



## International Judicial Education

Judicial education is relatively new in the United States, having its inception in the early 1970s. International judicial education is an even newer development. With the break up of the Soviet Union, many developing countries are interested in establishing judicial education programs and creating faculty to train their jurists. Several experienced U. S. judicial educators have been tapped for their expertise and asked to travel abroad to help those requesting countries move toward a formal judicial education program. Following are three articles, written by four judicial educators about their trips to Kazakhstan and Kyrgyzstan, Bulgaria and Croatia, and the Ukraine.

### Central Asia

Chuck A. Ericksen (*Judicial Education Manager, Washington Office of the Administrator for the Courts*)

To the many people of Central Asia, the 1991 breakup of the Soviet Union was one of the great historical events in generations. Since then, the political system of Kazakhstan has quickly passed through the initial stages of its political and cultural evolution. A declining standard of living, increasing crime and unemployment, a soaring birthrate, and the aftermath of forty years of Soviet nuclear testing has affected nearly everyone.

Although what is now happening in Kazakhstan can hardly be viewed as full-blown democratic development by Western standards, human rights guarantees are fixed in its new Constitution. The conceptual basis of these guarantees is grounded in the ideals of democracy and universally recognized

norms of international law. With regard to civil rights and freedoms, the Constitution guarantees freedom of speech, conscience, religious movement, and information. In the areas of economic and social life, the Constitution guarantees property ownership, the right to health care, education, shelter, and social security, as well as social support for the unemployed.

### CEELI

The American Bar Association sponsors the Central and East European Law Initiative (CEELI) as a public service project to advance the rule of law in the world by supporting the law reform process in Central and Eastern Europe and the new independent states of the former Soviet Union. Through various programs, CEELI makes available pro bono United States legal expertise and assistance to emerging democracies that are modifying or restructuring their laws or legal systems.

### Finding a Compass in the World of Judicial Education

In June 1996 I journeyed to one of the most remote places in the world. There, in a central Asian country, where Cossacks lived and camel caravans trod down the old silk road eons before the time of Christ, I joined a special instructional cadre of judges: Chief Justice

Joseph Nadeau, New Hampshire Supreme Court; Justice Ernst Markel, Supreme Court of Austria; and Justice Robert F. Utter, retired, Washington State Supreme Court. Together we took the first steps toward bringing approximately sixty justices and judges from four countries of Central Asia (Kazakhstan, Kyrgyzstan, Uzbekistan, and Tajikistan) into this century. The Regional Judicial Development Workshop for Central Asia introduced these judges to a system of law created a mere 200 years ago here in America. The primary topics of the five day conference were: (1) judicial ethics; (2) judicial association building; and (3) judicial education.

It was a long journey to yesterday, but what I learned there had a profound effect on me, both personally and professionally. The following excerpts from my journal demonstrate why.

*7:45 a.m., June 9, 1996—Departure from Seattle*

It's ten minutes before take-off. I wave to Jodi and the kids and board the Boeing 747. I'm on my way to Almaty, Kazakhstan, a place the United Airlines ticket agent says she has never heard of before. Somehow, that's a little unsettling. (Personally, I'd rather

*continued on page 4*

### In This Issue . . .

*International Judicial Education*

*Getting Around on the Internet*

*The NASJE Bookshelf: Robert Bolt's A Man for All Seasons*

*President's Column*

*Southeastern Regional News*

## PRESIDENT'S COLUMN

*Karen Waldrop Thorson*



Two recent educational experiences highlighted models that seem applicable to our association: one dealt with the topic of "community" and the other with "organizations" and what makes them vital.

Community was defined as a group of people drawn together for common good, whether that good be survival or achievement of a common goal. Several factors enhance the sense of community. They include interaction, interdependency, a sense of belonging, and a feeling of making a difference in both group and individual goals as a result of being involved in the community. People can come and go in the community and with them feelings and bonds can change. For me, a metaphor for community is a weaving of people and lives, each being unique but each as important as another in the bigger picture, and each dependent on the other for form and substance of the whole.

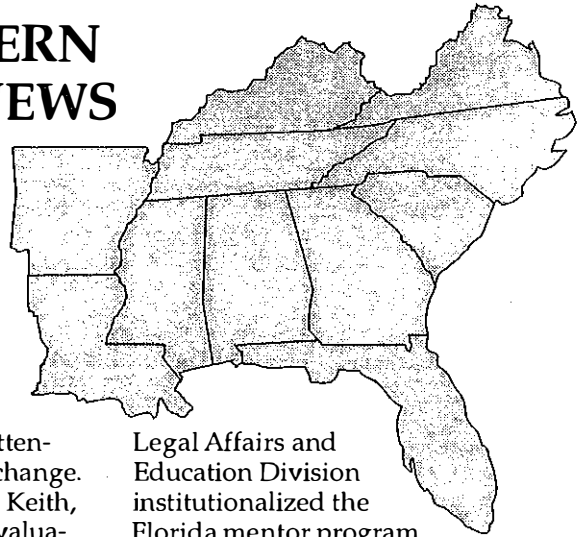
Organizations were defined as groups of people brought together within a structure, with various operating segments, to achieve certain goals. Several factors keep them vital, including a clear vision of themselves (as individuals and as organizations), clearly stated goals, a sense by participants that they receive a return on their investment (of time, support, funds, etc.) and a shared vision of where the group is going. An organization can continue despite loss of a sense of belonging so long as people invest and there is a return on that investment. People can

*continued on page 12*

## SOUTHEASTERN REGIONAL NEWS

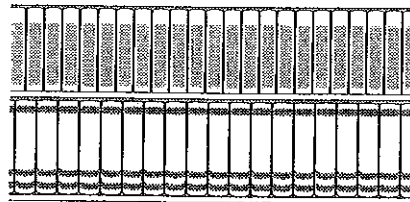
The Southeastern regional meeting during the annual conference in Orlando allowed the educators of the region the opportunity to exchange information regarding projects in progress or recently accomplished. Every member of the Southeastern Region in attendance participated in this exchange.

Some highlights: Suzanne Keith, of Tennessee, has begun an evaluation process focusing on the media's perception of the judiciary. Tom Diggs completed a video orientation for new judges and court employees in North Carolina, while Jim Drennan has obtained a Clark grant to explore sentencing in North Carolina using judges and law students at the University of North Carolina. Sherry Carson, of Georgia, has enacted a mentor program for probate and juvenile judges. Richard Rosswurm, of West Virginia, has established a case reporting system for abuse and neglect cases. In addition to hosting one of the best organized and well-run conferences NASJE has ever seen, the Florida



Legal Affairs and Education Division institutionalized the Florida mentor program for judges.

The discussion also included an identification of any problem areas and a solicitation for suggestions and new ideas regarding judicial education. The benefit of the exchange of information, suggestions, and ideas cannot be overstated. Our profession only benefits when we have and create these opportunities to interact. The Southeastern Region is exploring the possibility of conducting some sort of regional program for judicial educators and judges. All suggestions and ideas would be welcomed by Michael Pack, the regional director.



## The NASJE BOOKSHELF

**Robert Bolt, *A Man For All Seasons*. New York: Vintage International, A Division of Random House, Inc., 1990.**

*Reviewed by Blan L. Teagle, senior attorney, Florida's Office of the State Courts Administrator.*

*This is a book review, not a history lesson. Those of you who hate history just bear with it a bit. The events summarized serve as a basic plot summary and provide some context for the review.*

The historical event underpinning the play and serving as Bolt's inspiration is Henry VIII's political and religious opportunism. The Catholic king renounced the authority of one church and created another to divorce a barren wife

and marry another in hopes of producing a male heir.

Here is the historical, political, social, and religious environment inhabited by Sir Thomas More, Bolt's protagonist. Henry VIII had

*continued on page 8*

# Getting Around on the Internet

Since the use of technology in the courts and in training has proliferated over the past year, the *NASJE News* wanted to provide readers with some basic information about using these new tools, and in particular, using the Internet. The articles that follow highlight the advantage of the Internet and specific home pages in the courts today, as well as basic information about terminology, searching, and accessing information on the Internet. They are summarized from "Courts on the Internet," an article by Wendy C. Killian for the Washington State *OAC Reports*; and "Legal Research on the Internet: A Simple, How-to Guide for Courts," a memorandum from Bradley J. Hillis, a legal analyst for the Washington Office of the Administrator for the Courts.

## COURTS ON THE INTERNET

Have you visited a court "on-line" lately? If not, chances are you soon will, as increasing numbers of courts across the nation join the electronic "global village."

A literal explosion of information and interest in the World Wide Web (WWW)—the fastest and most advanced area of the Internet—has helped to put courts a mere mouse click away from anywhere in the world. Now, citizens can find out the most recent decisions of the U.S. Supreme Court.

### Why the Internet?

The Internet allows citizens to access near-instant information about courts without having to call or drive to a local courthouse, saving them—and court personnel—time and expense.

According to James Hambleton, law professor and executive director of the law library at Texas Wesleyan University School of Law, the WWW also provides a great opportunity to educate the public about courts.

"The World Wide Web holds a great deal of promise for disseminating court information. Court home pages can provide links to opinions and scheduling and docket information. Other links could provide citizens a history of the court, a description of what serving as a juror entails, and a map of the courthouse. Pictures and biographies of the judges and court personnel would help personalize the justice system. An audio clip from the chief justice could welcome users to the court,"

Hambleton explained in a recent article for *Court Technology Bulletin*. "The Web can make your court an active member of the global village."

### Court Home Pages

Current home pages showcase courts from small county courthouses to the U.S. Supreme Court in Washington, D.C.

Florida's "Judicial on-line super-highway" or JOSHUA, is an impressive example of how courts can use the Internet as an outreach tool. JOSHUA offers Internet browsers information on every aspect of the Florida court system, including information about mediation and family law rules of procedure. It also supplies up-to-the-minute state supreme court opinions and automatic links to other court home pages across the nation. JOSHUA's Internet address is <http://www/justice.courts.state.fl.us/>.

Besides Florida, several state supreme courts, including those in Alaska, North Carolina, Vermont, and Washington, post their decisions on the Internet. Current opinions and other legal information can also be found on law school home pages. The most highly acclaimed is sponsored by the Legal Information Institute at Cornell Law School. Its Internet address is: <http://www/law.cornell.edu/>.

Courts in Washington state are also beginning to post information on the Internet, usually by linking with a city or local home page. Yakima County Superior Court offers hours of operation and pro-

vides answers to questions frequently asked of court personnel.

### A Washington Court Home Page

In late January 1996, "net browsers" gained access to a variety of informational items relating to Washington courts, when the state supreme court debuted a home page on the Internet.

While the Washington home page is somewhat more limited in scope than Florida's JOSHUA system, OAC's Virginia Neal, its designer, says it offers a wide range of information to the general population and to court "users" including printouts of marriage dissolution forms, a historical look at the Washington state court system, and information for judges on judicial education.

Accessible via several electronic avenues including the Washington state home page, citizens may access the Washington State Courts home page at <http://www.wa.gov.courts>.

### Contents of the Home Page

The home page features text rather than graphics, assuring quick access for home computer users.

Items currently found on the home page include:

- Supreme Court and Court of Appeals Opinions (published and unpublished)
- Recent research reports and press announcements released by OAC
- General publications, including *A Citizen's Guide to Washington*

*continued on page 10*

## International Judicial Education, *continued*

my airline had at least some familiarity with the destination of its flights.)

A long flight ahead—twenty-seven hours “real time” to be exact, forty-one hours “unreal time” for those who reset their watches. The lengthy flight will provide ample time to learn more about my destination and the experiences of the people.

7:05 p.m., June 10, 1996—

### *Somewhere over Greenland*

*“Teaching is not only about facts and information, but supplying a compass point.”* (Olympia Dukakis to Richard Dreyfuss in *Mr. Holland’s Opus*)

Somewhere over Greenland I watched a movie that challenged my thinking about the role of a judicial educator traveling to a foreign culture. In *Mr. Holland’s Opus*, Richard Dreyfuss portrays a musician struggling to find meaning as a high school music teacher. The movie follows his lifelong journey of personal and professional development in which he ultimately finds passion in teaching via his deep caring and connection to his students.

Mr. Holland also struggles to communicate with his deaf son. His son’s handicap poses an incredible challenge to Mr. Holland, as he assumes his son cannot share in the one thing that has meant so much to him—music. However, he discovers through his son that he can translate the music into something that his son, and other deaf students, can understand—light!

Teachers must communicate in the language of the learner. My challenge in Almaty would be to communicate the role of judicial education in fostering a fair and efficient administration of justice. The communication would need to transcend the barriers of differing language, culture, and judicial systems.

Justice Nadeau, a member of the visiting team, communicated the importance of judicial demeanor during a particularly humorous role play. Eyes widened as he unexpect-

edly darted down the center isle (wooden clogs clanging on the hardwood floors), circled around the startled participants, and sprinted back to the front of the conference meeting room. Slouching in a chair, he bellowed, “first case!” The typically stoic judges burst into laughter and applause. Justice Nadeau’s humor and message transcended the barriers of language, culture, and respective judicial systems.

As Mr. Holland finally played his opus, I considered the tremendous power of teaching. Good teaching has the potential and capacity to inculcate values, beliefs, norms, and ethics. It is more than facts and figures — it is about supplying a compass point for those who follow.

9:30 a.m., June 12, 1996—*The Epic of Manas*

On my first morning in Almaty, I looked out my hotel window to a scene reminiscent of Monet’s series of paintings of Rouen Cathedral. A large industrial chimney, set against a backdrop of snow covered mountains, emitted smoke of many different hues. Throughout Almaty I would be met by angry bronze statues of Lenin still haranguing passers-by.

Looking out over the beautifully serene pasture lands that surround the city, I find it hard to imagine the slaughter that once infected this country. In the 1930s, Stalin’s attempts to convert millions of nomads into sedentary farmers and industrial workers had many tragic consequences. In protest against the enforced collectivization, the peasants began to slaughter their animals. One million Kazaks died from starvation and disease — that is, about 25 percent of the entire Kazak population. No other former Soviet Republic sustained such losses during that period.

Today, Justice Utter, his wife Betty, and I would travel the main road connecting Almaty to Bishkek (the capital of Kyrgyzstan) to meet with CEELI staff, justices, and various court personnel.

Over the next several days we would helicopter beyond crisp air valleys into the high steppes of the western ranges of the Tien Shan, the “Heavenly Mountains,” dine on the head of a goat, drink fermented mare’s milk, and basically enjoy the incredible hospitality of the Kyrgyz people.

Kyrgyzstan was spared the worst of the ecological devastation that the drive to establish industry in the former Soviet Union brought to Kazakhstan, but it faces considerable economic problems. Nevertheless, the Kyrgyz people’s unique spirit and ideals of their past are preserved in *The Epic of Manas*, one of their great pieces of oral literature. *The Epic of Manas* represents a revered narrative of people that, in spite of hardships, survived, maintained their identity, and unified in the name of a great leader. In victory, Manas ushers in an era of justice, fraternity, and unity.

For centuries this epic poem was handed down by generations of tellers of the tale, the *manaschiis*. A master *manaschii* is more than a recitor of memorized verse. He or she is expected to follow the main plot and retain the epic’s literary forms, but is free to embellish, add detail, and respond to the listeners’ comments and questions.

A master teacher is more than a conveyor of knowledge. The Kyrgyz *manaschii* realize that ‘The Epic’ is more than facts and figures — it is about supplying a compass point for those to follow.

2:30 p.m., June 21, 1996—*Almaty, Kazakhstan*

*“When a child is born, it already has two predispositions. One is the urge to eat, drink, and sleep. If this urge is not present, the body stops being the abode of the soul (it will not grow and develop). The second is the desire for knowledge. Without this desire - if one does not wish to understand everything thoroughly, or learn at least a part, one is no longer human.”* Abay Kunanbaev, Kazak poet and educator.

Our conference is drawing to a close. I have the highest respect

for my fellow faculty, foremost for their willingness to engage in nontraditional teaching. At the outset we were uncertain how judges would respond to the participatory process and reflective questions about ethics. However, after the opening question, "Why did you become a judge?" our small groups were off and running. Their stories were moving — occasionally heartbreaking. Their responses offered great insight into their sense of justice.

I had come expecting an opportunity to share information about judicial education. I left blessed by the opportunity to listen and engage in dialogue. What I discovered was that these judges were as hungry to share as they were to learn.

My experience in Kazakhstan reminded me that organizations, whether they are court systems, businesses, schools, or an entire nation, are healthiest when they have a culture open to learning. In *The Fifth Discipline*, Peter Senge characterizes a learning organization as a way to view organizations that are capable of adapting to change and developing people. "The tools and ideas presented [here] are for destroying the illusion that the world is created of separate, unrelated forces. When we give up the illusion—we can then build 'learning organizations,' organizations where people continually expand their capacity to create the results they truly desire, where new and expansive patterns of thinking are nurtured, where collective aspiration is set free, and where people are continually learning how to learn together" (p. 3).

At the closing ceremony I was overwhelmed by the deep appreciation expressed by our hosts. We shared a common language—good teaching, education, and learning. These are universal terms understood the world over. Every nation, culture, and people share a commonality of experience: *the innate desire to learn and grow personally*. I had come to Almaty expecting a conference dealing with facts and figures, I walked away with an unanticipated compass point.

7:45 p.m., June 22, 1996—*What will our opus be?*

Ground speed 595, altitude 31,000 . . . I am slowing down! Several weeks before my trip to Kazakhstan, an emotionally exhausted friend commented, "I had been traveling 900 miles an hour for the last two years and finally hit the wall." I, too, have felt that way from time to time. The judicial education profession breeds an unpredictably hectic work style with little time for reflection. My trip to Kazakhstan afforded me time to relax and to reflect on the value of judicial education and my role as a judicial educator.

Justice Utter frequently stated that an independent judicial system is the keystone to our American democracy. It is this great institution that America has that does not exist in and is denied to people in totalitarian states. The judicial education profession helps maintain free government by working to create a competent and independent judiciary and a fully effective and efficient court system. By the very nature of our profession we must meet the challenge to assist in the process of judicial reform throughout the world.

The people of Manas, Abay, and Yurts in the Tien Shan made a deep impression upon me. This blessed land has withstood many hard times. My hope is that under their new flag of independence they will overcome all the difficulties they now face. The people are building a new life founded in unity, democracy, and freedom.

### Bulgaria and Croatia

Dennis Catlin (*Executive Director, Michigan Judicial Institute*)

Recently I have had the privilege of teaching in two workshops on judicial education sponsored by the American Bar Association's Central and East European Law Initiative (CEELI). The first workshop was conducted in Bulgaria and the second in Croatia. The first week of November 1995, CEELI cosponsored with the Bulgarian Legal Initiative

for Training and Development (PIOR), a workshop on "Judicial Education and Training: Creative Approaches to Institution Building." Approximately seventy judges and ministry of justice officials from thirteen countries of Central and Eastern Europe and the newly independent states of the former Soviet Union attended. My fellow instructors included Paul Li, former director, California Center for Judicial Education & Research; Marcel LeMonde, deputy director, Ecole Nationale de la Magistrature-France; Joseph Nadeau, chief justice, New Hampshire Superior Court; and Kelly Langdon, training associate, Court Education Division, Federal Judicial Center. The workshop had two primary goals: (1) to provide participants with practical information about how to institutionalize judicial training; and (2) to provide participants with an opportunity to "network" and share ideas. The workshop provided a comparative perspective on judicial education and training models from the U.S., Western Europe, and Central and Eastern Europe; practical insights into establishing and operating judicial education and training programs and institutes; and an innovative overview of instructional methods for use in judicial training.

During the three days, my assignment was to discuss the ways in which judicial education organizations in the United States are organized and governed as well as to demonstrate some of the educational methods that are used in judicial education, including audio- and videotapes, mock trials, simulations, and role plays. The workshop also allowed representatives from several countries of the region to showcase their successes and share insights and hardships with their colleagues from the region. Many workshop participants indicated that they found the practical nature of the workshop, as well as the opportunity to meet with individuals engaged in developing training programs in other countries, to be extremely valuable. In fact, a number of workshop attendees expressed great interest in maintaining a continuing dialogue among their countries on issues related to judicial education and training. Several expressed

interest in convening annual meetings of the individuals leading the development of such programs across the regions. This desire is what led to my second trip to Croatia. The delegation of judges from Croatia asked that a similar workshop be conducted there. So, in May 1996 I was off to Croatia for two workshops, one in Zagreb, the capital, the other in Split on the Adriatic Sea. The faculty for these workshops included Judge Jan Westhoff, from the Netherlands Judicial Education Institution; Ms. Mary Noel Pepys, CEELI regional liaison; Mr. Fred Yeager, CEELI liaison for Croatia; Judge Ranko Marijan, of the Zagreb Municipal Court; Professor Sinisa Rodin, of the Zagreb law faculty; and myself. Over 150 judges participated in the workshops. In addition to judges from Croatia, a delegation of judges and lawyers from Bosnia attended the workshop in Split. While somewhat fashioned after the Bulgaria workshop, these workshops placed far more practical emphasis on developing plans to create a judicial education institution in Croatia. I taught the portion of the workshop on organization and governance and the relationship between judicial competence and an independent judiciary. In addition, Judge Westhof and I team taught the portions of the workshop related to faculty recruitment and curriculum development. The workshop participants were then divided into small groups to develop a plan for instituting judicial education in Croatia. I had several observations from these experiences. First, I found the judges committed to their profession. They are working under unbelievable conditions, with low pay, high caseloads, and no support staff. It seemed to me that one of the major struggles facing the judiciaries in these countries is putting into place the building blocks of an independent judiciary that has the confidence of the public. Even with the creation of constitutions that call for an independent judiciary, there are some very necessary elements that first have to be in place. One is the development of and commitment to a code of judicial ethics, and many countries are struggling with this. The other is a competent judiciary, and that is where judicial education

can play a vital role. Before participating in these two workshops, I had the opportunity to work on judicial education projects in Botswana, Egypt, and the Eastern Caribbean nations. These experiences, coupled with my recent work in Bulgaria and Croatia, have convinced me that the principles of judicial education we have developed in the United States are sound and that the issue is how to adapt and apply them to developing nations and emerging democracies.

### Ukraine: Part I

Laurence B. Stone (*President, CLE Associates, Inc., Columbus, Ohio, and Executive Director, retired, Judicial College, Supreme Court of Ohio*)

Phil Schopick and I have been asked to write about the Ohio Supreme Court's involvement with the Ukrainian judiciary as it moves toward the establishment of a formal judicial education program. I will provide an overview of the events leading up to the establishment of the Ukraine-Ohio Rule of Law Project office in September 1995 and Phil will report on the activities of that office.

Ukraine, with a population of fifty-two million, has approximately 5,000 judges, most of whom are carry-overs from the Soviet regime. Since declaring independence from the Soviet Union in 1991, the Ukrainian judiciary has been moving forward to develop an independent judicial system. The Supreme Court of Ohio has been deeply involved in this undertaking, especially in the area of judicial education.

In 1992, Chief Justice Thomas J. Moyer was contacted by the head of the Law Department of the Supreme Rada of Ukraine who expressed an interest in developing a relationship between the Ohio and Ukraine judiciaries—a sort of sister-state relationship. In August of that year, a six-member delegation of Ukrainian officials visited Ohio to formally begin the Ohio-Ukraine Judiciary Program. Following the delegation's participation in presentations on the U.S. and Ohio judicial systems, a tour of an Ohio law school, and tours of federal and state courts, a Memorandum of Understanding and Protocol was

signed to formalize the relationship.

In mid-1993, Chief Justice Moyer led a nine-member delegation to the Ukraine to help establish a new legal system there. The trip was funded by the Ohio State Bar Foundation. The Ohio delegation was warmly received in Ukraine and participated in activities similar to those provided to the Ukrainian delegation on their visit to Ohio.

A formal Memorandum of Understanding was entered into between the Ukraine-Ohio Rule of Law Committee and ARD-Checchi on September 28, 1994. ARD-Checchi, a Washington, D.C., firm specializing in providing assistance to emerging nations, was the recipient of a grant from the United States Agency for International Development to help the Ukraine develop a democratic judicial system, including the development of a comprehensive legal education program for judges and attorneys in the Ukraine. In addition to providing courses on substantive areas of law, the agreement called for Ohio to provide assistance in developing a judicial education program for the Ukraine.

Judge Jerry L. Hayes, chair of the Ohio Judicial College Board of Trustees, and I were in Kyiv when the Memorandum of Understanding was signed. The purpose of this visit was to begin negotiations with the ministry of justice, the supreme court, and the high arbitration court as to how Ohio could assist in a practical way. Specifically, we worked with the Ukrainian judges to establish realistic goals for the program. We also identified topics and developed a tentative schedule for presentations on U.S. law by Ohio judges. From the outset, all agreed that the best approach would be to emphasize a train the trainer program to help the Ukrainian faculty learn adult education techniques not generally employed in the Ukraine.

In December of 1994, twenty-one Ukrainian judges from the arbitration (commercial) courts spent a week in Ohio as part of a two-week visit to the United States. In Columbus, they spent several days participating in presentations on judicial ethics, alternative dispute resolution, bankruptcy and other commercial law topics, and case-flow management. Tours of local courts were also arranged.



At the end of January 1995, Judge Hayes and I were part of a delegation of five that went to Kyiv. The three judges (including Judge Hayes) and an Ohio State University law professor taught topics similar to those presented in Columbus to a different group of about twenty arbitration court judges while I met with officials to plan further cooperative efforts.

In July of 1995, the three Ukrainian judges who would have the most responsibility for establishing a judicial education program for the Ukraine spent a week with me in Columbus, learning about the Ohio Judicial College program and how it was managed. Basically, I used the NASJE Principles and Standards of Continuing Judicial Education, drawing direct parallels from each of the standards to what was being done in Ohio. To say the least, the experience was personally very rewarding. The judges were very motivated to learn about our philosophy of judicial education, the structure of our organization, and how we managed our program. I understand that many of the concepts and techniques we discussed are now being implemented in the Ukraine.

The following October, I taught a four-day faculty development workshop for a dozen Ukrainian judges who had teaching responsibilities in the Ukraine. This was a most interesting experience, as the chief method of teaching in the Ukraine has been the reading of papers in a lecture setting. The fact that everything had to be translated added to the challenge. The judges were quick to learn the techniques demonstrated and some made outstanding mini-presentations.

Before the October 1995 workshop, a formal office for the Ukraine-Ohio Rule of Law Program was established with funding from ARD-Checchi, with Phil Schopick as its director. Phil, who was on my staff at the Ohio Judicial College, has done an excellent job as the full-time program director. The program under Phil's leadership is described next.

## The Ukraine: Part II

Phil Schopick (*Director, Ukraine-Ohio Rule of Law Program, Supreme Court of Ohio*)

In September 1995, building on the work of Chief Justice Thomas J. Moyer and then-executive director of the Judicial College, Laurence B. Stone, the Supreme Court of Ohio entered into a contract (funded by USAID) with ARD/Checchi Joint Venture and set up the Ukraine-Ohio Rule of Law Program office. I had the honor to head up this effort.

The program's mission was to help the emerging democracy of the Ukraine establish its independent judiciary. To this end, program activities focused on (1) recruiting and sending faculty to the Ukraine to present courses to Ukrainian judges on substantive law issues and court administration topics, (2) presenting faculty development workshops to Ukrainian judges in Ohio, and (3) providing information and guidance that the Ukraine could use to set up a judicial training institute.

Over the thirteen months the office was in existence, we sent sixteen faculty to Kyiv to present thirteen programs on different substantive law and court administration topics. Most programs were three to four days in length.

Our faculty consisted of trial court and appellate judges, law professors, practicing attorneys, and Chief Justice Moyer. Our office helped faculty develop presentations and materials that could be as interactive as possible, given the constraints of language (few learner judges spoke any English) and time. Regarding the time issue, planning was often delayed due to scheduling changes in the Ukraine. Ironically, the one time I had a lot of time to recruit world renowned teachers for a course, the course ended up being canceled. After that, I resigned myself to, at best, a six-to-eight-week lead time.

Our programs were very well received in the Ukraine. CLE requirements for many Ukrainian judges consist of one two-week period of instruction every five years. (We hope they will increase the frequency of instruction in the future.) The judges who attended our programs made it very clear they appreciated our efforts. The instructors often said that their experience on the project was the highlight of their careers.

The faculty development workshops presented in Ohio were also well received. A suggestion for anyone else doing this kind of activity for foreign judges, however, would be to try to do it in the foreign country. You can increase your contact with your teacher judges and decrease distractions. (Distractions consist of any activity in which a visitor to our country might want to engage, especially shopping.) By presenting faculty training in the foreign country, you also decrease the possibility that people without a commitment to teaching might be included in the trip (as some kind of reward for nonteaching activities).

The last of our program activities is to help the Ukraine establish a judicial training institute. Cutbacks in funds available from the federal government have forced us to close our full-time office. But Larry Stone and I will continue Ohio's commitment on a contract basis, working specifically on helping set up the institute and establishing and training a core group of teachers who can train other teachers to use adult education techniques to convey subject matter.

Ohio still hopes that funding will come through that will enable us to broaden our activities. In the meantime, I welcome any of you interested in pursuing this type of endeavor to contact me at the Judicial College in Ohio. Any of you considering this kind of activity with any other countries are also welcome to call or write; I will be glad to share more of the specific experiences we had or maybe even participate with you on your project. It is truly exciting to participate in a project such as this one and I consider myself very fortunate to have had this opportunity. I wish those of you who are interested the joy and challenge of such an endeavor. ■

## Membership Information

To receive NASJE membership information, contact Sherry Carson, chair of the Membership Committee, at (706) 542-7403. ■

## The NASJE Bookshelf, *continued*

inherited a firmly held throne and a full treasury. England rejoiced at his youth, vigor, and intelligence—delight increased by his marriage, with papal dispensation, to his brother Arthur's widow, Catherine of Aragon. The marriage with Catherine secured an important Spanish alliance and was only the first of Henry's many acts of political opportunism in the name of nobler human virtues.

In the sixteenth century, the Tudor dynasty needed a male heir and Catherine, while shoring up relations with Spain, was able to produce only a daughter, Mary, and a disappointing and depressing succession of miscarriages, children stillborn, and children dying in infancy. Henry may or may not have sensed divine displeasure, although he spoke often enough about the marriage to Catherine having violated Leviticus because he had married his brother's widow. What is abundantly clear is that Henry required a divorce.

Catherine was the aunt of Charles V, Holy Roman Emperor—it was unlikely the pope would help Henry. Cardinal Wolsey, who, in addition to being a high-ranking churchman, was the lord high chancellor, could not arrange matters satisfactorily, was dismissed, and died before having to face the humiliation of trial for high treason.

Enter Sir Thomas More, Cardinal Wolsey's successor as lord high chancellor, a renaissance man, brilliant, witty, aristocratic, politically astute, verbally adroit, and—devoutly Catholic in a time when popular feeling and royal inclination were increasingly anti-papist and an opportunistic monarch was increasingly in need to exploit public sentiments. The church was in disrepute all over Europe. Abroad, Luther had nailed his theses to the Wittenberg church door and Calvin's star was rising in Geneva. At home, the church was unpopular because it was rich, it was "out of touch" with humanistic ideas of the Renaissance, and it was an international institution in an increasingly nationalistic, if not xenophobic, country. Henry was thus poised to exploit this unpopularity to his

political advantage. He was able to pass the Act of Supremacy, progressing to the position of "Supreme Head of the Church of England," uniting ecclesiastical and political power in one person. Thereafter, Henry's way would be clear to divorce Catherine and marry Anne Boleyn. The remaining impediment was only the lack of approbation of England's respected lord high chancellor, the highest judicial officer, Sir Thomas More. Without the imprimatur of Sir Thomas, Henry's self-aggrandizement ran the risk of being seen for what it was.

This is the backdrop for Robert Bolt's play, an intensely personal look at the moral, ethical, and legal dilemma faced by Sir Thomas More.

What does this historical footnote possibly have to do with the world of jurists of today? More to the point, how could this historical fiction inform the curriculum planning of state judicial educators?

First of all, most of us are familiar with law and literature classes and have found them to be a popular "enrichment" specialty course that some of our more experienced judges find "rejuvenating." Brandeis University has a Humanities and the Professions series of seminars with which many judicial educators are familiar. Judge Barry Schaller, of Connecticut, a respected judge and literary critic, teaches law and literature seminars. Distinguished jurists like Judge Richard Posner have written scholarly books on the relation, or as he puts it, "misunderstood relation," between law and literature. Generally, there seems to be a consensus that literature can contribute, can in fact play a vital role in the development of moral reasoning in adults.

Those of us responsible for continuing education in the legal and judicial profession have found this development of moral reasoning to be valuable for judges and court staff. There is a distance, a removed perspective, that one gains by analyzing fiction or dramatization, as opposed to one's own life or real life experiences on the bench. Literature is general in application and most great literature is impor-

tant to us because it provides an opportunity to analyze principles that may be applicable beyond the particular instances defined in the story, the play, or the poem. There is, in much great literature, a search for meaning or an actual attempt at meaning making. There is contained in stories a certain truth that seems to hold for many people over considerable time and in a variety of places. Literature is metaphoric. It is oblique. And in the safety of examining the story we sometimes learn things about ourselves as individuals and about human nature. Judges Schaller and Posner, and scholars like Sanford Lotter and Robert Szulkin, two of the pioneers in this discipline, believe that lessons learned from literature spill over and inform life decisions. Otherwise, none of these individuals and none of our judiciaries would invest time in law and literature courses. Emily Dickinson said that "there is no frigate like a book to take us lands away." What she also suggested is that the "fanciful" journeys—away from the mundane, the predictable, and the safe, familiar surrounds—teach us a lot about ourselves and sometimes sneak up on us giving us that "Aha!" or "Ugh!" moment of catharsis.

Generally, I agree with everything that these distinguished practitioners of the law and literature field advance. Yet, a problem I have sometimes heard expressed after a law and literature course—even by those who enjoy it—is: "So what?" Sometimes, the courses do not take the general principles, the suppositions, or propositions concerning the way the world is or how it ought to be, and then give the jurist an opportunity to apply the author's or the protagonist's world view to contemporary situations. The students don't get to test out the philosophy or approach to decision making discernible from the text. Robert Bolt's *A Man for All Seasons* is one of the works of art best suited to this purpose. Not only does it help us examine our own moral development, but it serves as a catalyst for examining whether, and under what circumstances, we should apply our per-



sonal moral reasoning to judicial decision making.

No modern American judge will have to confront a conflict between our national leader as the supreme head of the church and canon law that reposes that authority in an inerrant pope. Many modern jurists, however, may have to apply law that is inconsistent with their own moral, religious, or ethical views. *A Man for All Seasons* is an excellent jumping off point for examining when and under what circumstances a judge may substitute his or her moral judgment for the dictates of law.

In one passage, near the end of Act One, More, then the lord chancellor, argues with his family who urge him to arrest Richard Rich, the friend cum scoundrel who will ultimately betray him. His daughter, Margaret, speaking of this Judas Iscariot if ever there was another one says, "Father, that man's bad." More answers, "There is no law against that." His son-in-law, Roper, says, "There is! God's law!" More replies, "Then God can arrest him. . . . The law, Roper, the law. I know what's legal not what's right. And I'll stick to what's legal." Roper responds, "Then you set man's law above God's." More's retort to Roper, so critical to understanding More's view of the law is, "No, far below; but let me draw your attention to a fact—I'm *not* God. The currents and eddies of right and wrong, which you find such plain sailing, I can't navigate. I'm no voyager. But in the thickets of the law, Oh, there I'm a forester."

And Bolt, in an oft-quoted passage, has More, when assailed with the charge that he would give the devil the benefit of law, offer this riposte to Roper:

MORE: "Yes. What would you do? Cut a great road through the law after the Devil?"

ROPER: "I'd cut down every law in England to do that!"

MORE: "Oh? . . . And when the last law was down, and the Devil turned around on you—where would you hide, Roper, the laws all being flat? . . . This country's planted thick with laws from coast to coast—man's laws, not God's—and if you cut them down . . . d'you

really think you could stand upright in the winds that would blow then? . . . Yes, I'd give the Devil benefit of law, for my own safety's sake.

For More, there is a greater concern than simply the fear of anarchy or chaos. There is the humble thought that he may not be right, that he is not sure about morality. When, for example, Roper says to him, ". . . the law's your God," More replies, "Oh Roper, you're a fool, God's my God . . . but I find him rather too subtle . . . I don't know where he is nor what he wants."

The ultimate irony, as noted by Robert Bork in his article commemorating the 450th anniversary of the death of Thomas More in 1986, is that More, who seeks refuge and security in the law, ultimately commits an act of civil disobedience to it that results in his death. ("Law, Morality, and Thomas More," 31 *Catholic Lawyer*, 1-6 [1986]). As Bork puts it, "the recalcitrance that brought More to the scaffold, his refusal to take the oath that Henry's second marriage was valid and that Henry was the supreme head of the church in England—that recalcitrance may be seen . . . as More's one great act of disobedience" (id. at 4.) Bork continues, "at length [More] was asked to retreat from that final area where he located his self . . . For More, then, until law changed, it was to be obeyed. And that injunction, he applied as much to the judge on the bench as to rioters in the street." (Id.) This More did as long as he could but, finally "morality was superior to the will of the sovereign and to law in the sense that it might be brought to bear to shape or to alter that will and that law," though only to justify disobedience when the issue was of "transcendent importance." (Id.)

More's dilemma some 460 years ago is not an antique conundrum inapposite to the problems faced by modern judges. In fact, judges are called upon almost daily to apply laws with which they may not agree and, in fact, which they may find morally inimical. What the protagonist's struggle, depicted in the fictitious account of Sir Thomas More's life, can offer to the judge is much more meaningful if it is

placed in the context of contemporary decisions about, for example, euthanasia, abortion, assisted suicide, and, of course, the death penalty. The challenge for instructors and curriculum planners is to build in opportunities to reflect on and apply More's values to judicial decision making that pushes close to the margin of what the judge finds to "transcendent importance."

Not only is *A Man for All Seasons* a pertinent resource to use in a law and literature class, but it illustrates different stages of human moral and ethical development a la Kohlberg, Erickson, Perry, *et al.*, captured in several of the main characters. (At the risk of oversimplifying a complex work, Roper and More's family are the "stage one" dualists, believing in black and white, right versus wrong, and not recognizing multiple alternatives to problem solving; Cardinal Wolsey, Cromwell, and Richard Rich all exhibit varying degrees of multiplicity and relativism that can lead to cynicism, opportunism, and betrayal; and More—most difficult to categorize of all—is as dualistically committed in his religious life as he is tolerant of ambiguity and able to deal with paradox in his professional and social life—raising the possibility of engaging judges in an interesting discussion about how someone can simultaneously traverse Kohlberg's different levels of intellectual and ethical development.) See generally W. G. Perry, Jr., *Forms of Intellectual and Ethical Development in the College Years: A Scheme* (New York: Holt Rinehart & Winston, 1970).

In summary, Robert Bolt's *A Man for All Seasons* is a must read for judicial educators who are interested in the intellectual and ethical development of the judges they serve and in their own development. The play can create the opportunity for refreshing conversations in a law and literature course and may well be useful in a faculty development program, as faculty members grapple with their role in encouraging and facilitating the intellectual, moral, and ethical development of their colleagues and try to reach consensus on a definition of the "highly developed" judge. ■

## Getting Around on the Internet, *continued*

- *Courts, and Citizens and Their Courts - Building a Public Constituency, Jury Service, and A Guide to Terms Used in Washington Courts*
- State law library informational brochures
- Judicial education information
- "Judges in the Classroom" lesson plans, high school mock trial cases, and court history information
- Domestic violence information, including information on court orders, the domestic violence protection order process, and a safety plan for domestic violence victims.
- Supreme court calendars and issue summaries
- Information on JIS-Link
- Washington court directory

- Information from the Reporter of Decisions
- Domestic relations information, including forms and do-it-yourself instructions.
- Other court forms and instructions.
- Employment opportunities.

Organizers of the home page stress that input from the public and court personnel will be essential in updating and improving the Internet site.

Plans include expansion of the Washington court directory and the addition of state and local court rules.

### Internet Terminology

**World Wide Web.** A hypertext-based system on the Internet that

enables a user to access resources on the Internet by using a mouse and without typing a series of command lines. Also called the "Web" or "WWW."

**Home page.** The first screen containing information you see when you arrive at a site on the World Wide Web (WWW). Includes general information about an organization plus options or links to other WWW sites.

**Browser.** A computer program used to read a hypertext document. Examples include Mosaic, Netscape, Microsoft Internet Explorer, and Cello.

**Hypertext.** A system in which text images and sounds are linked that allows a user to browse through related topics.

# Legal Research on the Internet: A SIMPLE, HOW-TO GUIDE FOR COURTS

As many in the field of providing court information to the public are aware, the Internet is a worldwide computer network that contains a wealth of legal resources. Finding relevant federal, state, and international legal resources on the Internet is easily accomplished if one understands there are key hub sites, called law finder lists, that organize the material into on-line law libraries. Pick your favorite law library and become familiar with its nooks and crannies. This is a sort of law finder list. Another way to locate information is through an understanding of Web home page addresses, which are explained below. Use of all the Internet sites is free.

### What Is the Internet and How Do I Use It?

The Internet is composed of several "domains," the most well-known of which is the World Wide Web. The Web is attractive because of its ability to deliver graphics, and now sound and video. Other domains of the Internet—gopher, telnet, and e-mail, etc.—contain only text. The popularity of the Web means that today most people

use Web browser software to move around the Internet, whereas five years ago gopher and telnet were more widely used.

To use the Internet, one connects a home computer to the Internet provider's computer by a modem. A modem will use a regular telephone line to dial into the Internet provider's computer which, in turn, is connected via high speed fiber optic cable to the Internet itself. A growing number of public libraries offer access to the Internet at no charge for their patrons. Many public schools are also on-line.

A variety of private companies offer Internet connections at a spectrum of prices. A connection typically costs \$20-25 per month, including an e-mail account, with no additional charges for time using the Internet.

The Internet access providers help their clients obtain the necessary software to use to the Internet, such as Mosaic, Netscape, Navigator, or Microsoft Explorer World Wide Web browser, Eudora's E-mail program, Trumpet Winsock modem connection, and WS\_FTP File Transfer Protocol package. Installing the software is the most difficult part of

using the Internet. Once a computer is properly set up, using the Internet or "surfing the Net" is simple, intuitive, and even fun.

### Once on the Internet, How Do I Find Helpful Information?

There are two basic ways to locate information on the Internet. The first is a keyword search, using such services as Lycos, Webcrawler, or Alta Vista. The second approach is to use a topical index, such as Yahoo, which categorizes Internet sites into such related fields as government, and then more narrowly in law, and then into judiciary.

Of course, there are other ways to find information besides keyword searches or topical indexes. Information can also be gathered by signing up for e-mail mailing lists. For example, at the Cornell Law School site you can register to receive regular e-mail updates of U.S. Supreme Court issues. Usenet and listserv groups allow you to post questions and then receive answers. The best compilations of usenet and listserv groups available are maintained at the University of Chicago Law Library and the John Marshall School of Law.

### Understanding Internet Address: Basics

Note that the first word in the address identifies its domain: "gopher://" means it is a gopher site; "telnet://" stands for Telnet, which is often used by libraries; "ftp://" is an acronym for File Transfer Protocol and is also known as anonymous file transfer protocol sites (used for downloading of files); and "http://" means it is a World Wide Web site.

An Internet address would be entered in a title bar of a World Wide Web browser. When you mouse click "enter" or hit the return button, the Web browser goes out on the computer network, locates that address, and displays it on the video screen. There are ways to move around the Internet without using a Web browser, but that is more complicated to do and so is omitted here.

### How to Move Around an Internet Site

A Web site will usually contain both regular text for reading and underlined or specially colored text, called "hypertext." By clicking the mouse pointer on the hypertext, you launch the computer to find the underlying anchor, which may be lower down on the same page, or may be another page in the same Web site, or may be as distant as an address of another Web site. Here's an example of what you might find:

Go to: <http://www.wa.gov/courts/>  
*Hello and welcome to the courts of Washington!*

To view the family law forms [click here](#).

To read about jury service [click here](#).

To hear oral arguments from the supreme court [click here](#).

By placing the mouse pointer on the words "Click here" and pressing the left mouse button, you will open a new page—or take you down the same page — to the spot containing information on the stated topic.

### Understanding Internet Addresses: Advanced

Addresses are designed so one can figure them out by logic. This is particularly true of academic institutions, where the address of

the University of Washington Web site is: <http://www.washington.edu/> What this address means is: "www" stands for World Wide Web; "washington" is the name of the school, and "edu:" means it is an educational institution. The address for Stanford University is <http://www.stanford.edu/>; for Cornell University.

<http://www.cornell.edu/>: and Cornell Law School, which was one of the pioneer law Web sites and remains one of the best:

<http://www.law.cornell.edu/>

Now how about governments? The address for the main Web home page for the state of Washington is: <http://www.wa.gov/> Again, "www" means World Wide Web; "wa" indicates Washington; and "gov" indicates it is a "government" site. Commercial sites are denominated "com," organizations' sites end with "org," a loose affiliation uses a "net" suffix—and since it's the Internet, all sorts of exceptions exist.

Sites outside the United States end with a two letter abbreviation of the country, so sites in Canada end with "ca," in France it's "fr," and sites in the United Kingdom end in "uk." (So the Louvre museum in Paris has an address of : <http://www.louvre.fr/>.)

In some respects, there may be some flexibility in how an address is entered in your Web browser to locate a site. For instance, the Washington State Bar Association operates a Web browser to locate a site at <http://wsba.org> but you can also enter <http://www.wsba.org/> and it will work. Similarly, sometimes one can reach a gopher site by using the correct address but starting it out with the Web denominator, "http://" In other respects, addresses are very, very finicky. The addresses are case sensitive—it makes a difference whether you use upper or lowercase letters—so <http://WSBA.org> will not work.

Additional elements of an address may indicate a subdirectory. The Washington state courts home page, located on the state of Washington computer, is at <http://www.wa.gov/courts/> If a private individual has a Web site, the address will typically consist of the address of the private Internet provider, followed by a tilde (~),

and the person's name, or an abbreviation of it. Many sites do not require you to conclude with a file name; the address is sufficient.

In conclusion, the information available on the Internet is free, reliable, and easy to sort through, if you have some basic knowledge of the Web's organization. There are several possible approaches to locating legal information on the Internet. These include general searches with search engines, starting from law-specific Web indexes, or figuring out a logical Web site address. Law schools offer good sites to local links, so try their Web pages first. Use Yale Law Library to locate Connecticut statutes or University of Southern California Law School for California court opinions. While we can expect the Internet to mature in its approach to legal and educational data, and provide better service to judicial educators, courts and lawyers will benefit today from going on-line to access existing legal and educational materials.

### What Is On-line and How to Find It

The best way to learn about the Internet is to visit a home page on the World Wide Web. Here is a good page for judicial educators to visit initially.

- FindLaw, <http://www.findlaw.com/> This site allows searching of law review articles, with links to all on-line journals. A year ago most of the legal material on the Web consisted of library card catalogs. Today, the full text of books and articles are on-line (and free to access).

### Conclusion

The applicability of the Internet lies in the ability to employ low cost methods to access legal materials and distribute information to the public. The public will soon begin to purchase products and spend money on the Internet. In the years ahead, lawsuits will increasingly involve Internet related aspects, whether questions of evidence or merely communication between counsel. All of these trends mean that in the future prosecutors who are familiar with the Internet will enhance their ability to serve the public. ■

come and go in the organization; those who leave take skills and abilities with them, but those who come on board are solicited because they have something to contribute. For me, a metaphor for organization is a mechanism/machine, with inputs and outputs, an initiating force, and defined outcomes.

NASJE is clearly a community *and* an organization. Community is most evident at the annual conference when we renew friendships, share experiences, and provide support for one another. Organization is most evident in our continued operation as we attempt to stay abreast of and enhance judicial education.

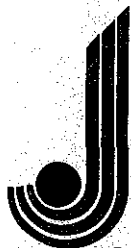
How can we as an association, as both a community and an organiza-

tion, most effectively continue to move forward? How can we meet the needs of each member, assure the viability of the association, and influence the direction of judicial education? These questions may have been answered in the past, but require constant revisiting. They involve continued self-assessment, planning, and redefinition of a shared vision. The board will attempt to answer them at its mid-winter meeting and during for the year ahead.

Like most communities, NASJE needs to assure that members feel they belong, have opportunities to take part in activities, and have an influence on what those activities are; like most organizations, NASJE needs to assure that members have a

clear vision of the future and experience a return on their investment of money, time, and energy. And like most communities and organizations, NASJE needs to appreciate and make use of the differences among people, approaches, and styles.

The board has already made three commitments toward answering these questions: participation in regional conference calls to address issues identified at the annual conference, development of a policies and procedures manual, and creation of a strategic plan for the association. As members, your continued input is vital. Belonging requires participation and getting a return requires making an investment. Let us hear from you. ■



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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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