



## Is the Myers-Briggs Type Inventory Useful in Judicial Education?

*Hon. Scott Brownell*

**F**orty-eight-year-old Ron has been an enthusiastic judge in the brand new family law division for four years. He volunteered to be among the first judges in the division. He enjoys the work, but has struggled with two recurring problems: finishing hearings on time and deciding close questions in custody and visitation matters. While he resolves property division, alimony, and support with confidence, he cannot bring himself to cut off argument when a hearing is running over its allotted time. Then, when the final facts are in, especially on custody and visitation, he frequently gets stuck on the decision itself. Lawyers are frustrated because hearing time is hard to get, and they frequently wait up to an hour or more past their set time just to get heard. They don't receive rulings for sixty to ninety days after hearings. Other judges hate to take

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over his division for all the unresolved matters littering the docket.

Fifty-four-year-old Elizabeth has been a judge for eight years and has built an unflattering reputation as the "slave master." To her there has never been a valid excuse for a continuance since she was sworn in. Moving cases is what counts. "It's what the voters want," she declares. Placed in administrative positions over other less efficient judges, she doesn't discuss policy, she announces it: "One trial date, no continuances, no excuses." Attempts to discuss or negotiate policy by lawyers or even fellow judges are dismissed. In hearings, when she has heard what she needs to decide, she says exactly that: "I've heard enough and here is my ruling," even though the lawyers may not be finished presenting evidence. While her decisions are nearly always legally correct, few who appear before her feel that they have been heard or understood. When confronted with this information, she is genuinely bewildered. She thought efficiency was universally admired.

Two perfectly competent judges and human beings, one who second-guesses himself too much and one

too little; one who has trouble with closure and decision making, one who is not troubled enough; one who sees all the possibilities inherent in a situation and can't decide, and one who stops listening and decides too quickly. One whose empathy and need to understand complicates his decision making, one whose lack of empathy and need to quickly finish creates anger and resentment. These two fictional judges are, in whole or in part, working in every jurisdiction in America.

If it is important to us as judicial educators to address the whole judge, we cannot ignore problems like these. We cannot dismiss these as personality traits and simply hope they self-correct. Judicial educators know that judging is more than the acquisition of facts and law and regurgitation in the legally correct form. Judges must also be skillful with people and problems. They must manage systems and dockets. More important, judges represent and symbolize the legal system to the citizens who use it. Whether we wish it to be so or not, the quality of the judge in our hometown speaks about the system with the loudest voice. An unfair or incompetent judge does more damage by a thousandfold than an unethical lawyer or an unfair statute.

Traditional judicial education addressed only one need of the hometown judge, that is, the delivery of the latest case law and statutory information. Programming for that need was always pretty simple. Find the hottest expert in the field and book her for a half-day "Law Update."

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### *We Have Our Grant!*

**T**he Newsletter Committee is pleased to announce that NASJE has received a grant from the State Justice Institute for continuation of funding for the *NASJE News*. The grant includes a gradual move from the traditional paper-based newsletter to a Web-based publication occur-

ring over a three-year period. Readers will be able to access the *NASJE News* from a Web page and read it interactively, responding to questions, issues, and trends via the Internet. Paper copies will be maintained for readers who do not have access to the Internet. ■



# PRESIDENT'S COLUMN

*Ellen Marshall*

The geographical topography of winter reminds me very much of the work we do as educators. As I write this column I am waiting for the first snowstorm of the season to hit D.C. The leaves that just a few months ago brought me so much visual pleasure with their brilliant crimsons and outrageous oranges no longer adorn the trees. The beautiful scent of roses and azaleas that used to greet me as I left my house is but a memory. The songs of bluebirds and cardinals are not pleasantly awakening me from slumber. These lovely sights, smells, and sounds are waiting for another spring.

This is similar to the anticipation we all feel while planning and then implementing a new education program. It takes awhile for the results of our efforts to become apparent. Sometimes we never know if our programs have really changed the participants, or if the students have actually grasped the concept we were teaching, or if the new skill has ever become part of a judge's or clerk's repertoire. We have to wait and measure and watch subtle signs until it is apparent that yes, this program has made a difference. Sometimes we never know. The long-term change that good education encourages may take several "winters" of germination before it is apparent in new attitudes, behaviors, or knowledge.

Once we do see the positive effects of a training program, however, it is like watching a flower bloom. The beauty and color and scent gradually make it something "other" than it was a few weeks before. Education usually moves a student incrementally from one level to another, not often in quantum, quick, or easily identifiable leaps. And so, we educators learn to be persons of anticipation and hope. Spring will be here.

## Judicial Education Touches Lives

I often tell my staff that we have the best job in the courts. Judicial educators are able to participate daily in what Justice Christine Durham calls "courts as learning organizations." We help facilitate the personal and professional growth of the thousands of state judges and court support personnel in our systems. Ultimately, the programs we offer affect the lives of the millions of litigants in state courts because justice is more efficient and equitable.

I have constant reminders of the effect of our education programs. Every time I see a news broadcast about a case in our courts, I realize that the trial judge probably applied some of the material taught in our December change-in-assignment training. Often I see promotional application packets of our employees that are filled with certificates of training given by our center. I hear stories from our hearing commissioners in Spanish language class about being able to conduct a *voir dire* in Spanish. When I receive interoffice memoranda, I know they are typed by someone who has taken our Microsoft Word classes. All of you have similar stories to tell.

## Committee/Board Assignments

Cathy Springer accepted my invitation to take on the treasurer's position. Cathy will perform the treasurer's duties for the remainder of Libby Hodge's term until this October's election.

Your committee interest surveys are trickling in. Thank you if you volunteered. By the time you read this column you will have been assigned a committee slot and, hopefully, participated in at least one committee teleconference meeting. As you know, committee work is the lifeblood of NASJE. Thanks to all of the members who accepted positions as chairs and cochairs of committees.

## Bylaws Update

At our next annual meeting you will probably be asked to respond to recommendations for changes in the bylaws. In January regional directors polled members about their positions on two issues: the continuation of the treasurer's position and the current committee structure. Board members discussed the feedback from all of you at the midwinter board meeting. If there are recommendations to change the bylaws, you will receive a mailing before the October 18-21, 1998 conference in Portland, Maine.

## Standards Committee

It has been seven years since the adoption of *The Principles and Standards of Continuing Judicial Education*. That important document has been the bible for state judicial educators and national providers and has been adopted by some of our colleagues in the international court community.

Since 1991 the function of judicial educators has changed significantly. For that reason the Standards Committee is working on an update of the original document and is developing standards for court support education. This project coincides with planning for the National Symposium on the Future of Judicial Education. You will be hearing much more about the standards revision project in 1998 and 1999.

## International Judicial Education

A new committee on international judicial education held its inaugural meeting at the Tahoe conference. That committee will be corresponding with organizations engaged in court education projects in other countries to alert them to the availability of NASJE members as consultants or resources to these projects. If you are interested in serving on this committee, please let me know as soon as possible. ■

# Futures Project

*Blan Teagle and Karen Thorson*

NASJE and several other judicial education providers are planning to put on an unprecedented national symposium on the future of state court education. NASJE and its partners have submitted a concept paper to the State Justice Institute (SJI) and hope to be asked to apply for a grant to fund the symposium.

A consortium of judicial education providers will participate in this project. They include the American Judicature Society, represented by Kate Sampson; the Federal Judicial Center, represented by Robert Clayman; the Judicial Division of the American Bar Association, represented by Cindy Reicin; the National Association of Court Management, represented by Frank Broccolina; the National Association of State Judicial Educators, represented by Blan Teagle and Karen Thorson; the National Center for State Courts, represented by Frank Gavin; the National Council of Juvenile and Family Court Judges, represented by Jim Toner; and the National Judicial College, represented by Mary Fran Edwards and William Brunson. The Federal Judicial Center is prohibited from actually applying for the grant but will help plan the curriculum.

In addition to the consortium, groups representing judges and court managers will be invited to participate in planning the curriculum to ensure that the needs of all stakeholders are represented. Potential participants include the American Judges Association, the National Association of Women Judges, the National College of Probate Judges, the Conference of Chief Justices, the Conference of State Court Administrators, and the National Conference of State Court Trial Judges.

## **The Initial Impetus for a National Symposium**

The original idea for this symposium came from Karen Thorson, the

state judicial educator in Arizona, and Maureen Conner, formerly of the JERITT project. They noted that the judiciary is entering a new era in which its very definition may undergo some revision. Expanding technologies, building public trust and confidence in the courts, community involvement in delivering justice, victims' rights, tough juvenile laws, and many more issues are forcing their way into the spotlight. To respond to the public it serves, the judiciary will inevitably change to meet these new needs.

Judicial education will be a critical tool in this process. As Karen has put it, "An historically reactive judicial education system will need to become proactive in order to provide the judicial system and its personnel with new information, new approaches, new strategies, and new perspectives." If the transformation of the judicial system is to be effective and efficient, judicial education as a system needs to be reviewed and ultimately reshaped in anticipation of what the future holds. This conference, if funded, will address the future challenges and opportunities of judicial education in a transforming judiciary.

## **Initiation of the Process and Development of the Concept Paper**

After initiating this concept during her presidency, Karen asked Blan Teagle to chair a NASJE Futures Committee. This committee will remain actively involved in developing the grant application and includes Paul Biderman, Rita Culbertson, Jim Drennan, Mary Fran Edwards, Libby Hodges, Hope Lochridge, Hon. Jose Lopez, Alanna Moravetz, Harvey Solomon, and Karen Thorson.

SJI's August 1997 grant guidelines issued a call for concept papers on the future of judicial branch education. The Futures Committee endorsed the idea of a broad consortium of judicial education providers, and the consortium has agreed to focus on several issues outlined by SJI, including (a) the best methods for using techno-

logically based education approaches, and the most effective ways of integrating those approaches into effective court education programs; (b) the design and implementation of programs that address all learning styles; (c) the incorporation of educational programs and opportunities as an integral part of ongoing court operations; (d) the most practical and informative methods for evaluating learning and its impact on the knowledge and skills of individual learners, the effect on the operations of their courts, and the impact on the quality of the services provided to those who use the courts; and (e) how judicial education may change over the next ten to twenty years, strategic plans for realizing those changes, and recommendations for how SJI, other grant makers, and adult education providers can assist in implementing those changes.

More important, however, this conference will focus on the current primary concerns of the judicial system as agreed upon by both the Futures Committee and the consortium—public trust and confidence in the courts. This issue has been identified as the focus of a national program next year that will be sponsored by the Conference of Chief Justices and the Conference of State Court Administrators through the National Center for State Courts. Their conference will be the culmination of many months of education and activity in individual states—gathering data, implementing community involvement in the courts, establishing communication plans, and determining changes in the system where warranted. The future of judicial education and its role in organizational development within the system are clearly linked to the vision of the chief justices and state court administrators. Implementing the vision resulting from the public trust and confidence conference will play a key role in the futures symposium and will probably be an overarching theme, as well as the focus of several specific sessions.

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# Evaluating Judicial Education Performance Indicators

*Livingston Armytage*

## The Challenge

The purpose of judicial education is enhancing judicial competence, the quality of justice, and, ultimately, the rule of law. Lofty targets! Can it be done and, if so, how can we demonstrate it?

I was recently asked if it was possible to design a credible system of performance indicators to monitor the impact of a new bench book in a foreign aid project. The funding body wanted to ensure value for money. This set me thinking. Educating judges is not like building a bridge—you can't see anything tangible. You can't be sure anything will still be there the next morning. Or can you?

So, here were my thoughts, and I would welcome your comments.

## Measuring the Impact of Judicial Education

No single indicator can comprehensively measure improvements in "the rule of law" with validity and reliability. For this reason, we need to select a range of indicators to measure the impact of the bench book. These indicators will measure specific project outputs and then "triangulate" an assessment of their outcomes on the rule of law environment. Because qualitative measurements are open to varying interpretations, preference to selection of quantitative indicators will be used to measure impact wherever possible.

## Methodology

Designing an evaluation process and selecting performance indicators for an education project involve making some pragmatic choices. These choices will determine the best available balance of what we need to measure with what we are able to measure. In practice, significant constraints limit our methodologies.

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*Livingston Armytage is a NASJE member and private consultant in judicial branch education. Your experiences and comments on this article or other methods of assessing impact are welcome.*

Most significant, it is difficult to measure changes in professional competence relating to the knowledge, skills, and attitudes that may be attributable to a bench book. Such measurements are best undertaken using formal assessment techniques, such as exams and tests, longitudinal observation and studies of performance over periods of years, and control-group testing. These techniques are, however, often not feasible. For one reason, the doctrine of judicial independence militates against formal external assessment of the performance of judges other than through analysis of appeal outcomes. Other constraints include a lack of established consensus on how to measure what makes "a good judge." Moreover, assessments of public satisfaction with judicial services are unavoidably qualitative and anecdotal. Causality may also be difficult to establish in an environment where many inputs potentially contribute to change. In addition, pressures of time and cost also limit the selection of indicators that can be used for evaluation purposes.

Given these constraints, what indicators can measure the contribution of a bench book to enhancing the rule of law with validity, reliability, and utility?

I finally came up with a two-tiered, building-block approach to performance indicators one can use to assess the process and impact of the project.

"*Process Indicators*"—These measure the implementation of a bench book project in terms of its efficiency and effort. These indicators are "internal" to the project and evaluate whether it is doing what it set out to do. Typically, these indicators should include the following.

The lead indicator relates to central project activity and efficiency; this indicator is the *publication* of the bench book on schedule and within budget.

While an integral criterion for success of this project relates to judicial learning and competence, any direct

assessment of improvement in the levels of knowledge, understanding, skills, and attitudes of individual judges is highly problematic.

For this reason, it is more appropriate to select secondary indicators relating to judges' reactions to the bench book and training. Thus, secondary indicators include *judges' participation* in faculty development training for the team of judges writing and editing the manuscript and in induction training for all other judges in the use of the bench book. Both these indicators are objective, visible, quantitative measures of project effort and efficiency.

While it may be difficult to directly measure increased competence, it is useful to measure (a) judges' satisfaction in terms of whether they perceived that the bench book added to their knowledge, understanding, skills, and attitudes, and (b) any existence of *judges' intentions* to improve judicial service delivery as a result. While these indicators are inferential in measuring qualitative perceptions of the project's value, they do enable ongoing refinement and fine tuning of the project (formative evaluation). More important, they provide the means to measure the will to improve systemic performance, which is essential to improving the rule of law (summative evaluation).

"*Impact indicators*"—These measure the effectiveness of the project's results or outcomes. They are "external" to the project, and describe objectively visible measurables and how they contribute to enhancing the rule of law.

Ultimately, the lead impact indicator is the *confidence of civil society* in the integrity of the justice process. It is not, however, easy to select any single indicator of measurement. Interviews and surveys of representatives of civil society (defined as community representatives, public interest groups, and, for that matter, members of the practicing bar) should be undertaken to assess satisfaction with judicial services, using appropriate criteria, such as protec-

tion of human rights, accessibility, openness, efficiency, transparency, understandability, and integrity. While data may be qualitative and anecdotal, assessments using standardized instruments to plot aggregated responses in *pre/post* or *internal/external* perceptions can describe measurable differences and changes attributable to the bench book.

A more visible and objective indicator of project impact is judicial performance. Key criteria for judicial performance relate to changes in the nature and incidence of judicial caseload and service delivery. This judicial management information should be regularly collected and available from the Administrative Office of the Courts (AOC) or Department of Justice (DOJ). Indicators include the number of new cases issued each year, the number of disposals, the average duration of time pending disposal, the number of appeals and the percentage of successful appeals, and the number and nature of com-

plaints against the judiciary and their outcomes. These data are fundamental to any framework of indicators, although the data may remain inferential to the extent that identified changes may be attributable to a variety of possible causes, including the bench book. Some thought will, however, have to be given to whether rising or falling rates of appeals are indicators of improvement, bearing in mind that active resort to review may be as much a symptom of public confidence in the integrity of the judicial system as a whole as it may be of perceived incompetence of one decision in particular.

Another intermediate indicator of impact relates to the incidence of *judges' use* of the bench book on a regular basis. Self-assessment surveys or observation of court behavior can collect this information.

So, in summary, the range of performance indicators available for assessment of a bench book might

include the following:

1. Publication of the bench book
2. Judges' participation in faculty development
3. Judges' participation in bench book training
4. Judges' satisfaction with the perceived usefulness of the bench book
5. Judges' intentions to improve the quality of judicial service delivery
6. Judges' use of the bench book
7. Confidence of civil society in improvements to the rule of law
8. Improvements in judicial servicing of caseloads
9. Reduction in successful appeals against decisions
10. Reduction in complaints upheld against judges

**Techniques**

A number of techniques can be used to collect data using these

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**EVALUATING JUDICIAL EDUCATION PERFORMANCE INDICATORS**

**A. Implementation or "Process" Indicators—internal measurements of project effort and efficiency**

Indicator	Criteria	Methodologies	Description
1. <i>Publication of Bench Book</i>	Timeliness and cost % population distribution Productivity of authors	Project records DOJ records Project records	Objective Quantitative Quantitative
2. <i>Participation in Faculty Development</i> <i>Faculty Development Training</i>	Participation of judges Workshops conducted	Project records Project records	Objective Quantitative
3. <i>Participation in Bench Book Training</i>	Workshops conducted Numbers of participants	Project records	Quantitative
4. <i>Satisfaction with Bench Book</i>	Perceived utility knowledge, understanding Skills and attitudes	Survey, self-assessment	Qualitative Subjective
5. <i>Intention to Improve Quality of Service</i>	Judges' intentions	Survey, self-assessment	Qualitative Subjective

**B. Outcome or "Impact" Indicators—external measurements of visible project results**

Indicator	Criteria	Methodologies	Description
6. <i>Use of Bench Book</i>	Incidence of usage	Survey, self-appraisal Observations	Subjective Quantitative Personal
7. <i>Confidence of "Civil Society"</i> (constituents to be defined)	Accessibility, openness, transparency, integrity, perceived efficiency, & effectiveness	Survey, external appraisal Selective interviews	Objective Quantitative/ Qualitative/ Systemic
8. <i>Improvements in Judicial Servicing</i>	Caseload management new case, disposals, duration to trial	Judicial management data AOC, DOJ	Objective Systemic
9. <i>Reduction in Successful Appeals</i>	Incidence of appeals Outcome of appeals	Judicial management data AOC, DOJ	Objective Systemic
10. <i>Reduction in Complaints Against Judges</i>	Incidence of complaints Outcome of complaints	AOC, DOJ data	Objective Systemic

# The Role of the Judge in Judicial Education

Hon. Judith Ann Lanzinger

As someone who took the bench almost thirteen years ago, I marvel at how much judicial education has improved. The old-fashioned CLE lecture model has yielded to dynamic sessions using adult education techniques, and audience participation is now the norm. What about the future? As a member of my state's futures commission, I sometimes wonder if we expect that current educational methods will mutate of their own accord to satisfy judicial training needs of the millennium. This is because judges, not being professional educators themselves, too willingly default to the expertise of others in defining both content and method of continuing judicial education. While allowing judges to disavow failed experiments, it also prevents them from engaging in full partnership with judicial educators to create and maintain comprehensive programs for the professional competence and personal growth of those in the judiciary. The effectiveness of a state's judicial education program is directly linked to the participation of judges during all its phases: strategic planning, design, teaching, and evaluation of courses and curricula, along with administration and implementation of the entire program.

This does not mean it is easy to bring judges into the process. Let's be honest. Judges can be difficult to work with. Some, unfortunately, suffer from the dreaded disease of "robitis," which causes an overinflated head and superheated ego; still others may be well-intentioned, but absentminded; some are inaccessible during the ordinary workday. Judges who act as faculty and who evaluate their peers quite brutally for inferior presentations may blindly resist honest criticism of their own mediocrity. A judicial board member can pose extreme difficulty if he or she does not work collaboratively.

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*Judith Ann Lanzinger is a judge in the Lucas County Court of Common Pleas, Toledo, Ohio, and vice-chair of the Ohio Judicial College.*

The independence of the bench does not always equip one for teamwork, because courtroom monarchy rather than democracy is the traditional style. All in all, educators who work regularly with judges need strong diplomatic skills and thick skins.

Yet efforts at recruiting quality judicial representatives for a state's program are worth the difficulties because of the target audience. Quite simply, judges believe other judges. For the most part, active judges understand what they and their colleagues need to better perform daily tasks and what judges want to know. "Needs assessments" performed by working judges are helpful tools to use in answering specific questions and in designing particular courses. Occasionally though, stretching must occur. No one knows what everyone actually does not know. Here, in this area of the unconscious unknown, is where professional educators must lead by broadening the field of inquiry, suggesting new paths, and persuading others that a newly designed subject will be useful and that the course will fall within the parameters set by the funding sources. Once leaders in the judiciary are convinced of the worth of an untried program, they will be among its most ardent supporters and will use their own resources to help full implementation.

How are judicial leaders found and persuaded to give time to the cause of judicial training? Because such leaders are probably those who have the most demands upon their extrajudicial time, they may need to be coaxed just a little or wooed quite a bit. Judges should be sought for what they can best personally provide within the continuum of planning, teaching, developing course materials, and administration. The more assertive may be teaching already. Other judges may offer to teach, or may be recommended by others, but should not be accepted automatically because even the most experienced judges do not always have the requisite communication

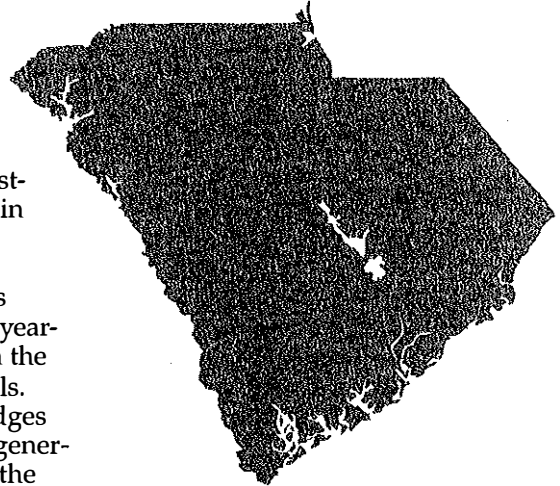
skills to be good teachers. Starting a judge in a team-teaching assignment may be the safest way to evaluate his or her qualifications. Commitment to adult education techniques and a willingness to meet deadlines for course objectives, to prepare needed materials, and to otherwise abide by general requirements should be among a candidate's virtues. Special treatment should be discouraged even for the superstars. All teachers should be evaluated continually and only the best retained. Those with quieter talents might be tapped for planning or oversight of administration; not all judges need to be involved directly in teaching.

Whatever governing body a state program has should include judges, for obvious reasons. These judges need to know what amount of time and energy is expected so they will not merely plan to fill in a résumé line. People should be selected who have a true interest in, and commitment to, judicial education. Once these individuals are chosen, education administrators should work to retain them. Leadership training and creation of an esprit de corps, possibly with periodic retreats or recognition at judicial association events, is important because more than personal satisfaction cannot usually be offered for use of their personal time.

Finally, judicial assets ought to be used in creative ways—for long-range planning in particular. Each state differs in the amount of funding and allocation of resources committed for the important work of maintaining qualified and up-to-date judiciaries. The growth in the field of professionals who belong to NASJE is just one example of progress made in recognizing the need. Judges should be an integral part of any comprehensive state plan for judicial education. The best plans will consist of a partnership that includes judges in all phases and is led by full-time educators who are tactful enough to balance power most efficiently. ■

# STATE PROFILE: South Carolina

*Yvonne A. Visser*



The present judicial education program in South Carolina is fairly modest. Schools for newly elected (by the legislature) circuit court and family court judges are conducted on an as-needed basis. These orientation schools typically last two to four days. Twice yearly, a school is held for "chief judges for administrative purposes." This daylong seminar is for circuit and family court judges who have been designated as judges for administrative purposes for a six-month term.

Both of these schools are primarily developed and conducted by sitting judges. Advisory committees for the circuit court and family court also help plan and develop agendas for these schools. Although one judge typically acts as moderator for each school, the faculty of these schools is composed of appellate court judges, attorneys specializing in specific areas of law, clerks of court, representatives from the Office of Court Administration, and employees of state agencies

with which the judges will be working closely on a regular basis.

The Office of Court Administration's Court Representative, in collaboration with the CLE (Continuing Legal Education) Division of the state bar, works closely with these committees year-round and plays a large role in the implementation of these schools.

In addition, circuit court judges typically attend a three-week general jurisdiction course through the National Judicial College in Reno, Nevada. The Office of Court Administration helps secure any available funding for the judges to attend at the earliest possible date. Family court judges are also urged to attend such schools, but traditionally funding has only been provided for circuit court judges. All judges in South Carolina are required to attend mandatory judicial education courses provided throughout the year. All but one of these mandatory courses is sponsored

by the CLE Division of the state bar.

The most recent development is the formation of a JCLE (Judicial Continuing Legal Education) Panel. Sixteen judges (appellate, circuit, master-in-equity, family, and probate) and seven administrators appointed by the chief justice will convene quarterly for a more coordinated approach in the implementation and long-term planning for bench/bar and bench-only education programs. ■

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## Futures Project, *continued*

### Management of the Process and What the Future Holds

To ensure the effectiveness of this cooperative effort, two members of the consortium have agreed to manage major components: (1) the National Judicial College has agreed to manage the grant funds, and (2) NASJE has agreed, through its Futures Committee, to draft the grant application and ultimately to facilitate the development of the curriculum and the implementation of

the conference. Financial commitments, obligations, and payments will be handled cooperatively between the National Judicial College and NASJE, with information regarding action provided to sponsors on a regular basis. Curriculum and program development, as well as conference implementation, will include all sponsoring groups. The NASJE Futures Committee will become an advisory committee, and Karen and Blan will be the commit-

tee's liaison with the consortium. At this point Blan would like to publicly thank Karen Thorson for her drafting expertise and both the consortium partners and the NASJE Futures Committee for their excellent editorial contributions.

Our target date for this program is in the late fall or winter of 1999, or possibly the early part of the year 2000. ■

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## Evaluating Judicial Education Performance Indicators, *continued*

indicators for purposes of evaluating the intervention. These techniques include:

- Comparative surveys—self, peer and external assessment
- Interviews of key stakeholders and representatives of civil society
- Observation and expert appraisal

- Baseline judicial management data from the AOC or DOJ

### Conclusion

On reflection, a variety of performance indicators should be selected with which to "triangulate" measurements of the contribution of judicial education—in this case, a

judges' bench book—to enhancing the quality of justice and rule of law. These indicators combine process and impact evaluation techniques, subjective and objective criteria, and quantitative and qualitative data. Among them, it is hoped that they reduce lofty ideals into measurable specifics. ■

# Leadership Convocation

The Leadership Convocation provided a unique opportunity for leaders of judicial education boards, commissions, and committees to share, learn, and discuss the issues permeating judicial education efforts throughout the nation. The program explored in different ways the skills, abilities, and various knowledge bases central to successful judicial education efforts. In addition, the program provided attendees with varying backgrounds a common foundation for future judicial education programs.

The full-day program held prior to the 1997 NASJE Annual Conference was divided into five segments and tapped the talents of faculty from across the country. Each section will be summarized here for the benefit of those who could not attend the program.

## A Class Act: Fundamentals of Curriculum and Program Development

The convocation opened with comments and insights from Karen Thorson, NASJE's past president, and the Honorable R. Michael Traynor, presiding judge of the Chandler (Arizona) Municipal Court. The session provided attendees with an understanding of the curriculum and program development processes and with techniques to ensure effective and efficient curriculum and program design.

Ms. Thorson addressed such issues as the purpose of education (to enable the learner to get along without a teacher), problems in program and curriculum development (being creative, meeting a great variety of needs), the need to move beyond training (proficiency in a task or skill) to education that is enriching, and how we as planners can ensure that learners retain and apply what we present.

Ms. Thorson discussed the difference between curriculum design (for example, programs such as mentoring for new judges, use of technology from the bench, and career development for experienced judges) and program design, or how we present a particular segment of curriculum (introduction, discussion of prob-

lems, presentation of new information, participant application of new information, and faculty evaluation of participant learning). She also discussed teaching, the manner in which faculty delivers a program, and delivery mechanisms, such as live presentations, self-paced individual learning, audio or videotapes, and mentoring.

Judge Traynor went into what we know about adults as learners: that with maturity they move from dependency to independence and from acceptance to questioning; that adults want to use what they learn immediately in a variety of ways; and that adults learn best when they are active participants in the learning process.

Judge Traynor discussed the "Education Planning Cycle" and how judicial educators expect faculty to narrow down course content in light of the stated goals of a particular program. He stated the importance of presenting clearly delineated needs, goals, and learning objectives so that learners know what is expected of them; selecting content based on the goals and objectives; planning presentations based on an adaptation of David Kolb's Learning Cycle (using concrete experience and reaction to establish the learner's need to know, and following up with expert information and the opportunity to apply it); and evaluating participant learning during the program.

The materials included forms used in Arizona that assist faculty in developing topics, planning presentations, and choosing between different teaching methods.

## Head of the Class: Defining Roles and Responsibilities and Creating Infrastructure

In this segment, Catherine Lowe, John Meeks, Rich Reaves, and Blan Teagle asked Leadership Convocation participants to consider how well their judicial education infrastructure functions. After describing how their own states are organized, they presented a model that defines and distinguishes each level of authority and responsibility in a judicial education organization.

The faculty emphasized that there is no preferred structure, but that leaders in education should examine the roles and responsibilities different positions in an organization should fulfill. For example, a policymaking board should focus on different issues than a curriculum-planning committee, and board members should work on matters that are different than what staff do.

The faculty then added flesh to the theoretical bones by role-playing an education committee at work. They asked the participants whether the committee members were fulfilling their responsibilities and roles as members. The faculty's overall goal was to encourage participants not to assume that their organization is functioning as well as it might. An organization can only improve, they asserted, if it first defines what its goals are and then attempts to realize those goals.

## Role Models: Introduction to the Role of Continuing Education in Personal and Professional Growth

This segment focused on the critical impact judicial education can and should have on the personal development of the people we serve. It opened with Hon. Scott Brownell, circuit judge, Twelfth Circuit, Bradenton, Florida, discussing Claxton and Murrell's six characteristics of highly developed judges. He proposed that a good course flows from specific to general to internal. By "specific" he meant providing short-term (or short-lived) adaptation of skills and performance to immediate problems. "General" indicates a broader, greater use where mastery of a discrete body of information or law is provided. "Internal" addresses personal development, where what is learned in a particular program can be applied to one's total life situation. Judge Brownell stressed the importance of integrating personal development components into programs rather than trying to present a full-day program devoted solely to personal development. He stressed the importance of *intentionally* including personal development components in our judicial branch education programs.



The next part of the "Role Models" segment focused on personal development and was led by Maureen Conner, president of Yarrow Inc.'s Center for Professional Development and Personal Growth. Ms. Conner referred to such works as *Leading from Within* by Parker Palmer and *The Tibetan Book of Living and Dying* as she suggested departing from the linear, manufacturing model of education most frequently followed in our nation's K-12 schools. She proposed that one might on occasion follow what she called the agricultural model of education, where the teacher sets the stage for education so that the learners themselves might create a valued learning experience. In so doing, the teacher must relinquish the high degree of control of the learning environment typical of the manufacturing model. Ms. Conner compared different stages of learning and development to the four seasons and asked attendees to meditate on a pivotal time of their lives and how it related to a season. She also suggested that judicial educators compare our educational programming to a season and determine how we might want to transform our programming.

**On a "Roll": Education as a Means for Shaping and Changing the Organization—A Team Approach**

In this segment of the Leadership Convocation, participants discussed education as an agent of change and, specifically, the potential for judicial education to shape the judicial system. Dee Beranek, deputy state courts administrator of the Florida Supreme Court, led this discussion. Ms. Beranek highlighted the elements we should consciously address as we build an interdisciplinary partnership among judicial educators, education committee members, and the courts. She discussed the importance of defining an institution's core values (such as due process and equal justice under law), embracing a shared vision that reflects the institution's core values, and embracing a mission or statement of organizational purpose. She examined the importance of teaching for development, the critical nature of cultivating the support of management for what we do, and the value of the unique contributions to what we do from each discipline that participates in our programs.

**When the Roll Is Called: Creating "Presence" for Judicial Branch Education**

Maureen Conner and Karen Thorson presented the final segment of the Leadership Convocation, dealing with the concept of "presence." They addressed how judicial educators can create presence and the daily and the strategic (long-range) roles of the judicial education leader. Such conversations help focus judicial educators' vision on creating presence in their respective states.

In all, the program examined the various tasks and responsibilities of the teams' participants and provided a refocused vision of what the future can hold for judicial branch education.

Beginning with some "basics" of judicial education, the Convocation challenged the thinking of participants and encouraged critical self-reflection within a team setting. Future NASJE conferences may hold a repeat of the Leadership Convocation or a more advanced program that builds upon the ideas presented in this inaugural program. ■

**MIDWEST REGIONAL NEWS**

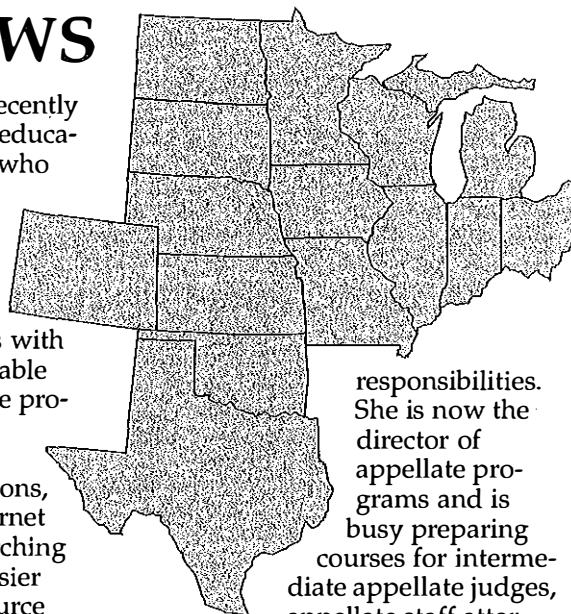
Many of us have had questions about certification programs for nonjudicial court personnel, and more of us now have answers about how to implement these programs. In the Southeast Regional News of the Winter 1997 *NASJE News*, there was an item about an Arkansas municipal and city court clerks certification program. Kay Palmer can provide information about that program. Hope Lochridge of the Texas Municipal Courts Education Center is in the midst of an SJI-funded certification program with the Texas Court Clerk's Association. More than 3,000 clerks are eligible to participate in this three-level program. Sixty-one clerks have already completed Level One, which consists of forty hours of training in ten topical areas.

In South Dakota, Dan Schenk has also been targeting nonjudicial court

personnel for education. He recently completed a series of regional education courses for deputy clerks who are not able to attend a statewide annual conference.

Jay Johnson and the Texas Association of Counties have found a way to provide judges, law clerks, and others with some easily accessible and usable resource materials. They have provided all Texas Codes and Statutes, as well as twenty years of attorney general opinions, on CD-ROM and through Internet access. According to Jay, searching for applicable law is much easier and faster with this new resource because of their master index and search engine. Jay encourages anyone who is interested in this technology to call him.

Meanwhile at the ABA, Sandra Roos has a new title and expanded



responsibilities. She is now the director of appellate programs and is busy preparing courses for intermediate appellate judges, appellate staff attorneys, and others. She is also responsible for updating and improving her department's Internet page. ■

## Is the Myers-Briggs Type Inventory Useful in Judicial Education?, *continued*

In more recent times, recognizing the need to address the whole judge, judicial educators have begun to design courses that strengthen the skills and enhance the personal development as well as update the body of knowledge of our judges.

### Purpose of the MBTI

This article discusses the ways in which the Myers-Briggs Type Inventory (MBTI) can help. The MBTI is an instrument whose purpose "is to make the theory of psychological types described by C. G. Jung (1921/1971) understandable and useful in people's lives." (*Manual: A Guide to the Development and Use of the Myers-Briggs Type Indicator* [Myers and McCaulley, 1985]). "The essence of the theory is that much seemingly random variation in behavior is actually quite orderly and consistent, being due to basic differences in the way individuals prefer to use their perception and judgment" (*ibid*). Because the MBTI deals primarily with how one gathers information (the perceiving function) and how one decides (the judging function) its potential usefulness for judges is enormous. It is almost as if it were designed especially to help judges, for what is it they do every day but gather data and make decisions?

### How the MBTI Is Used

Jung suggested that we all perform these perceiving and judging functions and two others in consistent patterns. For example, individuals who score as a Sensing type (represented by the MBTI designation as S) will collect information and be motivated to do so in ways strikingly similar to all others who score as a Sensing type. Individuals who score as an Intuitive type (represented by the MBTI designation as N) will likewise collect information and be motivated to do so in ways quite similar to all other Ns but in ways dramatically different than S types. Before they understand the strengths and values of each preference, S types often report that they view N types as flakes and dreamers. N types often report viewing S types as rigid and uncreative. After understanding the strengths and

value of each type, those conflicts, to a large extent, evaporate. But the real payoff in understanding type is that once one sees the opposite type as different but equally valuable, one can actually try the other method and, to a useful extent, develop some traits of the opposite preferences. This is personal development.

Imagine, if you will, what Elizabeth thinks of that Ron. Flake, goof off, weak-minded, no self-discipline. Imagine what Ron sees in Elizabeth. Brutal, unforgiving, unfeeling, rushes to judgment. Just on the Sensing-Intuitive scale what you are actually seeing is that Ron, an N who is full of enthusiasm, sees all the possibilities inherent in a situation, needs lots of data to feel his decisions are competent, and resists cookie-cutter solutions. His need to see all the possibilities in conjunction with his other characteristics have become a barrier to decision making. He has much to learn from the S types—namely, that he must balance his need to see all the possibilities with the reality that what is before him is often all he will ever get and the client and lawyers need a decision that is correct but also timely. Elizabeth is an S type who gathers data from her five senses and is not interested in possibilities, just the "here and now." She sees what is and is not at all interested in what might or ought to be. She has much to learn from the N types. Their enthusiasm can often inspire, and their search for all the possibilities allows that some problems don't have standard solutions. Allowing parties to complete their presentations may provide critical data that will compel a different decision.

With that brief exposition on the MBTI (my experience is that an adequate explanation of type theory and practice takes about two and one-half hours), a few ideas on its practical use in judicial education are in order here.

### Fact-finding and Decision-making Courses

The MBTI has been used in these types of courses from California to Florida. It is ideal for one- and two-week courses. The MBTI is given

and interpreted on the first day, and the patterns and motivations of each type and the value of the opposite type are easily woven into other topics. My experience as a faculty member and as a participant in such courses is that participants experience genuine and dramatic change in the way they see themselves and their roles on the bench, and they attribute a large part of that dramatic change to an understanding of the MBTI.

### Courses for New Judges

In Florida judges who have not yet heard their first case come to the Florida Pre-Bench program. They have already taken the MBTI. Based on the evaluations, one of the most valuable experiences at the Pre-Bench program is the videotaped hypothetical case. They are escorted to a bench, with a bailiff and jury, cranky lawyers, robe and all. The hypothetical presentation challenges the judges with several behavioral and procedural problems. The judges' responses are videotaped. The faculty for these exercises has been trained in type for the limited purpose of recognizing and identifying behaviors of new judges that may be consistent with type and point out when a deeper understanding of type might be helpful. For example, the faculty knows that *Extraverted* types tend to sort out their thoughts by talking, that is, *thinking* out loud. Watching a new judge do her problem solving by thinking out loud may give rise to a suggestion to the new judge of the benefits of that practice (for example, Everybody knows what's on your mind—do you want that?) and the detriments (for example, It helps you sort through ideas, but looks to others like you making a decision, then reversing course and making another. This disturbs *Introverts* who do their best thinking quietly and internally—do you want that?). The faculty is instructed not to interpret the MBTI, but rather to look for and point out some behaviors (the helpful and not so helpful) demonstrated by the judges as they work their way through the hypothetical problem. Many judges report that

this exercise gives them a revealing insight into their own habits and behavior and is a confidence booster. Few have found it not helpful.

### Courses on Collegiality

The MBTI is a marvelous tool to help participants identify the barriers to collegiality that lie in type. As mentioned above, *Introverts* tend to see the opposite type, *Extraverts*, as superficial and not terribly thoughtful. Extravert types tend to see Introverts as unfriendly, shy, and not too communicative. After a proper introduction to type the participants typically report new understanding of the strengths of the opposite type and the weaknesses of their own. The potential payoff in improved collegiality on the trial and especially the appellate bench is enormous.

### Mentor-training Courses

Mentoring is the hot social services topic at many levels, including the legal system. The Florida judicial mentors, assigned to a new judge for a year, are trained before taking on a protégé. Part of that training is nearly a full day of MBTI interpretation and education with hypothetical protégé problems to solve. An example of how this might work can be illustrated as follows: one of the scales on the MBTI is the Thinking-Feeling Scale, which identifies what sets of values one uses to make decisions. Thinking types tend to use impersonal considerations to solve problems, considerations such as logic, fairness, what the rules require, and the need for consistency. Feeling types tend to use very personal kinds of values to reach their decisions such as "Who will this hurt?" "Is this consistent with my own values?" "What will my decision do to this family or group—what do they need?"

What type is Ron? What type is Elizabeth? Ron appears to be a Feeling type. Unable to cut off argument, he may be saying to himself, "This is really important to them, I don't want to hurt feelings, especially because we're dealing with human lives here." In pointing out to Ron that his warmth and extra effort are appreciated by the people in front of him, one might also suggest that the people in the hall are being hurt by being so far off sched-

ule. His mentor might point out some Thinking type solutions that a Feeling type can live with—like announcing at the beginning of each hearing, "I only have this much time. I know you have a lot to tell me. If we don't finish by then I'll find more time, but not today."

Elizabeth is a Thinking type—only results count. We Ts (the author is an ENTP Extraverted, Intuitive, Thinking, Perceiving type) often hurt people's feelings without knowing it. She might benefit by understanding that her strengths—efficiency and certainty and achievement—come with a personal cost to those before her and to her own reputation. A mentor might couch advice in MBTI terms by suggesting, through her powerful sense of logic, that making sure everyone finishes their evidence and arguments before she announces her decision gives the parties the sense that they were heard. Then, win or lose, each had a day in court.

### MBTI and Stress

The MBTI does not measure stress. However, because it reveals patterns of behavior and motivations for behavior it can be a useful predictor of stress and stressful situations. Courses have been offered in judicial education on the subject of type and stress generally and, in Florida, on type and stress in family court.

### What Are the Concerns about the MBTI?

Sensing types who are reading this are asking, "Of what practical value is the MBTI?" The answer is, this simple instrument can be the gateway to programming education for the whole judge. It reaches areas of personal development and skills untouched by traditional judicial education.

Intuitive types may ask, "What are the possible future benefits of the MBTI?" Five types of courses in which type played a key role have been listed above. The use of the MBTI in other kinds of courses is limited only by one's creativity.

Thinking types may be skeptical about the MBTI because skepticism is an important aspect of thinking. Thinking types may adopt a "wait and see" approach and will need to

see a reliable assessment of such programs before buying in.

Introverts will be asking themselves about privacy issues related to the instrument. In Florida, the original answer sheet is returned to the judge, and only the protégé and the mentor know the protégé's type. However, it is common in a two-hour MBTI presentation for all participants to readily reveal their own types to their colleagues.

### What Are the Mechanics of the MBTI?

The instrument is an inventory, not a test. That is, it relies on self-reporting of preferences and motivations. It does not test intelligence, competence, character, mental illness, maturity, affluence, "normalcy," trauma, or knowledge. It has been the subject of hundreds of statistical analyses and found, time after time, to be a statistically reliable instrument. It is given millions of times per year in schools, from elementary to graduate school, in business, in all branches of the military, and in governmental and professional organizations. The MBTI takes about one-half hour to complete and must be interpreted by one certified to administer and interpret the instrument. Certification classes are offered by several authorized organizations throughout the year, a few of which are listed here: Center for Applications of Psychological Type (CAPI), 2815 NW 13th Street, Suite 401, Gainesville, FL 32609; Consulting Psychologists Press (CPP), 3803 Bayshore Road, Palo Alto, CA, 94303; and the Association for Psychological Type (APT), 9140 Ward Parkway, Kansas City, MO 64114-3313.

### Conclusion

The MBTI is a simple tool, easily explained, easily understood, highly reliable, and readily useful and practical in revealing and explaining why judges do much of what they do. It provides opportunities to appreciate the strengths of our preferences, to adjust to the weaknesses, and to develop an appreciation for the strengths of people whose preferences are of the opposite type. The author is an *Extravert* who welcomes opportunities to discuss the MBTI and judicial education. ■

# FAREWELL!

The Newsletter Committee would like to express their sincere appreciation to two outstanding members: Maureen Lally (WA) and Michael Pack (KY). Maureen's term on the Newsletter Committee has expired and Michael has resigned due to other duties. Maureen has contributed many outstanding articles for publication in *NASJE News* and, together with Diane Cowdrey, worked closely on the recent SJI grant application. Her term on the committee began in 1990 and she recently served as co-chair. The committee is especially grateful for the many suggestions that

Maureen provided in the development of articles and for recommending Joel Sellingham as our recent evaluator.

Michael Pack has also contributed many outstanding articles and ideas for *NASJE News* and has been extremely helpful in the development of the SJI grant application. Michael's expertise in the Internet and Web sites provided the committee with new ideas for publishing the newsletter. He has served on the committee since 1995. Anne Kelly has also stepped down from her position as editor, due to increasing responsibilities in the Publications

arm of the National Center. Anne has served as editor of the *NASJE News* since 1994 and the committee will miss her excellent editing skills and her ability to keep the committee on track in a good natured way. Chuck Campbell, who has worked on the *NASJE News* before as an associate editor, will now serve as managing editor. Chuck is also the managing editor of the National Center's *Center Court* newsletter and *Justice System Journal*.

A fond farewell and heartfelt thanks to Maureen, Michael, and Anne! ■



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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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