societal issues and individual and judicial decision making. We must break new ground on entrenched issues and think critically about fundamental assumptions. This effort must be collaborative and constructive, while also respecting and encouraging diversity of thought.

The National Council of Juvenile and Family Court Judges has begun a project to explore ways in which this can be done. The first effort, a forum convening judges, faith leaders, and members of the community, was held at Lake Tahoe in November 1995. Over three days, the thirty participants shared their reflections on faith, law, and morality. Working in four groups, they explored the notions of shared

societal values, courts as moral institutions, and the role of judges in defining and demonstrating values, among others. The discussions were loosely formed by a process to develop a consensus statement on faith, law, and morality from the group. Ultimately, the statement was refined by a smaller drafting committee following the forum, but participants uniformly agreed that the process of listening, reflecting, group work, and talking about one's own thoughts in this area was itself the key outcome of the forum.

As a follow-up to the Lake Tahoe forum, a special issue of the *Juvenile Justice Journal* is scheduled for publication in August. In addition, written guidelines for replicating the Lake Tahoe process are being developed. The faith, law, and morality theme is also continuing in workshop sessions of the Council's National Conference on Juvenile Justice and its annual conference this year. ■

Transitions

Mary M. Brittain has retired as senior educator for the Institute for Court Management (ICM) of the National Center for State Courts. **Mary Frances Edwards** is director of the academic department at the National Judicial College. **Frank Gavin** was named director of the Institute for Court Management in November 1995. **Krista L. Goldstine-Cole** has joined the Washington State Office of the Administrator for the Courts as a judicial education specialist. **John Meeks** has been named executive director of the Ohio Judicial College. He succeeds **Larry Stone**, who has retired.

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

There's Been a "Breakout"!

Jack Wolf

"Okay, everyone, we're going to take a fifteen-minute break." With that statement, the trainer sends the participants out of the room. The trainer hopes they will come back in the fifteen-minute allotted time, but knows from past experience this will not be the case. Trainers historically have had to allot for an extra five to ten minutes to get everyone back in the room and away from the phones, e-mail, socializing, and now smoking outside of the building.

Here are a few suggestions you may use that have worked in the past as effective techniques to get people back from breaks on time. Try a few of them and see if they work for you.

#1: ANNOUNCE

Announce ten to fifteen minutes before the break that the break is coming.

This allows the participants to know in their minds that a break is coming. Data also shows that

the learners will be more attentive because they know they're going to get that break. (P.S. I announce at least two or three times beginning at the ten-minute mark in that a break is coming and then go into a review of the just-completed content.)



#2: TIME

Announce the time the participants are to be back from the break. Write the "time back" that the participants are to be back from the break. Make the time they are to be

Jack Wolf, Ph.D., is a trainer/consultant. He can be reached at 73 Ellis St., Haddonfield, NJ 08033 (609) 795-7650.—ED

back unusual (that is, "Be back at 10:14 and 15/16 a.m.")

Note: The reason for writing an unusual time on the board is so that the visuals can see the time. Remember, when you state the time, only the audials (20 percent) are listening to you. You've picked up another 40 percent of your audience by visually showing on the board the time to be back.



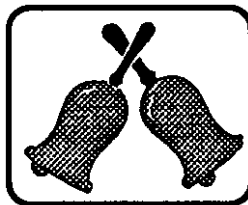
#3: MUSIC

Turn on some type of upbeat music as the people are leaving the room and keep it on until the last participant is out of the training area. Turn the music back on five minutes before the end of the break. Give a 30-second warning by stating "Thirty seconds until the training begins." At that 30-second warning, turn the music off to get everyone's attention back to the front of the room.



#4: GET A TOWN CRIER VOLUNTEER

Ask for a volunteer. Get this volunteer to go out into the hall one minute before the beginning of the training. Let the Town Crier announce in an unusual way (train whistle, triangle, hand-held cricket, kazoo, etc.) that the training is going to begin in one minute.



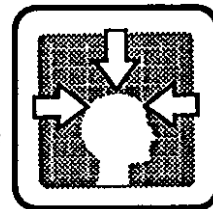
#5: ANSWERS

Give the class a question about your content right before the beginning of the break. Say to them, "For those of you back from the break on time, the answer will be given at the end of the break." Stick to your

guns! Only give the answer at the end of the break. This seems to be very effective with technical training where a lot of detail and data is to be delivered.

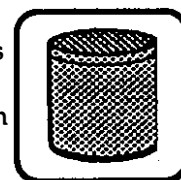
#6: BRAINTEASER ANSWER

Give the class a question. (What animals in Africa kill the most humans?) Tell the participants that the answer to the question will be given at the end of the break. (How many pennies will you touch in your lifetime?) You can get thousands of questions for your class out of trivia books. The trivia can even be specific to judicial education. (How many judges are there in the state of Washington?) The goal is to stimulate the learners to be back on time to get the answers to the questions. It also promotes socialization during the break as participants try to get the answer to the question.



#7: CONSEQUENCES

This technique is used with training of more than two or three days. Have the class choose a charity of its choice. If someone is late getting back from a break, a donation could be made to the charity of choice. The trainer would keep a jar or a hat (dunce cap?) in the front of the room. Learners who are late from the break because of phone calls, etc. would put money in the hat. At the end of the training, someone would then forward a money order to the charity in the name of the training group.



#8: GROUND RULES

If the training is going to be more than five days in length, have

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The NASJE Bookshelf



In Over Our Heads: The Mental Demands of Modern Life. By Robert Kegan (Cambridge, Mass.: Harvard University Press, 1994).

We use many words to describe the feeling: *I'm in too deep. I can't see my way out. I can't stay ahead of it. I can't figure it out. It's too complicated. I don't know what they want of me.* Robert Kegan's book gives us a way to begin to understand why we feel the way we do.

Building on his earlier work, *The Evolving Self*, Kegan creates a framework for understanding the demands of modern life and our mental capacities to function within this context. And, as the title indicates, Kegan believes that most of us, most of the time, are not able to function at the level demanded of us. He does not, however, suggest that we should quit trying. He suggests we develop a greater understanding of both the demands of modern society and the people within it, including ourselves. And, he suggests that we become increasingly aware of the expectations we create for others. "For those of us who have another in our employ, who manage, lead, supervise, or evaluate others; who teach, advise, counsel, do therapy with, or consult to others; who publish, seek to exhort, inform, inspire, or move others to some action—we are in the business, knowingly or unknowingly, of making mental demands" (p. 10).

Kegan uses the metaphors of "school" and "curriculum" to describe society and its expectations of us. Society is a school and its lessons are the curriculum. And, as real schools have done at all levels, we should examine whether or not the learners are ready for the lessons the school provides. Kegan suggests that we have not closely examined the demands of modern society in relation to the capacity of the learners to fully benefit from the lessons provided. The expectations

are too great; our learners are not being successful.

The book addresses the demands of three critical life roles: adolescence, parenting and partnering, and public life. The final section focuses on the mental demands of postmodern life. Although the book is divided into sections, the author continuously makes connections among the segments, recognizing the wholeness and integrity of the person regardless of the role being analyzed. Each section of the book is full of rich stories, anecdotes, and real-life examples that are so descriptive of the circumstances we find ourselves in. The stories evoke "ahas" of recognition; the stories are about you and me, our children, our partners, our colleagues, and our relationships with one another. The similarities and differences among us as we attempt to function in today's world are explored through example and story. Struggles with power, empowerment, decision making, leadership, team work, intimacy, and isolation are described from many perspectives so that the reader may understand the complexity of the "curriculum."

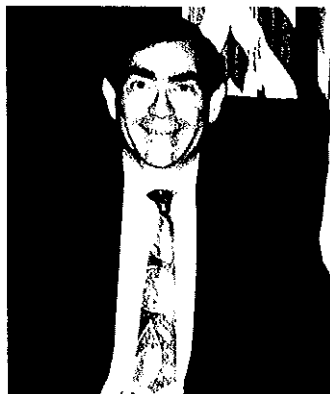
As the book progresses, so does Kegan's theory of mental development. Through a series of figures, he describes an increasingly complex order of consciousness, ending in Chapter 9, with five orders. This is the "meat" of the book, it is the premise on which the book, and the title, rests. The orders of consciousness describe cognitive, interpersonal, and intrapersonal facets of development in the context of society. The amoebae-like symbols that represent the levels of consciousness transform from a single point of consciousness to a complex, multi-celled, "trans-complex" structure at level five. Kegan suggests that most of us are capable of transforming from level three to four, but many circumstances

demand level five capabilities. The progression from level to level is not a result of acquiring more information or more skills or even of maturation, but of transformation. Developmental transformation, according to the author, is "the process by which the whole ('how I am') becomes gradually a part ('how I was') of a new whole ('how I am now')" (p. 43).

It is important to note that Kegan's work is not easy to digest. It is heavy going but worth the effort. In the prologue, he notes that he told his father that a recent work published in the United States had been translated into several other languages: his father wanted to know when it would be translated into English. Do not expect to read *In Over Our Heads* once over lightly. Take it chapter by chapter and immerse yourself in its richness. Get a couple of colleagues to read it at the same time to have someone with whom to share your discoveries. Take time to study the diagrams. They are extremely helpful for those of us who need a picture to see what the words mean. I found it helpful to look at the diagrams, read the chapter, and review the diagrams again.

It is not necessary to read *The Evolving Self* first, but a review of adult development theory may help you wade in a little more informed. If you are unfamiliar with transformative development or transformative learning, some additional reading may be helpful. Patricia Cranton's book, *Understanding and Promoting Transformative Learning*, published by Jossey-Bass in 1994 is a very good resource. She reviews Mezirow's transformative learning theory and provides practical ways to teach for development. ■

Carol L. Weaver
Assistant Professor of Adult
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PROFILE

Paul L. Biderman

Being a cabinet officer in state government is not (to say the least) a common entry in the personnel employment ledgers of state judicial educators. For the state judicial educator in the State of New Mexico, however, it is very much an entry. For four years, from January 1983 through December 1986, Paul L. Biderman served his state and Governor Toney Anaya with distinction as the Secretary of Energy and Minerals.

And how many judicial educators end up with their photograph in *Sports Illustrated* or in Kareem Abdul Jabbar's autobiography *Giant Steps*? But there he is, the first grader at P.S. 52 in New York, the one with the bow tie in the second row, memorialized in the photograph with fellow first-grader Lew Alcindor.

Alert, quiet, and reserved, forty-nine-year-old Paul Biderman gives an initial impression of reflective seriousness. In conversation, he compliments co-conversationalists by listening intently. For his many accomplishments he remains modest, pointing out matter of factly deeds he may have done differently. He keeps

physically fit, working out faithfully and taking long summer hikes in the beautiful environs of New Mexico.

Always a serious student, Paul started elementary school early, skipped eighth grade entirely, and graduated high school from the Bronx High School of Science at 16. It was in high school where he read Irving Stone's *Clarence Darrow for the Defense*, and his interest in law as his life's work was kindled.

Embers for social justice fueled Paul early in life and continue to this day. Paul attributes his social consciousness in part to immigrant grandparents from Poland and Russia who were union organizers and politically outspoken. Paul's father and uncles were similarly influential, as was, he believes, the lower middle income status of the family and the strong emphasis placed on social justice in his Judaic tradition.

At the City College of New York, for example, to which he commuted and from which he graduated with a degree in political science at age twenty, Paul cofounded the Cultural Center for Children of Harlem. He was active in

student government, the campus newspaper, and community work.

As a junior, Paul served as a summer camp counselor with a Zionist youth group in Israel for six weeks in 1965. Something interesting happened. Included in the group was a student from Los Angeles, Ellen Geffner. Three years later, Paul and Ellen married. This is the twenty-eighth year of their marriage.

Paul's time in Israel "was a moving and fascinating experience—and an inspiring one." It was Paul's first experience in another country. He had read *Exodus*. There was a pioneering climate extant. Paul and Ellen have returned a number of times, especially since Ellen's parents spend months annually in Netanya, north of Tel Aviv.

Married after his first year at New York University Law School, Paul and Ellen lived in Greenwich Village. As an anti-Vietnam War activist, Paul was protesting the Cambodian invasion, standing on the steps of the federal treasury building on Wall Street when construction workers in hard hats attacked the demonstrators. Television cameras

captured the event in 1970, the year Paul graduated from law school.

Ellen finished undergraduate school as an anthropology major the same year. Although Paul liked New York, Ellen convinced him there were other worlds to conquer. The couple moved to Crownpoint on the Navajo nation reservation in New Mexico. "More people lived in our Greenwich Village apartment than in the whole Crownpoint community," Paul reflects. It was indeed a contrast to New York. The nearest grocery store and laundromat were sixty miles distant. The pay was stark, but "it was cheap to live."

Paul served as the staff attorney and office director for DNA Services, Inc., addressing a wide range of issues including Indian jurisdiction, civil rights, educational funding, consumer issues, and domestic relations.

Two years at Crownpoint and one year at Window Rock, "which seemed like a metropolis after Crownpoint," with its traffic light, motel, and grocery store, gave Paul "a new feel for life." After the birth of their first son, Eric, the family moved in

1973 to Albuquerque where Ellen earned a master's degree in early childhood education at the University of New Mexico in 1975. Paul worked from a solo private practice and served as one of seven defense cocounsel in a celebrated case involving Chicano activists.

Moving next to Santa Fe, and welcoming the birth of second son, Seth, Paul served for six years as assistant and deputy attorney general, interrupted by a one-year hiatus as the director of litigation (and a Reginald Heber Smith Fellow) for Northern New Mexico Legal Services.

As Secretary of Energy and Minerals, he dealt with renewable energy and conservation programs, as well as coal surface mine permitting and regulation, and the regulation of oil and gas development. Politics, bureaucracy, regulation, "and a far-flung series of responsibilities" brought challenges so that "I did not get to do all that I set out to do." Still, there were achievements such as improved state enforcement of the federal "Safe Drinking Water Act."

When Paul moved from the cabinet to private practice, he and Ellen continued to demonstrate social concern. They both served on the "Commission on Social Action of Reform Judaism," an advisory group to the Union of American Hebrew Congregations addressing social policy issues. In 1988 Paul joined the "going home" delegation in El Salvador to

accompany Salvadoran refugees who were returning from ten years in Honduran refugee camps. With representatives of other faiths, the group visited war-torn villages in what proved to be a "life-shaping experience."

"This was the first really depressed, war-torn, Third World country that I had seen," Paul recounts. It provided a most tangible lesson in how destructive war can be.

So how did Paul come to the field of judicial education? Over the years, he had instructed as adjunct faculty at the law school. After four years of private practice, and not feeling his job was as purposeful as it could be, he applied for a new position of judicial education at the law school. His educational, legal, government, and political background stood him in good stead, and he was appointed in December 1991 as the director, Judicial Education Center, Institute of Public Law, University of New Mexico Law School.

"This is the most fun I've had on a job," Paul states. He enjoys the endless opportunity for creative work, expanding his knowledge, the additional time to write and to read the law, and, close to his heart, the chance to educate the judiciary in socially important areas such as domestic violence, sentencing guidelines, gender and racial bias, and substance abuse.

The law school is in Albuquerque, and Paul resides in Santa Fe; the flexible hours and the

necessity to work sometimes in Santa Fe provide diverse and less routine work patterns.

Paul particularly appreciated his experience at the Leadership Institute. "This was very positive," Paul says. He enjoyed the opportunity to form goals and to interact with the judiciary. This led him to participate in his first NASJE conference in Charleston, South Carolina. In observing others in the field, Paul reports that he was "impressed by the variety of backgrounds," the intensity and seriousness with which they approached the judicial education task, the wealth of ideas pro-pounded, the supportive climate, and the humor as well. Paul must have also impressed the group because he was elected to the NASJE board at his very first meeting. Paul serves presently as NASJE secretary. He has served on the membership, mentor, bylaws, and nominating committees. He brought three "mini-leadership institutes" to New Mexico and subsequently served as a faculty member himself.

And he still has time for continued community social action. Besides service on the NASJE board, Paul, after three years as president, continues as a regular board member of the New Mexico Community Development Loan Fund. This entity gathers capital and provides loans for job creation and business development in low income areas. It aids social service groups and

works with businesses to bring about their objectives.

Yet another board on which Paul remains active is the Ghost Ranch Conference Center Governing Board, which he serves as interim president. Paul served on the board of the St. Elizabeth's Homeless Shelter and serves on the long-range Planning Committee for his temple.

Of immense importance has been raising two children, twenty-three-year-old Eric and twenty-year-old Seth. Eric graduated from Yale with a degree in architecture, and Seth currently is a junior at Brown.

Despite such extensive commitments, Paul's interests remain diverse. He sings. After he was "flattered into it," he joined the temple choir where he sings bass. Hobbies such as reading (science and science fiction are particular areas of interest), art, music, and crossword puzzles occupy spare moments.

Involved, concerned, socially responsible, busy, quiet, modest—Paul L. Biderman. ■

Future Conferences

October 13-16, 1996

Hotel Royal Plaza
Lake Buena Vista
Florida

October 5-8, 1997

Cal-Neva
Lake Tahoe
Nevada

Three Steps to the Successful Judicial Educational Program *continued*

from its last five annual District Judges' Colleges and observing that some D.U.I. related subject was on each agenda. Evaluations from the immediate past college indicated a continuing need for education devoted to D.U.I. related issues. The statutory and case law on D.U.I. in Kentucky is relatively clear, and yet major discrepancies in rulings were occurring throughout the state.

The Education Committee appointed five of its own members to plan and coordinate the program in conjunction with Education Services and invited Kentucky's foremost authority on the intoxicilizer to participate. The Planning Committee first met in Reno, Nevada, in September 1994 at a faculty development session sponsored by the National Judicial College and NHTSA. The Planning Committee gelled at this point and set forth its goals for the May 1995 program. The foremost objective was to present the law on D.U.I. in such a manner and perspective that a judge participating in the program would not sense the presenters were criticizing or advocating. The Planning Committee sought to convey ownership of the program to the district bench from the initial announcement of the May 1995 program. Henry Weber, chair of the District Judges' Education Committee, who also served on the Planning Committee for the D.U.I. program, introduced the program at the 1994 annual District Judges' Judicial College in October. He emphasized that the D.U.I. program would be their program. Judge Weber asked the assembled judges for their input regarding the issues that would be addressed. The district judges were asked to note their concerns on a questionnaire distributed at the college. The results were compiled and later became the basis for the D.U.I. Program's content. The district judges were also told to contact any member of the Education Committee or Education

Services from then until May if further issues arose that they wanted addressed.

In November 1994, the Planning Committee decided to depart from the more traditional program delivery methods. It developed an interactive scenario, whereby attending judges would be able to rule on actual motions through a cordless responder system during a live mock court proceeding. The issues gathered through the survey at the annual college were prioritized and integrated into the scenario by the committee, which reasoned that the majority of the issues could be introduced in this plenary session and provide a continuing basis for discussion throughout the program.

The mock D.U.I. trial would be the keystone for the entire program. The committee met next in February 1995 to write the actual script. The meeting was conducted over the course of two-and-a-half days and proved to be the pivotal point in the program planning. The committee decided the script would not be detailed, but rather a finalized outline of the issues presented as a series of motions before the court. A courtroom setting is often one of spontaneity, and the committee chose to promote this sense for the sake of realism.

We wanted the judges in the audience to rule vicariously on each motion, to feel they were on the bench. The Planning Committee assigned one of its members to prosecute, one to serve as the sitting judge, and one to defend the perpetrator, who just so happened to be a judicial educator. Another member of the committee served as the bailiff. The intoxicilizer expert recruited for the Planning Committee would be called in during the live scenario to offer expert testimony. The scenario also featured testimony from the arresting officer, an actual Kentucky state trooper, who was grilled by the defense and

coddled by the prosecution, just like an actual trial.

Setting the stage for the live scenario was crucial. Cooperation from the Kentucky State Police was of utmost importance. The state police actually filmed the stop of our defendant through an audio/video equipped cruiser. The video footage of the arrest was identical to any footage a district judge might view in the course of an actual D.U.I. trial. Video was also taken of the arresting officer administering the Breathalyser™ test in a local county jail. The Breathalyser™ video would not be observed in a real trial, but served the program to introduce all intoxicilizer issues and a one-hour presentation by our resident intoxicilizer expert on the most prevalent issues surrounding breath, blood, and urine tests.

During the February meeting, the program format was also finalized. Once the course for the live scenario was established, the remainder of the program literally took on a life of its own. The live scenario would introduce the main issues. Rulings would be made by each judge through use of the cordless responder system. The results of the rulings on the individual motions would form the basis for discussion in break-out groups following the mock trial. It is important to note the success of the live scenario hinged in part on compliance with ground rules set by the program planners. Judge Weber was selected to moderate the program and explain the rules for the scenario. For instance, judges were not allowed to ask any questions during the scenario, not even for clarification. Judges were instructed to make their rulings based solely on their own observations and were not permitted to alter the fact situation in any way.

Immediately following Judge Weber's explanation of the program background and rules of procedure, the video arrest was shown on a

large screen. Judges witnessed the stop, arrest, and incarceration of the defendant, Robert O. Marley. As the video ended, lights came up and the defendant was escorted from the rear of the plenary room, set classroom style with one center aisle. The defendant was read the charges and the arraignment, and thus the scenario and program began. Once a motion was made by either the defense or prosecution, the lights would be lowered and Judge Weber would present the issue in question on an overhead. Judges then entered their rulings by means of the cordless responder to the theme of "Final Jeopardy." The results were displayed at the conclusion of the theme music, but no comment was made on the compiled responses. The scenario proceeded until all issues had been dealt with in this manner. The only interaction allowed the audience was by use of the responder.

Because no discussion was allowed during the mock trial, judges were extremely participatory in the small group sessions. The Planning Committee recruited eight of their fellow district judges to act as group facilitators. The group facilitators were trained in a session held in March 1995. The training for the small group leaders not only included an orientation on facilitation techniques, but allowed the Planning Committee to conduct a dress rehearsal of the live scenario for its first audience. The final rehearsal was held the day before the actual program. The small-group facilitators were encouraged to question and criticize. The mock trial was honed and finalized at this March meeting. The small-group leaders were charged with leading their colleagues in discussion of the issues raised in the scenario. These judges were not merely discussion leaders, but teachers in their own right, each with a learning objective. The results of the rulings made during the scenario were surprising. Fifty-fifty and sixty-forty polling were common for many of the issues presented during the scenario.

Following two small-group sessions, a plenary session was convened where the issues raised during the mock trial and discussed in the break-outs were presented once again for the judges to rule on. The results of this session evidenced a greater consensus on the same issues that showed such great disparity during the mock trial.

The mock trial and small group work served as the focus of the D.U.I. program for district judges, but could not possibly cover each of the issues and questions occurring in the course of D.U.I. adjudication. A case law presentation was presented by a Kentucky appellate judge. A session on evidentiary issues in D.U.I. adjudication was delivered by a prominent member of the Kentucky Bar. Our intoxilizer expert, an employee of the Kentucky State Police Central Forensic Lab, gave a presentation on expert testimony and Breathalyzer™ issues. A member of the Planning Committee conducted a session on D.U.I. perpetrators and featured a panel of treatment professionals from the Kentucky Cabinet for Human Resources and the Kentucky State Police Central Forensic Lab. No out-of-state presenters were employed or consulted.

The D.U.I. Program for District Judges integrated a variety of presentation techniques, but relied heavily on participant interaction. Program evaluations and needs assessments conducted by Education

Services have repeatedly indicated a desire for "judges teaching judges." One of the most satisfying aspects of working with the Kentucky judiciary is the great interest and active role these judges take in their continuing education. This is not a national aberration, but rather the rule across the country. However, it should be noted that the job of the judicial educator would be impossible without this commitment from our judiciaries. In fact, although we employed cutting edge technology, conducted a needs assessment, and used innovative presentation methods, the success of the D.U.I. Program for District Judges can be directly attributed to the more than 120 hours of commitment and preparation contributed by this program's Planning Committee. The interagency cooperation received from the National Judicial College, the National Highway and Traffic Safety Administration, the Kentucky State Police, and the Kentucky Cabinet for Human Resources also played an integral role in the production of this program.

The greatest praise offered to the planners of the D.U.I. Program for District Judges has been a repeated emulation of the techniques and format used in the May 1995 program. In fact, a two-and-one-half day specialty program devoted to domestic violence and scheduled for May 1996 has adopted the D.U.I. Program's format. ■

Guide Available

The National Highway Traffic Safety Administration (NHTSA) and the National Institute on Alcohol Abuse and Alcoholism (NIAAA) have prepared *A Guide to Sentencing DUI Offenders*. The twenty-page user-friendly document helps judges and prosecutors identify the most effective combination of sanctions and treatment for various offenders. The *Guide* was based on

published research in the field and has four main sections: sentencing, specific sanctions and remedies, rehabilitation options for offenders sentenced to treatment, and compliance and reporting. The report contains a full reference section. Copies of the guide are available by contacting the Office of Alcohol and State Programs, NTS-21, NHTSA, 400 Seventh St. SW, Washington, DC 20590. ■

New CD-Rom Active Educational Video

The Family Violence Prevention Fund (FUND) in San Francisco, cosponsor of the original *Courts and Communities Conference*, has catapulted judicial education into the technological age with its CD-ROM educational program for judges.

Now being released, this program uses CD-ROM technology to provide information and hands-on experience to criminal court judges faced with issuing rulings on domestic violence. Developed by the FUND through a grant from the State Justice Institute, *Domestic Violence: A Virtual Conference for Judges in the Criminal Courts* features knowledgeable judges and leading experts in abuse. The two-disc CD-ROM program—the first ever designed for judicial education—allows users to rule in a hypothetical case and compare their rulings to those of colleagues.

Virtual Conference is moderated by Judge Laurence Kay of the San Francisco Superior Court and begins

with a course on domestic violence provided by Dr. Anne Ganley. Following instruction, participants must pass a quiz on domestic violence to receive the password that allows them to enter the section with the hypothetical case. The program provides participants with facts surrounding the case and goals of judicial intervention, which lay the groundwork for participants to craft a ruling.

Serving as colleagues for *Virtual Conference* participants are:

- Judge Gary Carlson, of the Taylor County Circuit Court (Medford, Wisconsin);
- Judge LaDoris Cordell, of the Santa Clara County Superior Court (San Jose, California);
- Judge Larry Hauser, of the Fairfield County Superior Court (Bridgeport, Connecticut);
- Judge Gladys Kessler, of the U.S. District Court for the District of Columbia (Washington, D.C.); and

• Judge Barry Loncke, of the Municipal Court of Sacramento (Sacramento, California)

Other features of the CD-ROM make participants feel they are at a conference. An information kiosk provides statistics on domestic violence state-by-state. An exhibit of photographs by Donna Ferrato also enhances the "I'm at a conference" feeling, as does the occasional roar of a crowd. If you get lost along the way, the program has a map of the facility layout.

The *Virtual Conference* videotape was distributed to every state judicial educator in January. It is available in IBM- or Macintosh-compatible formats for \$65 from:

Family Violence
Prevention Fund
CD-ROM Project
383 Rhode Island St., Ste. 304
San Francisco, CA 94103
(415) 252-8900

ground rules for the learners. One of the ground rules should be "Be on Time." Therefore, if learners are late from a break or a meal, they would be breaking the ground rule. The consequence of breaking the ground rule is an acknowledgment that they have not kept their word and violated a class ground rule. Additionally, they could make a contribution to the charity for breaking the ground rule.

Ground rules are an effective way to have learners realize how to keep their word and agreement. Each learner would acknowledge compliance with the ground rules by standing at the beginning of the training acknowledging they would keep the ground rule.



#9: INCOMPLETE TASK

Have a project started during the class. Give a long enough break so that the project has to be completed during the break. When the class begins (on time, of course) responses to the project will be brought up to the front of the room.

I hope you will be able to use one or more of these techniques in your classes. The goal is to have sufficient time to do the training job that you are asked to do.

Good luck!

1996 NASJE

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(Terms end on December 31 of the year indicated)

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Kay Palmer, AR	1998				

Revitalizing Washington's Professional Development Program *continued*

the individuals' involvement in the program.

Several changes occurred in the leadership arena. Since court employees are often thwarted in court association participation because they are not in management positions, the committee relaxed leadership requirements. Participant involvement in any professional association or committee work related to the courts is encouraged. We expanded leadership to include membership on city, county, or regional committees that focus on court improvement or court and community relations. In the former

program a major presentation at an educational seminar was required. Now, presenting in-service training earns the participant credit toward the leadership component.

With this, PDP's renaissance began. Modifications and changes make the program simpler to understand and more comprehensive in coverage. The improved program is more attainable than its predecessor while still offering a challenging professional growth experience for the participant. There are thirty-five participants from limited and general jurisdiction courts. In January 1996 the Board

for Trial Court Education honored the first program graduate at the annual court managers' conference.

The Washington State Professional Development Program's success is the turnaround of a languished program into a viable presence. The committee re-examined the program's stated intention, sought feedback from its customers, shored up the support from the Board for Trial Court Education and the Court Management Council. The Professional Development program is alive and well in Washington. ■

Welcome to JERITT

The Judicial Education Reference Information and Technical Transfer Project

What is JERITT? JERITT is the national clearinghouse for information on continuing judicial education for judges, other judicial officers, and court personnel. Funding from the State Justice Institute (SJI) supports a number of interrelated activities that provide state, national, and federal judicial educators access to the latest information on judicial education programming, educational techniques and methods, and educational materials. JERITT is

cosponsored by NASJE and the School of Criminal Justice at Michigan State University.

JERITT provides information through publications, customized searches of JERITT databases, and direct technical assistance. Each month, JERITT receives judicial education program data from sixty-five state, national, and federal judicial education organizations, as well as from cooperating judicial education organizations in other countries. JERITT regularly surveys all judicial educators to gather information on conditions and

trends in judicial education. It also maintains a roster of judicial educators and judicial education organizations. For information contact:


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 Michigan State University
 560 Baker Hall
 East Lansing, MI 48824-1118
 (517) 353-8603
 Fax: (517) 432-1787
 E-mail:
 renee.robinson@ssc.msu.edu

or check out the JERITT home page at
<http://www.ssc.mus.edu/~jeritt>



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.

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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