

Turning Mediation Inward: Training Court Staff for Sustainable Conflict Management

by H. Clifton Grandy and Julia A. Roig

The business of the courts is dispute resolution: disseminating justice and helping citizens resolve their complaints against each other. But how does the community inside the courthouse—judges, managers, employees—resolve its own internal conflicts? Like any other large organization, courts are faced with all types of disputes stemming from human interaction: interpersonal conflicts, grievances, and equal

employment opportunity complaints. As court managers increasingly experience direct and hidden costs of conflict in the workplace, they will recognize the importance of creating opportunities to deal with internal disputes creatively and collaboratively. As beacons of innovation, judicial educators have an important role to play in sustaining efforts to address conflict effectively within our court communities.

Mediation: A Creative Conflict Management Option

One of the recognized methods of restorative and collaborative conflict resolution is mediation. Parties to a dispute are assisted by a neutral third party, who facilitates a dialogue to help them resolve their conflict. Mediation offers the flexibility to address a dispute with the full input and assent of the people involved and provides the opportunity for creative, "win-win" solutions. Mediation is a familiar process to court managers, as many courts use mediation to help litigants settle cases.

The District of Columbia Courts are among the leaders in the field of
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H. Clifton Grandy is senior court manager and Julia Roig is staff associate of the Employee Mediation Office of the District of Columbia Courts. The final report of the SJI-funded pilot project will include program design information and the model curriculum for the

General Mediation Skills Training, along with a Trainers' Guide. For more information on the Employee Mediation Office of the D.C. Courts, please contact H. Clifton Grandy or Julia Roig at (202) 879-4246.

National Conference on Public Trust and Confidence in the Justice System

May 13-15, 1999 ■ Washington, D.C.

Following are excerpts from the conference summary provided by planning cochairs. For additional information about the conference, visit the Web site at www.ncsc.dni.us/ptc/ptc.htm.

Five hundred leaders from state and federal courts, the bar, the media, and citizen groups convened in the first-ever conference addressing the serious issue of public trust in the justice system. Many chief justices of state supreme courts were present in recognition of the importance of the conference. Forty-six states sent teams, as did Guam and Puerto Rico.

John A. Curtin and Thomas A. Zlaket, cochairs of the conference planning committee, explained that the participants would be asked to engage in an intensive strategic planning exercise leading to prioritization of the steps to be taken to increase public confidence. The gist of the overview was that the conferees would sequentially address five questions: How serious is the over-

all issue of public trust? What are the critical issues affecting public trust? What are the most effective strategies to deal with the critical issues? What are the barriers to effectuating these strategies? What actions can be taken at the national level to help surmount the barriers and support effective strategy implementation?

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PRESIDENT'S COLUMN

Blain L. Teagle

NASJE has had a very active spring. This column highlights several ongoing NASJE projects, including the National Symposium, the Report from the Ad Hoc Committee to Study the Election Process, the Futures Committee Project for the National Symposium, the Standards Committee Survey, and the Ad Hoc Committee on the Future of the Profession.

National Symposium

I am excited to report that 46 states, two territories, the Navajo Nation, and a number of national organizations are sending teams to the National Symposium. Thus far, more than 20 chief justices and more than 30 state court administrators will attend as members of their state teams. The response has been overwhelming, and the collaboration among the coalition partners has been gratifying. On June 18 and 19, Karen Thorson, Maureen Conner, William Brunson, Clem Bezold, and I facilitated a two-day faculty meeting with seventeen distinguished Symposium faculty. The faculty is an amazingly talented and diverse group, who will bring depth and richness to the Symposium. At the faculty meeting we discussed the importance of interweaving the six conference themes:

- Adult education principles and practices
- Diversity and fairness
- Future projections for all topics
- Left-brain and right-brain experiences
- Public trust and confidence
- Education as a tool for change

We familiarized faculty with "futures" thinking and emphasized that before moving into the future, participants must be familiar with the present. It was noted

that courts as an institution are guided by precedent and *stare decisis*; by text; and by history, precedent, and tradition, what Jeffrey Rosen of *The New Republic* calls the conventional tools of legal interpretation. As an institution, the judiciary is not familiar with the notion of forecasting. Faculty were introduced to trend analysis and forecasting techniques so that they will be comfortable conversing about and incorporating these themes into their presentations.

Finally, faculty were given an opportunity to develop lesson plans that incorporate sound adult education methodologies.

Please remember that all Symposium teams must designate a team facilitator. Clem Bezold, Maureen Conner, Karen Thorson, Joan McIntosh, and I will facilitate a pre-Symposium session for facilitators on Wednesday, October 6. During this session, we will provide critical information to facilitators on how to establish teamwork, provide teams with necessary information on forecasting and visioning, and employ strategies to move the teams forward, both during and after the symposium.

Related to the whole theme of futures thinking and analytical methods of forecasting, I also ask all facilitators to read *and* distribute to their teams the excellent *JERITT Bulletins* written by Maureen Conner on these subjects. It is absolutely essential that these *JERITT Bulletins* be shared with all Symposium team members so they will be familiar with the concepts before arriving in October.

Special Committee to Study the Election Process

Martha Kilbourn has provided sound leadership to this committee, who presented their formal findings and recommendations to

the NASJE Board of Directors at its June teleconference meeting. This committee's recommendations have been forwarded to the NASJE Bylaws Committee, which is chaired by Susan Leseman. That committee will be preparing several proposed amendments to the NASJE Bylaws. These amendments will address concerns expressed by NASJE members regarding clarification of membership status at the time of election to an office and dealing with the issue of proxy voting. Please look for these proposed amendments in the mail and give them your careful attention before the NASJE Annual Conference.

NASJE Futures Committee Contribution to the National Symposium

The NASJE Futures Committee, under the energetic leadership of Cathy Lowe, has taken on a major responsibility for the National Symposium. The NASJE Futures Committee is contacting all participating teams and coordinating the involvement of as many as possible in presenting best practices displays at the Symposium. I hope that all NASJE members will express their appreciation to Cathy Lowe and her committee members for the hard work they have put into coordinating this extremely important component of the National Symposium. In addition to the educational sessions, this promises to be one of the most practical components at the Symposium, offering state judicial education officers and policy and planning board members an opportunity to benefit from the best practices of colleagues nationwide.

Survey from Standards Committee

The Standards Committee, under the able leadership of

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Editorial

Judicial Education: A Profession?

Maureen E. Conner's new monograph, *Claiming Status in an Emerging Occupation: A Study of State Judicial Education in America* (JERITT Monograph 9, 1999), challenges us to ask some weighty questions about our profession—or, more to the point, to ask whether we even are a profession.

Ms. Conner painstakingly surveyed the chief judicial educator in each state. Her questions probed into our self-image, and our perception of the images that others hold of us, as the providers of educational services to our respective judiciaries. What do we value about the services we provide? What do others—colleagues, clients, even significant others—value about those services? How many elements of a profession does judicial education possess or lack?

Ms. Conner compiled our responses and compared them with several models developed by social scientists to define occupations that have achieved professional status. What she found was that, whichever model she used, our own image of who we are and what we do met hardly any of the criteria for claiming professional status. Although many of us may have come to our positions with our own professional credentials from related disciplines, judicial education itself clearly has not achieved that level of recognition.

The monograph leaves for future study the question of whether professional status is desirable for us, or even, for that matter, for those in fields traditionally regarded as professional. Would our achievement of professional status, for example, discourage creative programming ideas

from judges or court staff feeling obliged to defer to our credentials? Would it produce artificial entry barriers that might discourage or inhibit creative people offering a variety of backgrounds from entering our field? Might it even politicize us, causing us to concentrate more on our political self-interest and less on client services? These questions should be among the issues judicial educators address as NASJE takes a more active role in national programs and its members continue to achieve international standing for providing quality continuing judicial branch education and training.

We believe that a dialogue on these questions will generate valuable ideas for enhancing our performance and standing as judicial educators. In particular, we find poten-

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Advice Column

NASJE Knows

The NASJE News is pleased to offer a new feature: a forum in which judicial educators can explore ethical and practical dilemmas. What makes us different from Ann Landers is that

- (1) we don't have her reputation, so you can disagree with us all you want, and more important,*
- (2) we want readers to see our advice as the beginning of a discussion, not the last word.*

At the end of this column, we'll explain how we hope to continue the discussions we begin here.

Now on to our first question.

Dear NASJE Knows:

A state agency has offered my newly organized state judicial education program a contract to put on a judicial training program on handling drunk-driving cases. Drunk driving is a serious problem in our state; our judges have been asking for more training in this area, and with the extra funds we can afford to put on the kind of thorough training that wouldn't be possible under our regular budget. The problem is that the state agency

seems to want us to get the judges to acquit less drunk drivers on technicalities and to impose tougher sentences. We want to give the judges the training but we are concerned about our credibility if we sound too one-sided. Should we refuse the contract?

Perplexed

Dear Perplexed:

Not necessarily, but you should proceed very cautiously before accepting it. You are right to be concerned for your integrity and to be ready to give up funds if nec-

essary to preserve your program's reputation. Judges are rightly concerned over their independence and over out-of-court attempts to influence their decisions. If your program ever becomes known as a mouthpiece for special interests of any kind, judges will respond by attacking your program instead of benefiting from it, and rightly so.

Intensive negotiations with your state agency may, however, lead to an acceptable outcome. You can tell them that you would like to offer a program on drunk-driving litigation, but it will have to present a balanced viewpoint. You may insist, for example, that any

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Fund Raising II: Some Considerations for Judicial Educators

by Paul Biderman

Once the organization feels ready to present to funders the picture it has developed of itself, some practical considerations come into play. One such consideration is the distinction between judicial education organizations and other kinds of nonprofit groups. Unlike many cultural, social service, religious, or private educational institutions, judicial education organizations almost always obtain their basic funding directly or indirectly from state or local government. Additional funding opportunities arise from three primary sources: grants from federal agencies, state agency contracts (which often contract with federal funds), and private foundations or donors. (Some suggestions on funding sources will be provided as supplemental material to this article on the *NASJE News* Web site.) Judicial education organizations look to these sources to fund supplemental projects rather than basic operations. This is a distinct advantage over the nonprofit sector, which often has to scramble to survive, but a situation that can nonetheless offer some traps for the unwary.

The Bargain Application

One such trap is the temptation to enhance the chances for grant awards by offering funders spectacular projects at bargain rates. This approach may indeed result in a

In our last issue, NASJE News discussed the importance of self-reflection and development of an organizational philosophy before judicial education organizations undertake fund raising. This issue continues this discussion with some practical considerations that arise for judicial educators who begin their quest for additional resources.

binge of funding, but that binge will likely be followed by a major morning-after headache.

When drafting grant applications, it is extremely tempting to promise the moon. And certainly, an application has to offer original and ambitious ideas to interest most

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funding sources. The problem comes when an overly ambitious proposal requests—and receives—too little money to see it through to completion. The initial euphoria over receiving the grant award can soon change to despair as the funding runs out while the project lingers on. An even worse situation can arise when staff are hired to implement a funded project, only to be laid off or transferred when the money runs out before the project has been completed, their duties redistributed to a staff that knows

little about the project and has plenty else to do already.

It is essential that project budgets be carefully thought through before the grant application is submitted. While projections of staff time and numbers of participants may be difficult to make, failure to anticipate the worst-cost scenario can turn a dream grant into a nightmare. Be sure to provide enough funding to cover administrative costs, as discussed in the next section. Your funding source may well be willing to fund more than you anticipate to get the project done, and lowballing your request may add nothing to the strength of the application. An alternative is to keep the funding request conservative, but do so expecting to fall short and to supplement the project with internal funds, even beyond any matching requirements. This may be an appropriate course when judicial education organizational resources are already committed to a project, but outside funding is needed to cover the costs of transforming a good program into an excellent one.

Where no single source is available to provide all the funding needed for a project, funding the project from several sources may prove a useful strategy. It can encourage several funders to buy in to future funding relationships with your agency, and it may add to the agency's credibility by lengthening the list of committed supporters. Nonetheless, when piecing together the various funding segments, be sure that the numbers add up to all the funds that will ultimately be needed to see the project through.

The Shotgun Applicant

A second trap for judicial education organizations is attempting to become a grant-funded program despite the absence of full-time

grant writers and managers on the staff. Most judicial education organizations are too small to hire full-time grant managers, and any that did might be looked at a bit oddly since their basic funding almost always comes from public funds. Yet the absence of full-time grant writers and managers means that when supplemental funds are needed to undertake a project, someone has to be drafted to write the application, to oversee the timelines and budget, and to prepare periodic and final reports to the funding source, among other responsibilities. Unless all these duties were anticipated as part of that person's job description, they can prove extremely time-consuming, and the other duties of the responsible staff members may suffer from their obligation to feed and care for the grant.

Be selective about the grants you seek. For any project a judicial educator may want to produce, it is often easy to identify quite a few funders in a particular interest area. It is then tempting to start applying to all of them, figuring that a shotgun takes down more ducks than a rifle. To protect part-time grant writers and managers against unnecessary or unfruitful overwork, aim for the funding sources that most closely match your needs in area of interest, size of grants, and likelihood of success.

For example, when looking at foundations, don't stop reading when their Web site tells you they will fund projects to "improve the administration of justice." Consider the percentage of applications the funder typically responds to with awards versus how many applications it gets; the areas of interest and kinds of projects that usually get funded; the size of the grants that have been awarded in the past; and, most important, who gets funded. Are state or local agencies often recipients of funds, or do private nonprofits seem to draw down most of the grants? How elaborate are the application process and reporting requirements? How closely do the funding cycles match your needs? These factors all bear on the likelihood of the application succeeding and on the application and administration time that the

grant will consume. They should be weighed against the value placed on the project and the time available for seeking and overseeing the grant.

Money for the Mundane?

A third trap especially important to judicial educators is the danger, in the quest for additional resources, of losing sight of the real goal: providing good-quality judicial education services. First and foremost, the judicial education organization exists to provide relevant, well-presented programming. State agencies and foundations that have

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funds to give may also have a message to send. As discussed in this month's "NASJE Knows" column, the judicial education organization should never allow itself to appear compromised by being used as a conduit for a point of view in exchange for funds. If negotiations with the funder to preserve the integrity and balance of the programs do not succeed, the funding should be relinquished.

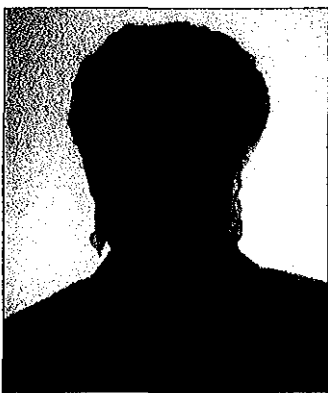
Equally important to preserving balance and integrity in programming is providing interesting programs. One judicial education organization accepted \$15,000 from a

federal agency in exchange for letting its trainers make a *full-day* presentation to limited jurisdiction judges on the regulation of oversized truck traffic on interstate highways. The judges were not appreciative of this use of their limited education time—and that judicial education organization ended up turning over its \$15,000 to its replacement judicial education agency the ensuing year.

While federal and state funding agencies may have priorities to address, responsible fund administrators will understand that their money cannot be used to *ex parte* the judiciary. These administrators can be persuaded to contract for quality educational programming aimed at improving judicial knowledge, understanding, and skills in specialized areas, not at trying to influence outcomes of cases. Nor should even unbiased judicial agendas be set by agencies external to the judiciary. If the subject matter is not of interest to the judges, no one will benefit, least of all the funding source.

Conclusion

Despite the potential pitfalls, judicial educators have much to gain by collaborating with funders aside from their state governments. Considerable federal money is currently available for programming in domestic violence, driving under the influence and other traffic safety issues, and children's law issues, among other vital areas. These and other sources can greatly enrich the quality and quantity of judicial education programs. The point is not to let the perils scare you off, but to help you recognize them and proceed more confidently when seeking supplemental funds. Above all, remember that no one has better access to the judges' educational ears than state and local judicial educators, and if the outside funders want any access at all, it has to be on the terms that meet your high standards. ■



PROFILE

Franny Maguire *by Paul Biderman*

NASJE president-elect Franny Maguire's career as a judicial educator has been as productive and interesting as we are likely to find among us, as many of her colleagues already know. Even more interesting, however, is the story of how Franny became a judicial educator in the first place. It started over twenty years ago.

The year is 1977; the place, Wilmington, Delaware. You can find Franny Maguire at home, raising her five children. Franny is a fourth-generation descendant of Irish immigrants. She has earned her bachelor's degree in business from the University of Delaware. Her father works for Dupont; her mother teaches school. She is one of the countless mothers dedicating her life to bringing up healthy and happy children in solid, loving homes.

But 1977 is also the International Year of the Child, a worldwide call to action on behalf of children everywhere. Franny hears that call. She realizes the gifts she has to give, and her obligation to give them, to help other children who lack the kind of home she has been able to provide her own children.

Franny joins the Junior League, which has undertaken a study of the needs of foster care children in

Delaware. Appointed to the study team, she soon realizes how desperate is the need for reform. She is politically astute and recognizes that reform must build advocacy for foster care children into the system: unless someone is committed to speak for the child's interest at every stage of the proceeding, no policy for protecting children, however enlightened, can be effective.

So Franny becomes a lobbyist. And the results of her efforts slowly, painfully, but consistently accrue. A guardian *ad litem* concept is introduced. Legislation is enacted to require a limited number of reviews of children in foster care. Then a Citizen's Foster Care Review Board is created. In 1980 Franny is involved in a review of national guardian *ad litem* programs, and the resulting model program designed for family courts is piloted in Wilmington. The 25 volunteers begin what is to grow into the Court Appointed Special Advocates (CASA) program, today involving some 200 volunteers statewide.

As all this is going on, people are becoming increasingly aware of Franny's talents. In 1984, her last year as president of the Delaware Junior League, the chief judge of the Delaware Family

Court appoints her to serve on a national primary planning committee. The judge then realizes two things, apparently simultaneously: (1) that family courts are in great need of training in this new environment, and (2) that Franny Maguire is the perfect person to oversee that training, having contributed much to the creation of that new environment. In 1990 the Supreme Court of Delaware realizes that the need for a strong training program goes beyond family court, and turns to Franny to create a training program for the judges and staff of the entire Delaware judiciary.

As remarkable a story as this is, Franny's achievements in building her state's judicial education program have continued to display the energy and ability she puts into all her endeavors. Supported by one staff development officer and a shared secretary, Franny's program puts on nine judicial and three staff conferences annually and manages Delaware's certified court interpreter program. Her interests lie particularly in domestic violence programming, and she enjoys opportunities for creative approaches to education, such as the recent *Genetics in the Courtroom* program cosponsored by the

Delaware and Maryland judiciaries.

She also continues to enjoy her family. Two decades after the International Year of the Child, two of those five children we saw her with in their Wilmington home have married, while two are still in college. Franny especially enjoys her three granddaughters, all of whom are under a year and a half old. The youngest, Selena, was born April 28, 1999, just three days after Franny nervously sat through a *NASJE News* Editorial Board meeting in Ohio. She looks forward to spending time at Rehoboth Beach with her family, and with some good reading, this summer.

NASJE News was Franny's first *NASJE* committee assignment, some seven years ago. She served as chair of the editorial board until she was elected *NASJE* secretary in 1996, but remains an active member of the editorial board. In 1997 Franny was elected vice-president, and she became president-elect in 1998. Franny looks forward to her scheduled service as *NASJE* president next year. And we can look forward to a president who embodies the passion and commitment that brought many of us into the world of judicial education. ■

MIDWEST REGIONAL REPORT

by Kenny Miller, Regional Director

The Midwest region recently held its first conference call for this year. Although we only had a few states on the call, it was a great success. Excellent suggestions were offered, such as submitting questions before the next call to stimulate problem solving and brainstorming. Debra Thompson suggested that everyone attach a digital picture to their e-mail so we can remember what everybody looks like. We plan on having another call in August, with plenty of advance notice.

Jerry Beatty in Iowa reports that they will hold a four-day program in August on U.S. constitutional law updates, witness credibility, and law and economics. Jerry just completed a magistrates' conference that addressed new legislation and both civil and criminal law issues. They also recently held a conference for district court clerks.

Cathy Springer in Indiana reports that they just finished two programs in June for juvenile court judicial officers, with a total attendance of 110, and that they just completed their second class of their Graduate Program for Judges.

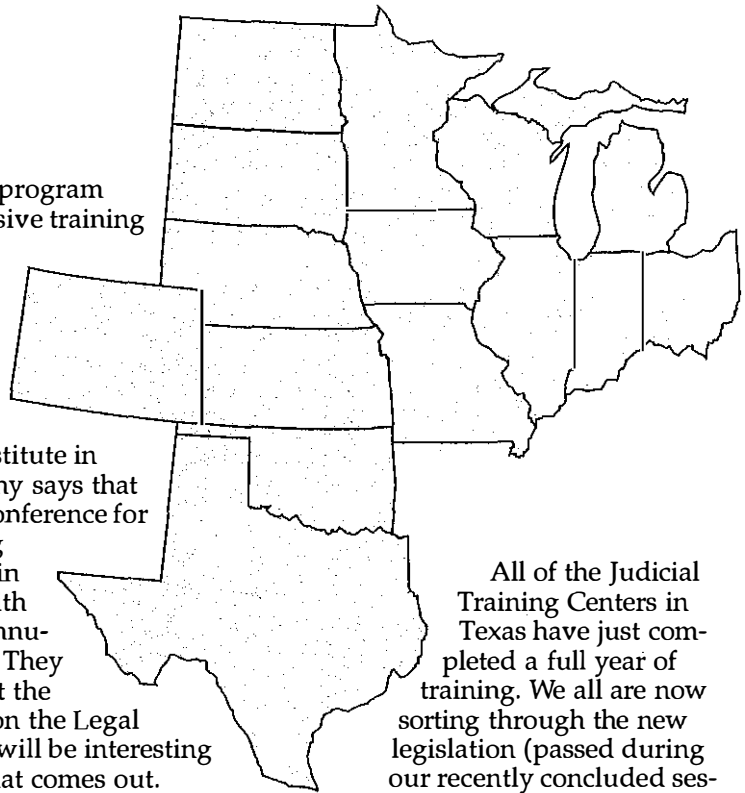
This two-year program includes intensive training for two week-long programs each year. Indiana also sent a state team to the Leadership Institute in Memphis. Cathy says that their annual conference for judges is being held this year in conjunction with the state bar annual conference. They have dubbed it the Joint Summit on the Legal Profession. It will be interesting to hear how that comes out.

John Meeks reports that the Ohio Judicial College has just begun implementing a curriculum adaptation grant from SJI that has trained four Ohio judges, one magistrate, and two staff to administer the Myers Briggs Type Indicator. The MBTI will be used in training for new judges and magistrates and, eventually, court personnel.

All of the Judicial Training Centers in Texas have just completed a full year of training. We all are now sorting through the new legislation (passed during our recently concluded session) that affects our individual courts.

Each of us is also planning seminars for this summer to bring our judges up to speed on these new issues.

Well, I cannot think of much else to say except thanks for all of your support and understanding for this new kid on the block. See y'all in St. Louis. ■



National Conference on Public Trust and Confidence in the Justice System, *continued*

Dan Straub moderated the voting session on strategies. Nine of the sixteen strategies made the short list, three of them as "wild card" choices that came out of the small group sessions. In order of priority, the top six strategies were

- improving education and training (this included public education)
- making the courts more inclusive and outreaching
- improving external communication
- providing swift, fair, and reasonably priced justice

- sharing public trust programs and activities among states
- implementing recommendations of gender, race, and bias task forces and replicating successes

When the participants were asked how serious the problem of public trust was, 90 percent indicated that it was serious. Moreover they felt it was their responsibility to do something about it. Judges and other participants saw judges as the natural leaders in this area.

What actions can be taken at the national level to help surmount the barriers and support effective

strategies? The conference, after an open microphone session devoted to advocacy of particular national actions, voted on those actions that they felt to be most helpful. In order of priority the top four choices were: develop and disseminate successful models and best practices, engage in public education at the national level, examine the role of lawyers and their impact on public trust, and improve public access through information technology. ■

Turning Mediation Inward: Training Court Staff for Sustainable Conflict Management, *continued*

Mediation offers the flexibility to address a dispute with the full input and assent of the people involved and provides the opportunity for creative, "win-win" solutions.

mediation. The success of the Multi-door Division of the D.C. Superior Court has long been a testament to this court's dedication to alternative dispute resolution. As further evidence of this dedication, the District of Columbia Courts have recently turned the mediation inward to help resolve conflicts within the workplace.

The Employee Mediation Office of the District of Columbia Courts

The Employee Mediation Office of the District of Columbia Courts (Office) began as a pilot project and was partly funded by the State Justice Institute as a follow up to the First National Conference on Eliminating Racial and Ethnic Bias in the Courts. The Standing Committee on Fairness and Access to the District of Columbia Courts oversees the Office. The Office provides the court's workforce with a forum for resolving internal disputes in a nonadversarial, collaborative, and productive manner.

By contrast with the Multi-door Division of the D.C. Courts, whose

primary goal is to reduce the courts' caseload, the Employee Mediation Office does not focus solely on reducing formal personnel complaints. Rather, the Office provides court staff with long-lasting conflict resolution skills and creates an atmosphere of collaborative problem solving. The courts also benefit from the reduction in costs and time spent on processing formal complaints.

The Office was implemented in mid-1998, after a one-year design phase. The Office has an open-door policy: anyone who is employed by the D.C. Courts may contact the mediation office directly to ask for mediation services. The Office has also established an informal network, including the D.C. Courts' EEO counselor, employee relations specialist, ADA coordinator, court nurse, and key managers, for referring employees to mediation. Mediation is available for conflicts at every level, from formal EEO complaints to interpersonal disputes between coworkers. Participation during the program's pilot stage has been voluntary, both for the initiating employee and the responding party. All interactions with the Office during mediation are kept confidential.

The Office developed a roster of external neutrals to provide mediation services. These mediators applied to participate in the program and were selected based on their level of mediation expertise, their experience with workplace dispute resolution, and their background or training in intercultural communications or diversity. After initiation of the mediation through an intake process, and after both parties have agreed to mediate their dispute, the Office assigns a mediator, who conducts the mediation session on the court premises. Most sessions last between three and four hours, and there may be more than one session. The results of these mediations differ greatly depending on the nature of the dispute, but many of them end in some sort of written or verbal understanding between the parties regarding their work relationship in the future.

Of the many advantages offered by mediation, two hold particular promise for long-term organizational benefits. First, employees and managers who experience the collaborative and open nature of mediation may be empowered to resolve future disputes or conflicts in this usually efficient, safe, and satisfying manner. Second, employees who feel that they have a voice in the way their disputes are handled tend to feel more satisfied with their jobs and ultimately may become more productive and effective employees. While it is too soon in the pilot stage to determine whether the D.C. Courts' employees have reaped these benefits from the Employee Mediation Office, many other organizations have ample evidence of the positive effects of internal mediation programs.

The Role of Training

As with any new program, educating possible users about the program is one of the main challenges. As more courts consider developing similar mediation programs or other creative conflict resolution mechanisms, judicial educators will contribute significantly to shaping their success. The creative dissemination of information, together with concrete skills training, will contribute to the usefulness of an employee mediation program and the sustainable conflict resolution skills of court staff.

The D.C. Courts adopted a two-step approach to training to achieve two major objectives. The first objective was to make management and staff throughout the organization aware of the availability and advantages of the courts' internal mediation program. The second objective was to enhance the appropriate use of the mediation process by providing employees with more in-depth educational programming on general conflict resolution theory and mediation techniques.

The Office distributed written flyers and newsletter articles to increase general awareness of the availability and advantages of the program. These were followed by a

briefings for all D.C. Court personnel. First, the Office staff provided a comprehensive presentation to the highest level of court management. Second, the staff briefed midlevel management in each division. And finally, the staff made presentations to employees at the branch level of each division. These 30-minute briefings ensured that almost every employee within the D.C. Courts knew about the project. Although the presentations took intensive Office staff time and resources, they provided employees the opportunity to meet the staff and become comfortable with the new program.

The presentations included a brief description of the program's policies and procedures, as well as a discussion of the benefits of using mediation to resolve disputes. The Office recognized the value of allowing adequate time for questions, and wherever possible included concrete examples of how mediation techniques could be used to resolve actual workplace conflicts. Separating management from staff and different levels of management from each other encouraged open and candid discussion that might not have been possible if potential disputants had attended the same training session.

The second phase of training in mediation has been achieved through development, in conjunc-

tion with the courts' Center for Education, Training and Development, of a one-day General Mediation Skills Training course. The course's specific objectives are to educate court staff on general conflict resolution theory and how mediation fits in with other conflict management options and to demonstrate the specific stages of mediation and how a mediator facilitates participatory problem solving. The course includes a simulated mediation where participants role-play parties to a dispute and a mediator. Participants develop a greater appreciation for the effectiveness of the process and the benefits that mediation offers by experiencing the perspective of the mediator.

This one-day course was offered separately for supervisory staff and general court staff, with participation mandated for all D.C. court managers and supervisors. This audience in particular benefited from the introduction to conflict resolution theory and the specific skills used by mediators: active listening, the art of questioning, and interest-based negotiating. Supervisors have found that they can use these skills in settings apart from formal mediation, and even in their interactions with court clients, families, and friends, to manage conflict in a collaborative and sustainable manner.

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Conclusion

Courts should consider using employee mediation to sustain a culture of collaboration and creative conflict management. Judicial educators have a vital role to play in supporting such an initiative and in providing their staff with appropriate educational resources. ■

Advice Column: NASJE Knows, *continued*

presentation from a law enforcement or prosecutorial perspective will have to be offset with a critique by a defense attorney; that a team of judges will have to plan, or at least approve, the seminar agenda; and that you will not allow the agency to handpick any presenters.

If the agency is truly motivated to enhance the quality of justice and impart vital information to the judiciary, then it should understand and accept your conditions. Remember that you may hold a strong bargaining chip: in many states, the judicial education agency is the only reliable means of reaching judges, because they are not as

likely to attend programs of other providers. Above all, however, be sure that the agency understands and accepts from the outset the conditions that are vital to the preservation of your program's integrity, credibility, and effectiveness, attributes that are not for sale at any price.

If any judicial educator has had direct experience with this or related issues, please share your experience with your colleagues on the NASJE Web site discussion group. Just access the NASJE web site by going to www.nasje.org and click on

"Advice Column." Then type in your comments and check in periodically to check out other comments. If you have a question to submit to our panel of experts for the next issue, or if you want to submit a comment but can't access the NASJE web site, write to Editorial Board Chair Paul Biderman at the New Mexico Judicial Education Center, Institute of Public Law, UNM School of Law, 1117 Stanford N.E., Albuquerque, NM 87131; by fax to (505) 277-7046; or by email to biderman@unm.edu. ■

President's Column, continued

Claudia Fernandez, has been discussing prospects for developing standards related to the education and training of nonjudge court staff. Claudia informs me that her committee intends to circulate a survey to NASJE members that will assist them in developing standards and in making some recommendations to the NASJE Board, and ultimately the NASJE membership, regarding existing and future NASJE principles and standards. Please look for this survey in the coming weeks and complete it as quickly as possible.

Ad Hoc Committee on the Future of the Profession

Nori Cross and her committee continue to discuss various issues, including the prospects of establishing a judicial branch educational journal, the issues of certification, and the ways that the *NASJE News* and the Web site can better serve NASJE members. ■

NASJE Welcomes New Members

NASJE welcomes its newest members: Mollie A. Croisan, education manager for the Oregon Judicial Department Education Division, has become a full member. Marybeth Dwyer, a program manager for the Flaschner Judicial Institute in Massachusetts, has joined as an

associate member. And Martha Kilbourn, formerly a full member, has remained with NASJE as an associate member from California.

Congratulations to all of you, and we hope you can make our annual conference in October. ■

Transitions

After five years with the Hawaii judiciary as a judicial education specialist, Debra Koehler reports that she is returning to the D.C. area, where she plans to pursue independent projects within judicial branch education. She is available to

provide such services as training, project support, conference support, and curriculum support. Her new address is 2713 Vista Court, Waldorf, MD 20603. Her e-mail address is jdbkoehler@prodigy.net. ■

Judicial Education: A Profession? continued

tial in a number of the topics that arise from the discussion section of the monograph. Some of these topics may yield valuable results in their own right, whether or not they lead toward professional standing for judicial education. Among these topics for discussion are adoption of a code of ethics for judicial educators; development of a scholarly journal; enhancement of our efforts to obtain peer recognition through publication in related fields; and development of specialized academic degree programs. While some of these recommendations might ultimately take different forms (e.g., a *practice* journal or academic *subdiscipline* in judicial education rather than professional journals or degree programs), there is an opportunity for considerable personal and pro-

fessional development emerging from such ideas.

NASJE has already begun to professionalize our work in the finest sense of that word. The publication and acceptance by other organizations of our *Principles and Standards*, the quality and breadth of presentations in our annual conferences, and our integral and accepted role in the planning of the National Symposium on the Future of Judicial Branch Education are just a few examples of how we have achieved recognition for our knowledge and experience.

Through our annual conferences and committee work, NASJE offers us the opportunity to discuss whether professional status is in the best interest of our constituents and ourselves. *NASJE News* also offers

this opportunity through the NASJE Web site discussion group, as we explain elsewhere in this issue. We believe that Maureen Conner's thorough and impressive study provides the starting point for this important dialogue. It is only fitting that this year, which features a national symposium on the future of judicial branch education, should also be the year in which we evaluate the future standing of judicial educators.

We encourage you to share your responses to this editorial with your colleagues by accessing the Judicial Educators discussion group on the NASJE Web site. To get to this site, just access the NASJE web site at www.nasje.org/, and select "Current Editorial." Enter your comments, then check in periodically to check out responses. ■

1999

National Association of State Judicial Educators Conference

Adam's Mark Hotel ■ St. Louis, Missouri

PROGRAM AT A GLANCE

Saturday, October 9, 1999

1:00 p.m. - 5:00 p.m.
Registration for NASJE Conference Opens

6:00 p.m.
Reception for All

Sunday, October 10, 1999

8:00 a.m. - Noon
Conference Registration Continues
Committee Meetings

12:00 - 1:00 p.m.
Lunch on Your Own

1:00 - 3:00 p.m.
Welcome and Annual Business Meeting

3:00 - 5:00 p.m.
Regional Meetings

6:00 - 8:00 p.m.
President's Reception

Monday, October 11, 1999

7:00 - 8:00 a.m.
Breakfast

8:00 - 9:30 a.m.
Plenary Session - Pat Murrell, Director of the
Center for the Study of Higher
Education, University of Memphis

9:30 - Noon
New Technology Demonstration and Model
Program Exhibition

Noon
Hosted Lunch

1:00 p.m. - 4:00 p.m.
Concurrent Educational Sessions
Track 1. Evaluative Methodologies
Track 2. Role of the Judicial Branch Educator
Track 3. New Judicial Education Technologies
Track 4. Leadership and Management of the
Courts in the Future

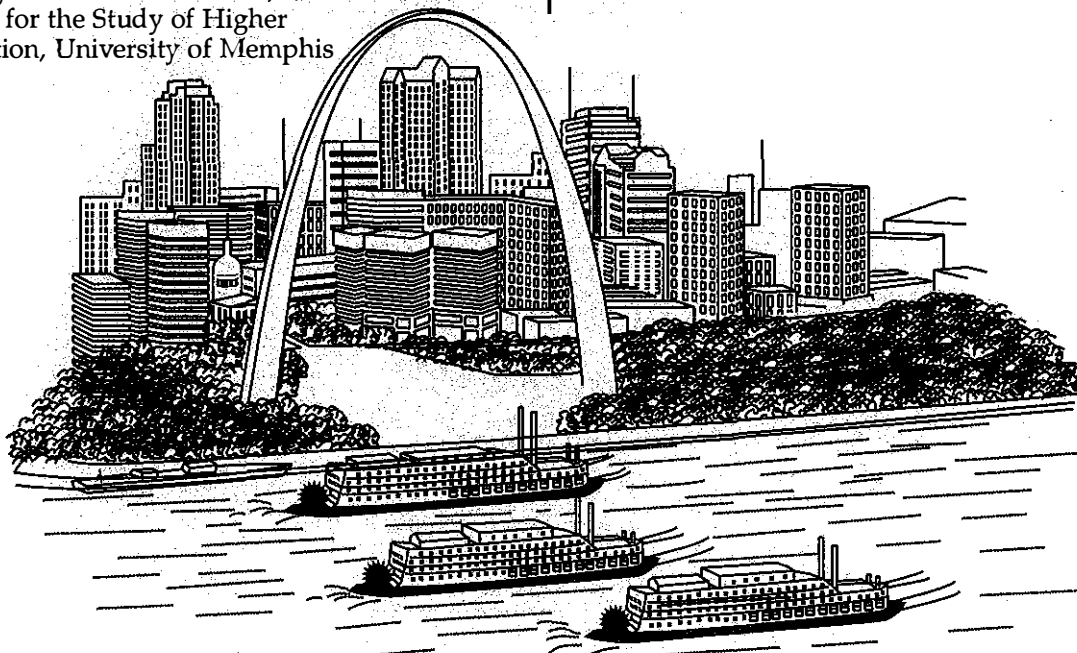
6:00 p.m.
Reception and Banquet

Tuesday, October 12, 1999

7:00 - 9:00 a.m.
Breakfast

9:00 - 11:00 a.m.
Plenary Session
What Can NASJE Do for You?

Noon
Conference Concludes



SJI Funds Education Projects

How did judicial education projects fare in the latest distribution of SJI funds? Here are the statistics, graciously provided by David Tevelin, for concept papers that the SJI board either funded or invited to submit full applications at the March 1999 board meeting. (Education projects were identified from project titles only. The following do not include educational scholarships and projects currently receiving funding under multiyear grants awarded in prior years.)

- Total of all awards or invitations to submit full applications in all categories of new projects: 47, totaling \$5,066,738.
- Grants or invitations to state and county courts for judicial education projects: 5, totaling \$418,334
- Invitations to national providers for judicial education projects (excluding Futures Symposium): 5, totaling \$416,247
- Invitations to national providers to apply for grants for National Symposium on Future of the Courts: 5, totaling \$1,752,736

These 15 educational programs, totaling \$2,587,317, represented 51 percent of all new projects awarded or invited to apply for funding this year. Removing the Futures Symposium from both sides of the equation, the 10 remaining educational grants or invitations to state, local, and national providers for judicial education programming appear to represent 25 percent of all new non-Symposium projects funded. Thanks to SJI for its recognition of the importance of judicial education programming. ■



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Mr. Phillip Schopick
Assistant Director
Ohio Supreme Court
Judicial College
30 E. Broad Street, 35th Floor
Columbus, OH 43266-0419

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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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