



Knowledge Management: Implications for Judicial Education

By Carol L. Weaver

As an outgrowth of the information age, knowledge management is recognized as the key to individual and organizational success. The information age provides most people instant access to unlimited information, giving rise to labels like "info-glut," "infobog," and "data bog." The abundance of information has created a whole class of workers who, by definition, are "knowledge workers." These workers turn data and facts into useful information, creating useful knowledge. Managing the knowledge cre-

ated is what allows us to not only to survive the information explosion but also to actually benefit from it.

There are many definitions of knowledge management, ranging from fairly narrow definitions that are parallel to information/data management to broader definitions that cast knowledge management as getting value from an organization's intangible benefits. Typical knowledge management activities include creating knowledge repositories, where knowledge is systematically gathered from individual knowledge stores to create a larger, more comprehensive resource that can be accessed at a later time (codification). An alternative form of knowledge management identifies the

individuals who have the knowledge rather than attempting to collect the information. This "personalized" system is typically more effective and easier to establish.

Knowledge management is critical to an organization's capacity to become a learning organization. Individuals must apply their knowledge and skill to workplace problems for organizational effectiveness. However, unless the collective knowledge of employees is used to make business decisions, the organization will not benefit from its most important resource: employee knowledge. Efficient and effective use of intellectual capital is critical to organizational learning.

continued on page eight

Editor's Note: For a list of recommended resources on knowledge management, please consult the NASJE News Web site at www.nasje.org/knowledge.

Emerging Trends Affecting the Judicial Branch

Futurists at the National Symposium on the Future of Judicial Branch Education have advised us to identify and analyze trends for the judiciary and to plan for their impacts on us as educators. Exercising a modicum of imaginative license, this article will attempt to identify some of those emerging trends and project their practical implications for judicial educators.

Editor's Note: For more information on these and other trends, see JERITT Monograph #10 (1999), The Courts and Judicial Branch Education: Creating Their Future in the New Millennium (Maureen E. Conner, ed.) or contact the Office of the Executive Secretary of Supreme Court of Virginia (804) 786-7589.

The Tech Trend in the Age of Information

Our country required virtually two centuries to make the transition from an agrarian-based economy to the industrial age. By contrast, less than two decades were required to usher in the bold, new "Information Age." Impelled by ever-accelerating technological advances, this Information Age will subtly transform your personal and professional life before you finish reading this article. Being enveloped by technological advancements reflects yet another undeniable, palpable trend—the almost warp speed of our changing world. These two trends are so symbiotic in nature that it will soon be difficult for judicial educators to separate the two. If you are training your judges and

court personnel to avoid a Y2K crash in a few short months, you are already living the past sentence.

The incestuous marriage of these two trends has propagated an irascible offspring, which, for judicial educators, poses a challenge equal to that of rearing a rebellious adolescent. And we are indeed challenged to harness this emerging technological adolescence within which we must prepare our judicial branch personnel. By way of example, the very technological systems with which we train judicial branch personnel are becoming obsolete before they wear out. The upgrading of our educational delivery systems lags behind the demand for upgraded hardware and software capabilities. The impetus of

continued on page ten



PRESIDENT'S COLUMN

Blain L. Teagle

I find it difficult to believe that this is my fourth and last president's column. This year has been a contained whirlwind, a turbine perhaps, and there are many folks to thank in this last column for helping me not to spin out of control. Before I do that, however, I would like to spend a little time reviewing what has been the most significant focus for most of the past year, the National Symposium on the Future of Judicial Branch Education.

National Symposium

As I write this column, NASJE members across the country are preparing to attend the National Symposium, the NASJE Annual Conference, or both. By the time you read these words, those of you who are National Symposium team members will have arrived in St. Louis to explore ways to implement your respective state's goals. One of our greatest hopes is that this National Symposium will give each team an opportunity to review or establish goals for its respective court system and then benefit from ideas generated by all 46+ participating teams. So, your team's goals will be unique to your court system, state, or territory but may be informed and possibly reframed as a result of reviewing the goals of others. Remember, this is your court system's, state's, or territory's opportunity to project as far out as the year 2020.

One of the primary motivators for the creation of the National Symposium, and therefore one of the primary sources of state team goals, has been the National Conference on Public Trust and Confidence in the Justice System held in Washington, D.C., May 14 and 15, 1999. A number of areas of concern were identified by the conferees as affecting public trust

and confidence, including bias in the justice system, the cost of accessing the justice system, case-processing delay, and lack of enforcement of judgments. Very significantly, key among the strategies selected by the conferees to address these areas was improving education and training of the public, of judges, and of attorneys and court staff. Additional strategies, all related to education, or certainly needing accompaniment of educational initiatives, include making courts more inclusive; improving external communication; providing swift and fair justice; sharing programs and activities among courts, states, jurisdictions, and territories; making courts more demographically representative of the communities they serve; improving the management and use of information technology; enforcing court procedures; and evaluating judicial performance.

The National Symposium, of course, is not limited to topics that fit neatly under the public-trust-and-confidence magnifying glass, although public trust and confidence is probably one of the primary apertures through which all future thinking should be viewed. It is important for conferees to envision plausible and probable futures of the court, to get some experience in forecasts and trends analysis, and to begin to design and shape their preferred futures. David Kolb has said, "The professional engaged in continuing education must be accounted for as a whole person. The learning experience should build on and enhance the developmental process." Part of that developmental process includes willingness and ability to adapt to change. Within the context of the institutional judiciary, court education has to prepare an entire branch of government to adapt to a changing world and even to take the initiative to shape some of

those changes. Almost all of the preparation for change will have to come either through educational initiatives or through education partnering with other committees or administrative divisions of the courts. As is the case with most judicial branch educators, and most adult educators generally, I continue to invest my hopes for a better world in education, both within the judiciary and in the broader marketplace of ideas.

Appreciations

Now, to my expressions of appreciation to the members of the association who make everything happen. I would like to thank the members of the board of directors, Franny Maguire, Catherine Lowe, Maureen Lally, Sherry Carson, Richard Saks, Michael Pack, Nori Cross, Kenny Miller, and Ellen Marshall. Each has shown a dedication and commitment not only to the ongoing day-to-day operation of a national association, but to nurturing the association's broader vision and long-range plan.

I would also like to thank all committee chairs for their dedication to so many of the goals that we have established for this association: Judith Anderson, Kenny Miller, Claudia Fernandez, Kay Palmer, Michael Pack, Rich Reaves, Susan Leseman, Paul Biderman, Ellen Marshall, Franny Maguire, Cathy Lowe, Martha Kilbourn, and Nori Cross have all chaired standing, special, or ad hoc committees this year, and we all owe them gratitude for that.

In closing, I would like to make special thanks to a few individuals. Franny Maguire has made the president/president-elect relationship an ongoing collaborative partnership. There will be a seamless transition in October, as Franny has already assumed many of the responsibilities of

continued on page twelve

Advice Column

NASJE Knows

So, what do you think? Post your opinions about this column and the newsletter itself on the NASJE Discussion Groups homepage. Just go to the NASJE News Web site (www.nasje.org) and click on "Visit the NASJE discussion groups."

Dear NASJE Knows:

I am a judicial educator in a small, rural state. I like my job and the great majority of the members of the judiciary with whom I work. In particular, I enjoy the teaching, planning, and political support of the judges who have committed themselves to our program's growth.

I am growing increasingly concerned, however, that a small number of our judges—including some judges with years of experience—perform very deficiently. This minority of judges consistently fail to follow the law and particularly the requirements of due process. They are perceived as excessively and unlawfully lenient or harsh in various kinds of cases, and are widely believed to protect their friends. Our program has provided seminars and publications in all

these areas, but nothing seems to have taken with these few. Some of these judges have been singled out for discipline by our high court, but the problems continue and their conduct has brought discredit on the judiciary as a whole.

My question is, how much responsibility falls on me, as a judicial educator, in attacking these problems, and how much energy should I put into doing so? I am reluctant to divert massive program time and resources into remedial training for a few judges when so many other educational needs exist for the competent majority. But I feel it reflects badly on our educational program when basic mistakes or acts of misconduct consistently occur.

Sincerely,
"Atmy Witsend"

Dear Atmy,

Before offering a few suggestions for approaching your question, let's get one thing out of the way: misconduct by judges is not a reflection on the quality of your judicial education program. Judges correctly expect those appearing before them to take responsibility for their conduct and to know their legal duties. Judges are no less responsible for their own conduct and knowledge of the law and rules of ethics. At most, you are responsible as a citizen and public servant for reporting to the disciplinary agency of your jurisdiction credible charges of misconduct that come to your attention.

Having said that, it is important for judicial educators to place a high priority on programming and materials addressing the fundamentals of law and of judicial ethics and procedure, partic-
continued on page seven

New Members/Transitions

NASJE welcomes its newest members from coast to coast. New full members are Laura-Grace Mae, education assistant of the Tennessee Administrative Office of the Courts; Robin Thompson, coordinator of judicial education from Missouri; and Cynthia Grossman of the CJER staff. Florida's Office of the State Court Administrator and the Ohio Judicial College have each added two new associate members: Florida Senior Attorneys John Hogenmuller and Patricia Matthews; and Ohio Education Specialists Joy Preuss and Elizabeth Ann Clark. Education Program Specialist Raymond Foster, and Education Program

Coordinator Brenda Jones from the National Center for State Courts in Virginia, have joined as general members. We also are pleased to add as a general member someone well known to the national judicial education community: Dr. Pat Murrell, director of the Leadership Institute in Judicial Education in Memphis. And two welcome additions to our new section membership category are the Honorable Julia Hylton Adams from the Kentucky Court of Justice, and the Honorable Kenneth Todd from the Tennessee Chancery Court.

For transitions, we will miss Richard Van Duizend as SJJ's deput director (see our welcome

to Kathy Schwartz, his replacement, elsewhere in this issue) and wish him well in his new endeavors. And Krista Johns, formerly assistant director for permanency planning for the National Council of Juvenile and Family Court Judges, but far more famous as a member of the *NASJE News* Editorial Board, has moved to San Francisco to become managing attorney for judicial education at CJER and a full NASJE member. More important, Krista has adopted her six-year old twin foster daughters, Heidi and Jessica, thereby attaining full membership status. ■

Romancing the Funder, and Other Advice for the Worldly Wise Judicial Educator

by Krista Johns, with Paul Biderman

In the final installment of our series on fund raising, the two authors converse about how to be successful in obtaining and maintaining funding.

JOHNS: You know, Paul, the reality is that many organizations follow the steps to effective fund raising that we've outlined previously, but not all of them are successful. What other ideas can we give them?

BIDERMAN: I've always thought that the problem starts right up front, when fund-seeking efforts are based upon the desire for more money rather than the inspiration of a great idea. After all, if we were the sorts of people whose creativity is inspired by making money, we wouldn't be in public service—we'd be entrepreneurs or executives in the private sector. We need to start from the point of our own creativity and motivation and move outward.

JOHNS: There's almost a right-brain, left-brain approach to this, isn't there? The right brain engages the nonverbal, creative forces. It gives us the big picture, graphically, and provides a vivid glimpse of how various actions will play out. If we don't start out "right," we may find ourselves writing a very fluent but uninspiring or unimportant funding request. With the picture in mind, we can safely let the left-brain verbal and analytical skills put the project into doable steps, with accompanying budget and time lines.

I know of a judicial educator who cannot engage the creative side of fund raising within the four walls of the office. At grant-writing times, the educator either works at home or takes a laptop to a nice hotel in a nearby town. After getting comfortably dressed, lighting candles, putting mood music on, and pouring a glass of wine, that educator is in the right frame of mind to creatively construct grant concepts.

BIDERMAN: I've heard judicial educators talk about how much

richer the ideas become when their incubator is not confined to the four walls of the office, with all its to-dos and deadlines.

JOHNS: Not to mention how difficult it is to appear at the office in your fuzzy slippers! But there's another issue, isn't there? We seem to immediately start our efforts at the application level. Isn't it important to get to know the funders themselves first?

BIDERMAN: Absolutely. Effective fund raising is really relationship building. The successful requester has actually found a way to tap into the heart and mind of the funder. It's more like a courtship than a business transaction.

JOHNS: And the best courtships begin with two things: self-knowledge with awareness of one's own needs, and a willingness to join a relationship without a full contingent of expectations.

BIDERMAN: When you put money in the mix, it's easy to forget the simple essentials of good relationships, like communication and a genuine interest in and respect for the other party. It isn't uncommon for someone to write a grant application to a funder simply from a grant guideline or solicitation. Ideally, the relationship would begin before a funding request is on the table. There would be an effort to see whether the funder's likes, dislikes, habits, culture, beliefs, and, yes, even looks fit with our own.

JOHNS: Of course, at a minimum, the applicant would want to know what the sources of funds were, the mission or "heart" of the funder, some past history of the funder, and who the actual program managers are. But, realizing the essential nature of effective fund raising as relationship-building, there should be telephone, letter, or, ideally, in-person contact with a representative of the funder. This is where people

skills are all-important. Just as when entering a romance, we need to listen to the words used, take note of the subjects raised, be mindful of any sensitivities raised, be honest about whether there is any energy from the give-and-take, and remember that a good friend gained, who doesn't end up as a romantic (or in this case financial) partner, is nothing to sneeze at.

BIDERMAN: It doesn't hurt to check references, either. We need to know whether a funder is intrusive or hands-off, is hyper about deadlines, needs extraordinary amounts of data in its applications, has a particular "agenda" in the subject area, or needs a great deal of care and feeding.

Will there be calls between periodic reports? Do reports have to be lengthy? Will any requests for changes be met with rigidity, or worry? It simply may not be worth the extra hours of maintaining good relations with this funder to get a \$5,000 or even \$50,000 grant.

JOHNS: Again, if we are desperate for the relationship, we'll make bad choices. It may be that the idea for which funding is sought cannot be done feasibly, given the available funders and internal resources of the judicial education organization. Or it may be that something in the organization has to be let go to accomplish this program.

BIDERMAN: I have found this kind of soul-searching to be the toughest, especially when expansion and growth is put forth as an important organizational value. This is where the ability of a judicial educator to communicate a vision, dosed with reality, really is tested. When it comes down to it, I prefer to "show" rather than "tell." That is, I prefer to bring key people into the process so that they can understand the realities of our organization and its abilities relative to the proposed idea.

continued on page eleven

A Profile of the Missouri Judicial Education Program: Providing Improved Public Service Through Technology

By Denise Kilwein

Missouri, site of this year's National Symposium on the Future of Judicial Branch Education and NASJE Annual Conference, is itself a showcase of innovation and technology in education.

Under the leadership of Linda Evans, the director of judicial department education, this state has demonstrated its exceptional commitment to provide thorough and creative judicial education programming and resources.

Web-based training for judicial branch employees and a new Judicial Education Center highlight the newly energized and expanded Missouri Judicial Department Education Program. Linda Evans attributes the rapid expansion and enhancement of her state's program to an ambitious statewide court automation project and to the foresight and commitment of the Missouri Supreme Court and State Courts Administrator Ron Larkin.

The Challenge and the Promise of Automation

The Missouri judiciary is engaged in a statewide automation project that will be fully operational in all state courts within the next two years. The centerpiece of this new system is an automated case management system that is being augmented with an electronic case-filing system, case inquiry system for the public, and more. The system also includes e-mail capabilities that allow courts to communicate with each other and with various state agencies.

State Court Administrator Ron Larkin and the Missouri Supreme Court were the driving force behind the statewide automation effort. They believed the public would be better served through updated technology. With a commitment to improved customer service and better delivery of judicial services, the court obtained funding from the legislature to automate the entire judicial system. Wisely recognizing that automation without training can create more problems than it solves, the legislature also provided adequate funding for automation training

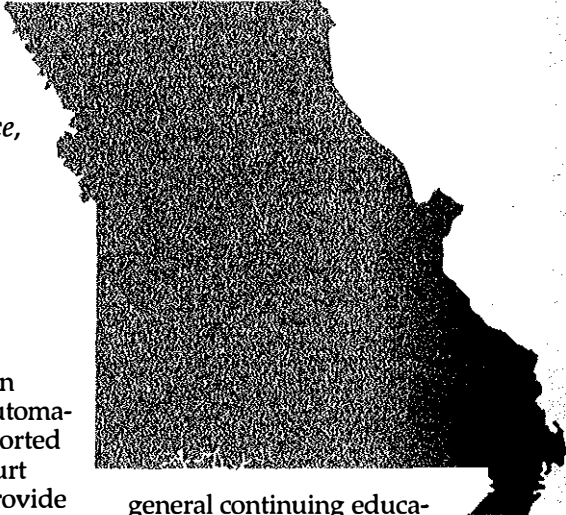
through a court cost fee and an appropriation. These court automation training funds have supported the creation of a 17-person court automation training unit to provide the training needed to implement the statewide case management system.

Technology now plays an integral role in the provision of educational services to the Missouri judiciary. The state-of-the-art Missouri Judicial Education Center includes interactive video-conferencing services, a video library, satellite services, and up-to-date computer technology. Training in the use of the new technology is going to be Web based. Yet technology is only part of the picture of this exciting young program.

A New Judicial Education Center Emerges

Ever mindful of the limits of technology in addressing the needs of a very human-based judicial system, Linda has devoted herself to much more than automation. Through the commitment of the supreme court and State Court Administrator Larkin, the legislature was persuaded to adopt a funding structure adequate to support creation of a new Judicial Education Center. Beginning in FY 1999, the legislature has funded the Missouri Judicial Department Education Program at the level of 2 percent of the state judicial personnel budget. With this secure and ample budget, Linda and her staff can now take a comprehensive, long-range approach to educational planning.

Coordinating closely with the court automation unit, the Judicial Education Center of the Judicial Department Education Program employs 11 staff people and provides



general continuing education programs for approximately 4,000 court personnel. This combined total of 28 staff members devoted to educational services represents a dramatic increase from the four or five staff members responsible for educational programming just two years ago.

Judicial Education Center staff are responsible for training all state court personnel. Training is scheduled for appellate, trial, and municipal court judges. Court employees who receive training include court clerks (trial, appellate, and municipal), court reporters, juvenile officers, detention staff, support staff (such as secretaries and administrative assistants), and OSCA personnel. With the advent of the expanded educational program, the Missouri Supreme Court created a Coordinating Commission for Judicial Department Education about a year and a half ago. This group helps determine long-range policy regarding the delivery of education services. Membership on the commission consists of the education committee chairs drawn from among the various levels of courts served.

Linda is currently involved in an intensive strategic planning process with the coordinating commission and the education committees to map out the future of judicial education in Missouri. She will also be working with a consultant to develop a comprehensive key skills and

continued on page seven

NORTHEASTERN REGIONAL REPORT

By Richard Saks, Regional Director

Since convening its first regional conference in February 1984 with judges from Delaware, Maryland, New Jersey, and Pennsylvania, the Northeastern Region has continued to hold regional programs every year.

The most recent interstate program, "Financial Statements in the Courtroom," was conducted in May 1999 in Woodcliff Lake, New Jersey, for judges from Connecticut, New Jersey, and New York and was cosponsored by the National Judicial College and the American Institute of Certified Public Accountants.

A judicial conference for Maine, New Hampshire, and Vermont is scheduled for fall of 2000. This program, to be presented in coordination with the Einstein Institute for Science, Health and the Courts, will discuss the implications for the courts of the human genome project.

Programs Around the Region

Rhode Island: An innovative recent highlight from Rhode Island was their Traffic Court Technology Program held in April and May 1999 in Newport. The program showcased "hot new high tech" enforcement tools.

Delaware: The Delaware Administrative Office of the Courts received a grant from the State Office of Highway Safety to conduct two one-day fall conferences on combating underage drinking. These conferences will bring together the judiciary and commissioners, police, school principals, highway safety hearing officers, deputy attorneys general, public defenders, and members of the treatment community to discuss the status of youthful drinking in Delaware today, treatment options, and penalties and sanctions. The funding also includes publication of a benchbook.

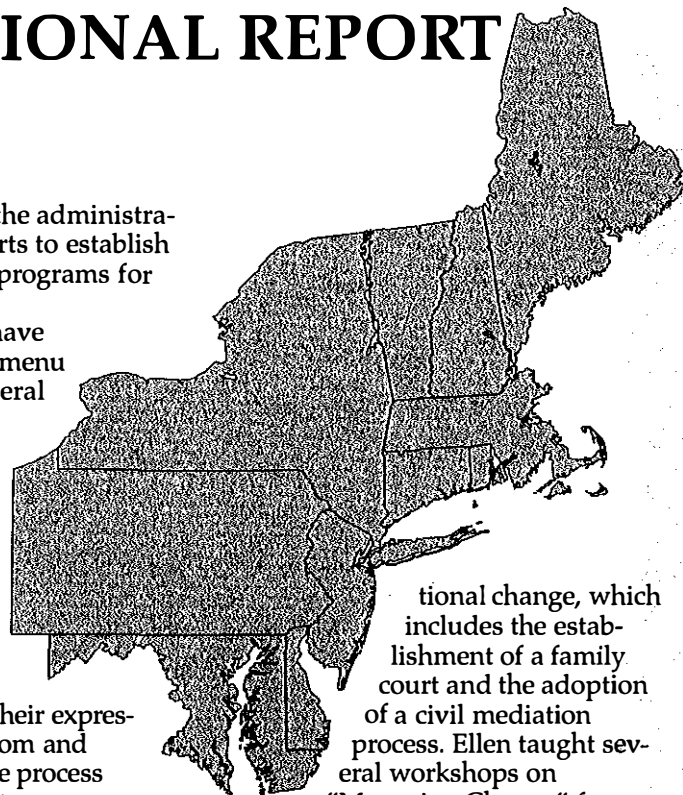
The Delaware judiciary will meet at their annual fall retreat for an advanced judicial writing seminar conducted by nationally recognized expert Bryan Garner, Esq., of Law Prose, Inc. Chief Justice Norman

Veasey has ordered the administrative office of the courts to establish mandatory training programs for court staff.

New Jersey: We have enhanced our usual menu of offerings with several special programs, including some offered in nontraditional formats:

- **Judicial Behavior.** Through the use of video vignettes, judges discuss how judicial styles and personalities and their expression in the courtroom and chambers affect the process and the participants.
- **Courtroom Communications.** Review of interpersonal communications styles of judges and their impact on jurors, witnesses, and attorneys.
- **Judge's Role in Encouraging Professionalism.** This how-to course seeks to encourage civility, respect, and fair play in the courtroom, as well as during litigation.
- **Surviving in the Family Court.** "When all seems lost;" learning to cope with the most difficult judicial assignment.
- **Videotape Analysis.** Judges are videotaped both on the bench and in chambers to obtain visual feedback of their presentation and communications skills and assistance from a consultant in developing those skills.
- **Courtroom Observers.** Retired judges serve as observers in various courtroom proceedings and provide constructive feedback.

District of Columbia: Ellen Marshall, the director of education and training for the District of Columbia Courts, was in the Philippines from March 16 to April 1, 1999, at the request of the Supreme Court of the Philippines under a United Nations Development Grant. The Philippine judiciary is undergoing significant constitu-



tional change, which includes the establishment of a family court and the adoption of a civil mediation process. Ellen taught several workshops on "Managing Change" for

judge-administrator teams in Manila, Leyte, Subic Bay, Freeport, and Kalibo, and facilitated a family court instructor development program for the Philippine Judicial Academy in Tagatay City. Highlights of her work with the Supreme Court included participating in a multisectoral forum on court reform with distinguished panelists like the dean of the University of the Philippines Law School and a court of appeals judge; successfully suggesting a compromise attorney representation rule of procedure for the mediation process; and having the governor and first lady of Kalibo in her change workshop audience.

The District of Columbia Courts' Center for Education, Training, and Development is sponsoring some major new training programs for the fall/winter semester. One exciting workshop is on management liability, which includes new causes of action such as "failure to train" and "negligent retention." Debra Koehler, formerly of the Hawaii education office, will present two workshops on "Simply Sensational Service," which she modeled during the 1998 NASJE Annual Conference. A new mandatory course on sexual harassment, which will be reinforced

continued on page nine

New Deputy Director for SJI

NASJE News welcomes the return of Kathy Schwartz to the State Justice Institute after her stint administering the Department of Justice VAWA Grants Office. Kathy replaces Dick Van Duizend as deputy director of SJI, meaning that she has succeeded to Dick's responsibilities of "keeping the trains running, overseeing programmatic

details, and laughing at Dave Tevelin's jokes." We believe she is more than able to tackle all these formidable challenges.

Kathy acknowledges that she missed working directly with courts and judicial educators at DOJ, which is why she describes her return to SJI as "like coming home." She attributes the long tenure of SJI staffers at their jobs

to their commitment to the mission of SJI, and their satisfaction at being able to see the way in which their grants help the courts. Although she regrets being unable to attend the St. Louis meetings, she extends her greetings to all judicial educators and friends and looks forward to hearing from us. ■

Advice Column: NASJE Knows, continued

ularly for nonattorney judges. For all judges, the training opportunities and materials provided should be sufficient to ensure them ready access to understandable explanations of the basics of their job.

Chances are that the participation by the problem judge in educational programming is perfunctory or nonexistent, and the pages of his or her manuals are perennially clean and untouched. Stacking redundant basic programs on the whole judiciary to remedy the misdeeds of the few will only frustrate the diligent, because they will be the only ones listening, anyway. Remember, the majority of judges who are succeeding had the same education-

al programming and resources as the few who are failing in their duties. The responsible majority got it, and needn't hear it again.

Unless a particular error seems endemic, the best approach is to let the problem judge be dealt with by the disciplinary system and focus general training toward the conscientious jurists. Problem judges need more than to have general training focused on their failings. They need an oversight and support system of materials and advisors to consult with as their questions arise. They need repeated, elementary training personally tailored to their deficiencies. If any courts have superintending control over these

judges in your state, those courts should be encouraged to assign mentor judges to these offenders. Your program can use JERITT Monograph Two, *Mentoring in the Judiciary*, as a guide for training judges in effective mentoring techniques.

Above all, problem judges need strong motivation, including the threat of suspension or removal in serious cases, to get their attention focused on learning their responsibilities and to applying what they have learned. And that takes more authority than your educational program alone can wield.

—NASJE Knows

A Profile of the Missouri Judicial Education Program, continued

core-competencies-based curriculum for court personnel. The comprehensive curriculum, in conjunction with the strategic plan, will drive the education program. And, of course, technology training will be an important component in this expanded educational picture.

The development of a new judicial education center amid explosive growth in staff and responsibilities is no small task, regardless of the available level of financial support. Yet Linda and her staff welcomed this opportunity to design the education center from the ground up, in terms of staffing patterns, technolo-

gy, governance, and planning. Linda attributes the success of this effort to a supreme court committed to good customer service, a state court administrator for whom education is a priority, and a tremendous (and fun) education staff.

The staff of the Missouri Judicial Department Education Center share the belief that a good education program requires creativity, resolve, commitment to a vision, and dedication. They are committed to the idea that through education, they can enhance the quality of service the local courts provide to Missourians. As director, Linda sees

her role as one of providing guidance to her staff. They invite all judicial educators and supporters to visit their state-of-the-art facility in Jefferson City during the National Symposium and NASJE Annual Conference.

To learn more about the education program in Missouri, please contact Linda Evans at:

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Jefferson City, MO 65110
email: linda_evans@osca.state.mo.us

Knowledge Management: Implications for Judicial Education, *continued*

Traditionally, we have focused on educating the individual. We have sought to increase individual knowledge and skills regarding job tasks and duties. And, more recently, we have focused on working with others in team settings, emphasizing group processes and interaction. In light of current trends, we must also help individuals understand the importance of knowledge management and gain skills relevant to that process. As judicial educators, we must begin developing curricula that foster implementation of knowledge management practices. Here are some suggestions:

1. Two important strategies should be employed when new knowledge is needed. One is the development of educational interventions that focus on concepts, generalizations, and principles rather than facts. Instruction should provide knowledge frameworks, and the frameworks should be made visible to the learners. The emphasis for learning should be on schema building, creating blocks and clusters of knowledge, and connecting the new knowledge to existing knowledge. Second, learners must be made aware of sources of information. If information sources are not currently available, the creation of knowledge management systems (codified or personalized) may be necessary. When information sources are available, learners must be given skills to find and use these sources. Online research skills are essential to today's knowledge workers.
2. We cannot ignore Kolb's Learning Cycle in the process of knowledge management. While information acquisition is easy in the information age, "making meaning" is frequently overlooked. Educators must provide learners the opportunity to make meaning of new information through Kolb's recommended strategies of reflection and active experimentation. If learners are given an opportunity to see how knowledge is of value,

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they are more likely to apply it to organizational problems. Thus, educational curricula in judicial education must continue to provide time and opportunity for making meaning.

3. Develop critical thinking skills through educational events. Brookfield, Kegan, Schon, and others suggest that critical thinking is a process connected to adult development and that many adults lack these skills even though they are very "educated." In an age of abundant information and conflicting viewpoints about what is right, critical thinking becomes an essential life skill. In the judicial system, where the basis of decision making is critical to the decision outcome, individuals must be able to engage in processes that focus on the rationale and assumptions that undergird each decision.
4. Encourage experts to make explicit the implicit knowledge that they use to govern decisions. Provide opportunities for novices to engage in learning with experts

who are good at "unpacking" their hidden expertise and making the cues they use to guide decision making visible and tangible. Often, an expert will teach novices "how to" but fail to make known the why, when, and how come that framed their actions. Using the work of Schon, Argyris, and others as a guide, incorporate reflection-in-action strategies in teaching, coaching, and mentoring. Helping novices develop skills in articulating why they did what they did is a critical step to improving performance for both individuals and organizations. Metacognition strategies (thinking about thinking) should be taught to novices and experts alike. Increased use of mental models also helps make internal mental processes "visible" to others. Awareness of these processes is critical to knowledge management.

5. Develop programs that teach problem-finding skills as well as make more visible the linkages between the actual problem and the employed solution. One of the significant differences between novices and experts is the ratio of time spent between problem finding and problem solving. Experts are much more likely to invest in problem finding and problem diagnosis. Novices move quickly to solving the problem only to find it isn't the real problem at all. If we can make known problem finding and problem diagnosis processes, novices will be both more efficient and more effective. Often, this process is invisible to the novice; only the solution is visible, and it is often disconnected from the problem. When problem-finding skills and strategies can be made known and shared with others, the organization as well as the individual is likely to benefit.
6. Employ educational strategies that cross functional and professional lines. Only when expertise is shared across functional and

professional lines can true knowledge management occur. If knowledge is owned by one particular professional group and others within the organization are denied access, then knowledge management will be very limited. Engaging in educational exchanges, multidisciplinary studies, and cross-functional learning events is essential to creating an exchange forum critical to knowledge management.

7. Foster communication and interaction skills that are consistent with knowledge management practices. Knowledge management requires articulation, codification, organization, and dissemination of knowledge. Provide mentors and learners with relevant communication skills such as dialogue, discussion, and question formation. Develop skill in documentation, codification, and reflection. Provide opportunity for learning debriefing skills. Prepare mentors who are skilled at articulation, "audible" reflection, and coaching. Encourage experts to share their knowledge with others through formal presentations, informal briefings, written documents, and mentoring.
8. Create a climate of continuous learning. The information era

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forces us to continuously engage in learning. Both formal and informal learning should be a visible part of every organization. Individual learning should be encouraged and rewarded. All aspects of learning, including learning to learn and learning for the sake of learning, should be encouraged in addition to the more traditional job-skills focus. Organizational learning should be

consciously structured to achieve organizational goals. Learning and communication should become routine components of the organizational culture.

9. Create a climate of trust. Knowledge management is threatening if the climate of an organization still operates from the perspective of a "knowledge is power" culture. Knowledge sharing undermines this power base and will be thwarted by employees unless a culture of trust exists. Reward systems must shift from recognizing individual knowledge as the most important commodity. Active participation in knowledge management must be fully supported and rewarded.
10. Walk the talk. Judicial educators, as professionals, should develop knowledge management systems and relevant knowledge management skills as well. NASJE, JERITI, and other organizations provide a great opportunity for tapping into existing knowledge and expertise. Be willing to actively use the expertise of others as well as contribute your experiences. Look at the list of suggestions in this article. Where is your next opportunity for learning that increases your expertise regarding knowledge management? ■

Northeastern Regional Report, *continued*

with a computer-assisted learning module, will be offered, as well.

New Hampshire: The Judicial Branch Professional Education Calendar here includes programs for judges on permanency planning for juveniles, ethics, juveniles and substance abuse, and medicine and the law. Topics for staff include basic legal concepts, grammatical usage, time management, and retirement planning.

The New Hampshire Supreme Court's Rule of Law Partnership with Vologda, Russia, conducted

two conferences in Vologda in September. The first conference included Russian presentations on the creation of magistracy, implementation of the Russian civil code, defense of consumer's rights, and responsibility for crimes against property. American presentations included criminal defendants' rights, jury trials, sentencing, and alternatives to incarceration. A second conference for Russian bailiffs responsible for the execution of judgments included American presentations on execution of civil

judgments, child support enforcement, contempt powers of the judiciary, and functions of the New Hampshire Sheriff's Department.

The Interbranch Criminal and Juvenile Justice Council of New Hampshire will sponsor its third interdisciplinary conference in November. This conference will focus on enhancing and supporting intermediate sanction approaches to criminal and juvenile justice incentives at the local (county) level. ■

Emerging Trends Affecting the Judicial Branch, *continued*

the currently available, "on-demand" educational delivery systems, via the Internet, satellite TV, CD-ROM, and their soon-to-be-realized progeny, paradoxically compels us to plan in the present tense.

These issues parallel such innovations as electronic filing of court papers and distance arraignments using videoconferencing technologies. They also generate new, ominous subject matter about which we must be prepared to teach judicial branch personnel. Examples of such subjects include untested intellectual property rights associated with Internet publications or cloned organs and emerging "cyber-polity" issues associated with Internet governance and voting on-line, which are redefining First Amendment rights and limits exercised on the Internet.

But the challenge of keeping pace with the impact of technology is clearly not devoid of tangible benefits to judicial branch educators. Let's be practical for a moment. We live in an age when love interests are consummated on the Web, thereby conveniently dispensing with the lengthy and expensive rituals of sending flowers, engaging in dinner conversation, and emptying beach sand from our shoes. Surely then, the ubiquitous computer chip also allows us to harness emerging technologies for teaching. Experience bears this out. Distance education technologies are already realizing their promised potential in "corporate universities." Medical and undergraduate schools are currently delivering diverse curricula to reach their adult-learning audiences.

With all candor, for some time I have felt like the severe-slope skier looking over his shoulder at the tech trend avalanche, which has already overtaken him. It's too late to anguish over my lack of foresight, hindsight, or skills. I'm along for the exhilarating ride of my life. Fortunately, if you feel similarly situated, you are, according to many corporate investors, in royal luck. Many corporate strategists promote the virtues of adopting "bleeding edge" tactics (waiting on and capitalizing upon "cutting edge" technologies' proven successes and mis-

takes without expending commensurate resources).

All of us can learn from the bold, pioneering ventures of those states, such as Michigan, New Mexico, Washington, and California, who have successfully executed training programs using distance education infrastructures. Moreover, our federal counterpart, the Federal Judicial Center, conducts virtually all of its judicial education with distance education technology. Clearly, the continued tech trend holds more learning promise than intimidation for judicial educators. Accordingly, we should rightfully resist the natural temptation to pejoratively characterize the tech trend as an onerous phenomenon that outstrips our ability to cope. Instead, we may find solace in knowing that various advantages are begotten to those judicial educators who wait and learn from the successes and mistakes of others' cutting edge technological experiments.

The most imminent implication of this tech trend, however, may cause educators the greatest professional discomfort. To put it concisely, emerging technologies will force us to rethink the way in which we educate. These technologies will (and perhaps should) shift greater ownership to the individual adult learner. Within our professional lifetimes, judicial branch personnel will independently engineer their curricula to suit their individual learning or problem-solving needs. Although the traditional face-to-face educational conference settings may never become obsolete, we must begin thinking in terms of thousands of on-line, independent learner-designed curricula. This advent, in turn, will transform the judicial educator's role in this exciting, empowering learning process. In fact, this reformation possesses the potential for investing judicial educators with greater creative license, simultaneously divesting us of many administrative routines.

Addressing the End of Public Monopolies

Like the demolition of the formidable Berlin Wall, we are witnessing

the demise of the barriers between traditional public and private monopolies. This trend toward privatization influences virtually every facet of our daily lives. The judicial branch is no exception. We need look no further than the exponential growth of private mediation services, which fulfill apparently unmet consumer needs. "Rent-a-magistrate" and "rent-a-judge" services are becoming popular Internet "hits" among citizens and corporations alienated by judicial systems, which are hardly "private," seldom fast, and often costly.

Accompanying this trend toward privatization is the empowered consumer movement, which will pressure courts to embrace the private sector's service imperative. In short, consumers will come to expect the same level of service from courts they have become accustomed to receiving from private-sector providers. Additionally, the "end of the public monopolies" trend is fueled by a growing public distrust and dissatisfaction with the traditional court system—especially among our growing contingent of culturally diverse Americans. Specifically, the 1999 Hearst Corporation's study of public perceptions of courts indicates that less than a quarter of Americans place great trust and confidence in their local courts. Disturbingly, African-Americans expressed even less trust and confidence in their local courts. These related trends toward consumer demand for immediate and fair justice, the private sector's fulfilling these unmet consumer demands, and the diversification of America will exact public and political demand for what many would term a more-responsive court system. Accordingly, responsiveness to consumer needs and expectations may become a hallmark of our future state court system.

The implications of the foregoing observations for judicial educators, like most prognostications, are hardly settled. Nevertheless, these trends illustrate the need for us to emphasize curricula that address public confidence, improved administration of justice, and equal treat-

ment for all court users. Moreover, if our citizens continue to expect court system service parallel to that of the private sector, judicial educators would serve themselves well by monitoring cutting edge consumer service trends and borrowing corporate training strategies, which emphasize quantifiable, demonstrable, value-added education.

"Therapeutic Justice": Redefining Court Roles

Pioneered in the 1980s by David Wexler and Bruce Winick, the concept of *therapeutic justice* hardly qualifies as a newly emerging trend in jurisprudence. However, its recent transformation from a concept into a public mantra qualifies it as a full-fledged trend. In general terms, therapeutic justice places equal importance on the ethic of care (focusing on the care and therapeutic needs of the individual) as it does on the more traditional roles of courts (ensuring protection of substantive, procedural, and constitutional rights). In essence, this philosophy asks us to see the legal system as a therapeutic agent.

Many observers fairly comment that the core values embodied by therapeutic justice models have long since taken root. Certainly, many states' juvenile or family courts have long incorporated this concept into the management of their cases and dispositions. A more recent example is the proliferation of drug courts, which emphasize treatment strategies for offenders. Consistent with the therapeutic justice model, drug courts inten-

sively involve the judge's supervision and regular monitoring of individuals' progress within community-based treatment and rehabilitation programs. Incarceration and other severe sanctions are reserved, thereby allowing the individual and the court to pursue therapeutic rehabilitation strategies that treat, rather than punish, the offender. It appears that drug courts are successfully satisfying the intended goals of reduced recidivism and drug use.

Partly because of drug courts' heralded successes, we can anticipate the infiltration of therapeutic principles into other mainstream areas of justice. It is precisely for this reason that therapeutic justice qualifies as a trend with implications for judicial educators. By way of example, community-focused courts, the best known of which is New York's Midtown Community Court, are receiving serious attention from state and local justice program planners. These courts intervene in the lives of various types of offenders, including shoplifters, prostitutes, and illegal street vendors. Within the last two years, this trend toward specialized court dockets has engendered handgun crime courts, mental health courts, and restorative justice programs. All of the aforementioned share a notable therapeutic characteristic—they seek to resolve the underlying problems rather than conclude cases by applying penal law.

This continued trend toward court-applied therapeutic justice principles coupled with proliferat-

ing specialized courts will undoubtedly implicate judicial branch educators. Judicial educators will need to understand the redefined roles of various types of judges.

Additionally, generalized curricula will no longer meet the specialized training needs of specialized court personnel. Judicial educators will need to develop and execute increasingly interdisciplinary curricula as courts apply interdisciplinary solutions and creative problem-solving techniques. Ultimately, this may require judicial educators to possess, or have at their disposal, increasingly varied professional expertise.

Conclusion: Our Challenge

In a world defined by change, technological advances, and changing cultural dynamics, judicial educators should welcome the opportunity for designing new educational delivery systems. Courts will need professional judicial educators to gauge and survey how well courts' efforts satisfy the service imperative, improve public services, and address the challenges and needs of an increasingly diverse America. Educational programming will have to become simultaneously more concentrated to meet the needs of specialized courts, even as it becomes broader to encompass the interdisciplinary needs of courts adopting therapeutic roles. As judicial educators face this dizzying pace of change, it will no longer be adequate to ask whether "we are doing things right." Our challenge will be to ask whether "we are doing the right things." ■

Romancing the Funder, and Other Advice for the Worldly Wise Judicial Educator, *continued*

JOHNS: Speaking of realities, the one final bit of advice I would offer judicial educators who wish to be successful at fund raising is "be yourself." Our tendency is to try to portray ourselves the way that funders want us. This can set up a miserable relationship. We might even begin to hate our wonderful project idea because of the difficulties with the funder. The best policy is to

present an honest, optimistic view of the organization from the start.

BIDERMAN: And my final advice is to remember that practice makes perfect. Educators should build relationships with potential funders on an ongoing basis so that when the big project comes along, there is confidence in making that funding request. This can be accomplished

as part of the organization's efforts to form relationships with outside organizations and to communicate the mission and activities of judicial education to others. The regular expenditure of time and effort in this direction will result in successful fund-raising efforts when it really matters. ■

President's Column, continued

president and has on numerous occasions this year served our association well as its public representative. I would like to thank Paul Biderman for his extreme dedication to maintaining the quality of the *NASJE News* as it has made a transition to less reliance on managing editorial responsibilities from the National Center for State Courts. I would like to thank the National Center for State Courts, most especially Brenda Williams and Terri Reed, for the outstanding service they have provided during this first year that the National Center has provided secretariat services for NASJE. This additional transition has gone so smoothly in no small part because of Cathy Lowe, who oversaw the secretariat selection process, and Sherry

Carson, who as NASJE's treasurer this year has worked so closely with the secretariat to ensure a smooth transfer of services. Kenny Miller, of course, for the second year in a row has worked hard to plan not only our October meeting in St. Louis, but also to get us started in preliminary planning for San Antonio in 2000. I would like to thank Ellen Marshall for her moral support and wise counsel as I assumed presidential responsibilities. Even after her year as president she agreed that, rather than taking a deserved break, she would stay on as International Committee chair. Finally, special thanks go to Karen Thorson, past president; William Brunson of the National Judicial College; and Maureen Conner of JERITT, who have

worked tirelessly on the National Symposium. Without the ongoing efforts of Karen, Maureen, and William, the National Symposium could not have gone on.

There is always a danger in listing appreciations for the accomplishments of a few because it risks looking like an exclusive list. The President's Column does not give me room to thank each NASJE member who assisted in making this a successful year. Please know that I appreciate the work of all committee members and every telephone call, letter, and e-mail that was sent to me with any suggestion for improving the overall service provided by the National Association of State Judicial Educators. Thank you all again for the opportunity to serve in this capacity. ■



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This newsletter, published quarterly by NASJE through the National Center for State Courts, is made possible by a grant from the State Justice Institute. Opinions expressed herein, however, do not necessarily reflect the views of the State Justice Institute, the National Association of State Judicial Educators, or the National Center for State Courts. Address all correspondence and inquiries to *NASJE News*, National Center for State Courts, 300 Newport Avenue, Williamsburg, Virginia 23187-8798; (757) 259-1841, or visit our Web site at www.nasje.org.

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