


NASJE News


Fall 2000

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SJI Acts on Requests for Judicial Education Funds

The State Justice Institute reports that it took action on requests for new project funding from eight state and national judicial education providers at SJI's July 2000 board meeting. The results included four grants awarded, one invited and three deferred until the November meeting.

The State programs awarded education grants were Montana's Supreme Court and California's Judicial Council and AOC. Montana received a \$25,000 planning grant to develop a judicial education system, and California \$77,600 for regional conferences to develop action plans for assisting self-represented litigants. Two awards of \$100,000 each went to national programs. The National Council of Juvenile and Family Court Judges was given one award to provide appellate judges training in juvenile and family law issues, while the ABA Fund for Justice and Education will receive the other award for the third Compleat Appellate Judges Conference. The National Association of Women Judges was invited to submit an application for a \$93,000 project entitled Removing Obstacles to Justice for Immigrant Women and Families.

Applications from one state and two national projects were deferred until November, pending review of further information. The state project was the New Mexico Judicial Education Center's application for \$65,500 to develop an Internet course on alternative dispute resolution. The American Judicature Society's \$76,000 application to develop a Judicial Ethics Curriculum Utilizing Presentation Software was also deferred, as was the Conference of Chief Justices' \$130,000 request to develop and implement an educational curriculum on mass tort litigation for state and federal judiciaries.

In all, \$102,600 was awarded to states and \$200,000 to national providers; while the Board deferred applications amounting to \$65,500 from a state and \$196,000 from national providers. These figures reflect only action taken on new project requests in July, and do not include continuation grants made earlier in the year (including funds for JERITT and the Leadership Institute), grants to implement educational plans developed

from the National Conference on Self-Represented Litigants, or curriculum adaptation grants that may include educational programming and be awarded in different funding cycles.

Transitions

NASJE membership has continued to grow since our last update. We welcome as new full members: Vance Bybee, Education Manager of the Oregon Judicial Department Education Division, and Dwayne Holman, Judicial Education Project Manager for the Texas Association of Counties. New associate members include Cal Goodlet, Senior Attorney for the Office of the State Courts Administrator in Florida; and James Kozick, Senior Educator - Multimedia for the Washington Office of the Administrator for the Courts. In addition, Suzanne Keith, Deputy State Court Administrator for Tennessee, has converted her membership to Associate status. We welcome Greg Barwell, Assistant Director for Judicial Support for the Ohio Judicial Conference; Carol Moninger, Education Programs Coordinator for the National Center for State Courts; and California's Shelley Stump of Coyote Moon Consulting in Alameda; William Maier of Uncommon Solutions, Business and Professional Seminars in Concord; and long-time friend Michael Runner of the Family Violence Prevention Fund in San Francisco, all as new general members. The Honorable Kimberly K. Hornak, Juvenile Court Judge of Sandy, Utah, has joined us as a section member.

NASJE is grateful to all of you for joining our association. We welcome all of you as members and we hope to see you in San Antonio.

Extending Ourselves

Judging is not the lonely enterprise it used to be. Judges are now called upon to analyze scientific evidence for admissibility they once left to the experts; oversee therapeutic referrals of defendants they used to simply sentence to jail; administer case management systems that formerly were viewed as routine; provide culturally sensitive service for previously docile minority litigants; strategize with increasingly assertive Indian tribal courts on sharing jurisdiction; and reinforce public confidence in heretofore rarely challenged judicial institutions. The abilities to preside over a trial and write well-reasoned legal opinions are still necessary, but no longer sufficient, for fully competent judicial service. Faced with demands that exceed much of their training and experience, judges have increasingly sought to supplement their own expertise and perspectives through collaborations with other professionals and with the broader community.

Judicial educators have been aware of this trend and have sought to provide opportunities for judges and court staff to strengthen these collaborations. We offer seminars where judges not only listen to presentations from professionals working in parallel with the courts, but actually join with them as participants to engage in collaborative planning. We design training well beyond the traditional menus of evidence, ethics and updates, branching into the hard sciences, social sciences, racial/gender/cultural sensitivity, public relations and even literature. Judges train side-by-side with their court administrators to institute team management approaches such as TQM (Total Quality Management). We offer ideas to assist judges in approaching their constituencies to explain the judicial process and elicit ways to improve it.

NASJE can expect to face increasing demands to support judicial

educators in fulfilling these tasks for the judiciary. NASJE News urges our association to consider several initiatives that may further help our members prepare to assume this role.

- We can build upon the excellent foundations laid by years of NASJE leadership in collaborating with such organizations as the Conference of Chief Justices, the American Association of Judges, the American Bar Association Judicial Division, Conference of State Court Administrators, National Association for Court Management, and with the associations of administrative law judges, the National Association of Hearing Officials and Association of Administrative Law Judges, among others. Seminars, curricula and publications developed jointly with these sister professional organizations, and with others we have yet to approach, can offer educational opportunities from interdisciplinary perspectives.
- We should also explore new national-level organizational collaborations with non-traditional collegial groups: the scientific community, social scientist organizations, media associations and groups such as the National Bar Association, National Hispanic Bar Association and national Indian legal groups. Collaborations such as these could produce valuable national curricula, speaker's bureaus, and demonstration seminars to assist joint local and regional programming efforts.
- NASJE's section memberships provide a natural base of outgoing judges and other well-connected professionals interested in our work. We should consider ways of tapping into their broader contacts to network with other groups and develop ideas for interdisciplinary training.
- We should expand the way we share among ourselves and with our state judiciaries information derived from international exchanges among legal and judicial educators. One benefit from this would be that as judges come to better understand the legal system and culture in a country, they will be better prepared to understand and address the expectations of litigants from that culture.
- We should design ways to use our greatly enlarged Internet capacity to facilitate these exchanges of ideas and resources. In particular, we can expand the use of the NASJE Web site to engage in regular exchanges with corresponding groups of professionals and the sharing of curricula, speakers' lists and other resources. Eventually, we can aspire to offer a complete plan for offering each type of interdisciplinary or community-based program, complete with agenda, suggestions for presenters, off-the-shelf Powerpoint presentations, and handouts.

While many of these ideas are already at least partially in play, NASJE News urges that we adopt a more coherent strategy for reaching out to the broader professional and lay communities for inspiration and support. Strategies such as these will help our state judiciaries meet the challenges facing them and allow them to lead the third branch of government through the transitions that lie ahead.

Needs Assessment

Dear NASJE Knows:

I am concerned about all the emphasis that I hear right now on needs assessment. Our organization has a very thorough curriculum, which lists all of the subjects that our judges must know. The topics for each judicial education course come from this curriculum, and we undertake very involved course planning activities, including lesson plan building and developing of learning objectives. I don't know whether we should spend the time and money to do a needs assessment at this time.

What can you tell me about needs assessment?

Yours truly,
Theory or Practice?

Dear Theo:

Of all the terms in educational jargon, needs assessment is one of the least understood. Educational pioneer John Dewey invented the notion of educational needs in the early 1900s. He felt that identifying educational needs was essential to moving education away from its subject-focused approach and closer to a preferred learner-centered endeavor. Essentially, needs assessment is a decision-making tool for identifying the educational activities an organization should offer to effectively meet its constituents' needs.

Needs assessment is best understood as a strategy within a program development and delivery process, not as a single activity. In other words, "we've done one," is an indication that the speaker doesn't fully understand the concept. Donna Queeney points out in *Assessing Needs in Continuing Education* (Jossey-Bass, 1995) that effective educational needs assessment strategies elicit ongoing information about program content and the population to be served. Assessment devices can range from questionnaires to interviews to focus groups to the learning environment itself, with other techniques along that range. They can involve the target learners, their supervisors, their clients, or related professionals. Assessments can be implemented before, during and after educational programs or activities. The best strategy will be a combination of these. It should be proportional to the rest of your budget and should make use of existing opportunities for information gathering.

Queeney also distinguishes information about educational needs from operational or marketing information (when and where to offer a course, and on what schedule). In judicial branch education, we are likely to want both types of information. We must know the difference, however, so that the somewhat more familiar market research doesn't get mistaken as a substitute for educational needs assessment. Asking about the hotel facilities and the snacks at breaks, and even whether a presentation was too long or short, enjoyable or not, will potentially provide valuable market information that has little to do with educational needs.

A difficulty in judicial branch education arises at the very beginning with the concept of "need." A need is a discrepancy between a desired standard and the current actual state of things. For the most part, we have

not developed the wherewithal to identify a standard by which to assess the existence of any practice discrepancies. Is the standard minimal competence? Is it a list of competencies with specific skills attached? Is the standard an external one, set by the legislature, or by society? Whatever its source, how can we measure against the standard? Further, what do we make of factors that influence practice but are not addressable through education of the constituent group (funding, staffing, others)?

This difficulty in determining a standard against which to compare current practice could be one reason why your organization has focused more on "topics to be presented" as listed in the curriculum. Unfortunately, even if the rest of your process is sound, complete with learning objectives for the topics and excellent interactive teaching designs, your organization may not be able to show that judicial branch education is making any difference in the bottom line practice of your constituents (that it is helping them meet a certain standard of practice).

I commend you to Queeney's book for a thorough discussion on developing needs assessment strategies. In addition, Andy Farquharson's *Teaching in Practice* (Jossey-Bass 1995) provides valuable insights about education in non-jargon language. Farquharson stresses the importance of looking at learners' capacities and strengths in addition to perceived limitations or inadequacies. Constituents' motivation to learn, and their opportunity to implement what is learned (given the existing environment), must also be assessed to provide meaningful education.

Finally, before you go to develop a healthy needs assessment strategy, be aware that your philosophy about education will greatly influence your preferences in approach. If your organization feels its role is to predetermine for learners what they need, and then to firmly structure the learning environment with objectives and tight curricula, you will want to stick with questionnaires and other strategies that can be more directive. If your organization feels that professional learners will to a great extent make their own meaning of "learning," then less structured strategies, including eliciting needs from learners during the learning event, will feel comfortable. Whatever the strategy, remember that the objective of needs assessment is to get your organization away from the topic orientation and more toward the learner and her specific needs. Do not undertake a needs assessment strategy without being prepared to act on the information gathered.

Heartfelt Thank You

Dear Friends:

As I began my term last fall in St. Louis, the one chore that I dreaded was writing this column. What could I say that would encourage NASJE members to reflect on their duties and challenges? How could I impart changes in an organization that would be acceptable? In the past eleven months, this "so-called" chore has been enjoyable. New opportunities to collaborate and ideas from members have made this column so easy to write.

What a year this has been for NASJE! Our presence has been visible at the annual conference of Chief Justices/State Court Administrators, the American Judges Association, the Appellate Court Clerks, and the

National Association of Court Management. The invitations to collaborate with the Conference of Chief Justices, Conference of State Court Administrators, American Judges Association, and the National Association of Court Management have been so rewarding. NASJE is at a new threshold as we enter the 21st century.

The opportunity to work with so many national organizations that share common goals in improving the delivery of justice has been personally justifying. My travels this year on behalf of NASJE have given me a new sense of commitment to judicial branch education and what we as judicial branch educators can and should be addressing. From helping to instill public trust and confidence in the courts to educating court staff and judges in dealing with pro se litigants, judicial educators are at the forefront of helping to change the justice system. I've found in my journey across our great country that judicial educators are looked to for their expertise in presenting innovative, educationally rewarding programs. To those before me in the seat of President, I say a grateful "thank you" for your persistence in moving NASJE to these new opportunities.

The members of the Board and the committees have all worked long and hard this year on a variety of issues. Some issues will be presented at the annual conference; others will wait until another year. The main focus should always be how we can continue to improve judicial branch education. A heartfelt thanks to the Board, committee chairs, and committee members for their leadership this year. It has been an honor and a privilege to serve with you.

In turning over the gavel to Denise Kilwein in San Antonio, I know that NASJE's legacies will continue to flourish and grow. Thank you for the opportunity to serve as your President this year.

Fondly,
Franny Haney, President

Western Region Conference Initiates Annual Tradition

The Western Region held its regional conference in Salt Lake City on August 2-4, 2000. Twenty-one participants from seven states and the National Judicial College attended. Hosts Diane Cowdrey and Jerry Martin of the Utah Judicial Institute did a great job attending to all of our needs and desires: the hotel was beautiful; the opening reception was a great way to connect with each other on the first night; the breakfasts and lunches were delicious; and our trip to Park City was great fun, especially the lightning storm on the mountain on the way home—nice touch, Utah.

The theme of the conference was "Building Trust and Confidence Through Education," with a focus on education for court staff. Topics on the first day were:

- Giving Legal Advice by Brent Johnson, General Counsel of Utah
- Customer Service Training by Mollie Croisan (OR) and Jerry Martin (UT)
- Diversity and Fairness Programs for Court Staff by Michael Roosevelt (CA)

- Management Development for Court Leaders by Liz Strong (CO) and Martha Kilbourn (CA)
- Faculty Development Programs for Court Staff by Michael Bell (NV) and Claudia Fernandes (CA).

The day ended with an opportunity for informal sharing, both in the meeting room and at the restaurant in Park City, a beautiful resort community in the mountains.

Distance Learning Technologies was the topic of the second day with demonstrations by Gavin Lane and Eddie Davis (CA), Sarah Molinsky (AZ), and Pam Lambert ([NM](#)). They discussed online learning and program registration, and provided examples of excellent Web sites.

All of us who attended the conference appreciated the time and extra work our colleagues devoted to their presentations. They gave us excellent information to take back to our home states. I am sure that many e-mails, phone calls, and new relationships will result from this conference. If you would like more information about any of the topics discussed at the conference, please call the individual presenters directly.

An additional benefit of attending the conference in Salt Lake City was that we came home with more than additional knowledge about judicial branch education. Several attendees took the opportunity to take a docent-led tour of Temple Square and learning about the Mormon religion and culture.

We already have a host and chair for next year's event—Dean Ernie Borunda of the National Judicial College has volunteered to host, and Michael Bell of Nevada will be the chair. The date has not yet been determined.

--submitted by [Martha Kilbourn](#), NASJE Western Regional Director

State Reports: District of Columbia
Business Process Re-Engineering
The Challenge for Judicial Branch Educators

The District of Columbia Courts have recently embarked upon a very courageous and exciting leadership path of reconfiguring the business of the Courts. Unlike the traditional approach to reengineering described by Michael Hammer as "radical redesign," courts are not free to totally dismantle their operations. Courts are required by rule and precedent to maintain some core functions, and, therefore, the approach to that task is more of an adaptation of the traditional tasks to customer expectations and technologically-driven processes. From the perspective of judicial branch education, the preparation for reengineering presents new training challenges.

Training for reengineering in the District of Columbia requires a design not unlike the community meetings of the 1960's. Staff of the Center for Education, Training and Development are providing office-by-office mini-information and training sessions. The message is clear from the training design that everyone has a stake in this process. The Center for

Education, Training and Development, working in conjunction with the Courts' Management Training Committee, is coordinating three reengineering conferences for senior managers and presiding judges. The next stage in the training will be just-in-time training on budgeting, statistical process tools, data collection and interpretation, team-building and project management via automation.

When training and redesign projects are complete, the District of Columbia Courts will look, feel and be different – still a general jurisdiction and an appellate court, but public service-driven in all processes.

Series (First of several)

Developing JEB Distance Learning Capacities

by Thomas N. Langhome, III, Director of Educational Services, Supreme Court of Virginia

(This is the first in a series of articles examining distance education applications and strategies for Judicial Branch Educators)

Virginia recently began developing a distance learning ("D.L.") strategy for all Virginia court system personnel. Unfortunately, that daunting effort is being marshaled by me, the courts' very own technological village idiot. In fact, when we began this vague venture last summer, my knowledge of D.L. was so minimal that I thought "synchronous team wave" referred to an Olympic swimming event. If you are contemplating instituting D.L. capabilities in your state, but have little experience with same, take solace from knowing that with my meager experience dabbling in this field, my colleagues no longer refer to me as their "technological village idiot." No, with great pride, I now respond to the term "technological dolt." Starting from that enviable cyber-credentialed promotion, this article sets forth some preliminary considerations you may wish to ponder should you contemplate integrating distance education into your educational scheme.

Are you sure you want a distance education component?

To be sure, distance education presents many advantages and efficiencies that traditional education methodologies can never realize. Cost savings, remote collaborations, and learning independently of time and space are just a few tangible benefits realized by a well-planned distance education program. It is not, however, a panacea. Legion are the accounts of failed, ineffective, yes, even disastrous distance education programs. You and your court system leadership should first become confident in any commitment before investing in distance education infrastructures. The following basic considerations might assist that evaluation process.

First, consult D.L. departments in corporate and public institutions. If a major corporation has a presence in your state or locality, call their training or development officers. You will be pleasantly surprised, as was I, how helpful they may be. Most will be liberal in sharing their insights and lessons learned. Corporate training departments, in particular, can identify strategies and D.L. applications that have proven problematic. Why reinvent the wheel of mistakes. Remember, there are few advantages to being on the "bleeding edge" as opposed to the cutting edge of technology. Moreover, I was absolutely astonished at how Virginia's many public and private universities reacted to our requests for guidance. One of these universities very recently offered us free

blackboard space to provide free on line court courses! This also reinforces the importance of trying to establish D.L. collaborations with these types of entities. You may find they are seeking similar collaborative relationships (albeit for completely different motivations than yours).

Consult your NASJE colleagues. (In the next article of this series, NASJE News will provide a summary of our NASJE colleagues' D.L. efforts to facilitate your inquiries). As many of you well recall, I made a nuisance of myself by repeatedly interviewing approximately thirty of you regarding the status of your D.L. initiatives and experiences. Sharing your experiences with us was invaluable to Virginia's D.L. strategic planning. In that vein, consult NASJE News' various pages such as the Discussion Group and Professional Resources for developments in the D.L. front.

Conduct a basic Internet inquiry about distance learning. This will quickly yield a plethora of well-written articles covering graduated D.L. applications--most of which even I can understand. Our grant-funded D.L. consultant, Research Dimensions, Inc. prepared a [schematic comparison of various D.L. applications](#) with accompanying illustrative comparisons of same, provided here as a link.

Ask yourself and your learners if they are ready to make a partial transition to D.L. Most are not. Most will resist the attempt. I am now convinced that the most difficult task associated with implementing D.L. is not finding the acquisition resources. Instead, it is making the culture shift to D.L. Unless your educational services' department has millions of uncommitted dollars to burn, you won't (and I would argue should never) completely jettison traditional face-to-face learning for D.L. Instead, if you are like most of us D.L. neophytes, you will begin a phased-in, gradual exploration of and experimentation with D.L. This gradual experimentation, if carefully planned, will convert most of your learners when they discover they can receive needed information when and where it is convenient to them. I suggest marketing your D.L. efforts as a golden opportunity for your learners to become self-empowered in determining both the substance and process of their learning.

The ugliest truth of developing a D.L. system is that it is expensive! Let's face it, few private or public sector organizations are willing to invest hundreds of thousands or millions of dollars for the exclusive purpose of conducting distance education. Accordingly, in devising our meager D.L. strategy, I found it helpful to first identify "piggybacking" opportunities and secondly, apply a "killing two birds with one stone" D.L. purchasing strategy. These two tactics are fairly intuitive to judicial educators as we are accustomed to innovating cost-efficiencies.

By identifying "piggybacking opportunities," I simply suggest you canvass your organization's Information Systems colleagues to understand how your courts' existing, currently utilized Information Systems infrastructures might also be used to deliver educational content. By way of example, we discovered our Virginia Supreme Court Web page server and our Web Master had excess, unused capacity. Accordingly, we are currently designing a separate educational resources page which is linked to our main page. Court system personnel will soon be able to link onto and access voluminous, Word-based non-interactive instructional material. Examples include yearly-distributed magistrates', clerks' and judges' procedures manuals. Straightforward information sharing materials which

merely require reading and processing and which do not require interactive learning are prime candidates for this D.L. application.

The strategy of "killing two birds with one stone" is well illustrated by our attempt to initiate a videoconferencing D.L. component. Specifically, we knew it would be a hard political sell to convince state legislators or federal grantors to loosen their purses for distant learning purchases. However, it was apparent that public support for increasing highway safety and curtailing the exorbitant costs of and public risks associated with transporting maximum risk pro se felon litigants would resonate with the public, our legislators and various grantors.

Accordingly, we applied for a public safety grant through our state Department of Motor Vehicles. Previously, DMV directors expressed public safety concerns regarding Sheriffs' long distance transportation of high security risk pro se prison litigants. Almost immediately, we saw an opportunity to serve a legitimate public concern while simultaneously procuring one type of D.L. system. We proposed to DMV grantors that we purchase videoconferencing units to be strategically placed in Virginia's courts' and magistrates' offices. In that fashion, two primary public concerns could be satisfied.

First, our public enforcement officers could apprehend a criminal defendant (e.g. driving while intoxicated suspect) and drive a few minutes to a magistrate's office equipped with videoconferencing equipment. They could immediately conduct a probable cause hearing with a judge or magistrate via videoconferencing. In the many rural parts of Virginia, a single law enforcement official must cover hundreds of miles of territory each day. Freeing their precious time via videoconferencing became an immediate hit with them, DMV grantors and the public. Secondly, we could (and have) conducted distant arraignments, hearings and trials while complying with due process concerns.

Start small.

Many of you suggested we start small, learn from our mistakes and move on. Interestingly, this advice parallels the advice received from corporate training officers. For us, we have no other alternative but to begin with small steps. As rapidly as D.L. technology is changing, I'm grateful.

One of the most frustrating tasks awaiting me was the planning process required to make a reasonable, justifiable D.L. purchasing strategy. Virtually upon completing my consultations with D.L. experts, I would discover the D.L. technologies discussed were obsolete at worst, outdated and superceded at best. I ultimately came to a conclusion which conflicts with my natural inclinations--sometimes, you just have to pull the trigger on rapidly moving targets. Essentially, if you become preoccupied with installing the newest and best of D.L. infrastructures, you will continually chase your tail. Make a well-reasoned decision based on current technology which will provide a modicum of long-term utility. There is no avoiding the fact that as soon as you institute your chosen system, other systems will soon become available which are not only cheaper, but more powerful.

Product Review: Web Site

ICM: Changing Paradigms

The Institute for Court Management (ICM) has recently unveiled a new Web site, <http://www.ncsc.dni.us/ICM>, featuring the content-rich Distance Learning Center (DLC). According to ICM Executive Director Chuck Ericksen, the new DLC represents “a paradigm shift to the education and training development arm of the National Center for State Courts.”

Although ICM has offered courses for thirty years through various national seminars and publications, the Internet site will reach the desktops of innumerable judges and court staff who have never before been able to attend ICM programs.

The Distance Learning Center virtual campus, at <http://www.ncsc.dni.us/ICM/distance>, consists of four “virtual buildings”: Education Forum, Interactive Programs, Videoconferences, and Live Events. While these are explained in more detail at the ICM Web site, each is intended to add value to the Institute’s existing programming and resources, by reaching out to a much wider audience with enriched resources. Within the Education Forum DLC offers ongoing “reading rooms” (currently including The Ethics Corner, Judicial Selection Room, Rural Courts Room, Therapeutic Jurisprudence Room, and Trial Court Performance Standards) where users have access to a wealth of information on each topic, can review experts’ opinions, and can participate in discussion groups.

DLC will offer live programs, online video courses and interactive courses. Some offerings are scheduled this year and twelve series are planned for next year, some for a nominal \$45 registration fee and some at no charge. Examples of upcoming courses include series on Courts and Domestic Violence, Introduction to Electronic Filing and Managing Notorious Trials. Check ICM’s Distance Learning Center [Schedule](#) for details.

While we have not yet had the opportunity to review any of the live programs to be offered, NASJE News finds this site very well designed and user friendly, and the choice of topics quite pertinent. Chuck and Distance Learning Center Director Mary Ann Massey, Ed. D., are also planning to add ambitious new features to the site in the near future, including adding responder capacity to their programs. They will be in San Antonio to demonstrate their creation, of which they are justly proud. They will also be seeking collaborations with state programs.

Product Review: Books

Discussion In the Classroom, a Resource for Faculty
by Carol Weaver

If you are teaching or providing faculty development as a part of your curriculum there is a new resource you should add to your bookshelf. A recent book by Stephen Brookfield and Stephen Preskill, *Discussion as a Way of Teaching* (Jossey-Bass, 1999), provides a rich and intriguing exploration of the why and how of including discussion as a part of the teaching/learning process. Although the book is aimed at higher education settings, the content is generally applicable to continuing professional education as well.

As faculty strive to embrace a variety of adult learning theories in their teaching, they often incorporate discussion. Discussion can provide an

opportunity for reflection, interaction, and active involvement of learners. Participants can clarify their understanding of the content, express an opinion, and share their relevant experience through conversation. However, an invitation to “discuss” can be met with silence, the unending drone of one participant’s voice, or even audible groans from the audience. One student recently asked me why I ignored his learning preferences by asking him to join a group for discussion. When this kind of participant reaction is added to the pressure to “cover” the content in a limited time frame and the audience is large, discussion is often set aside as a viable instructional strategy.

Discussion as a Way of Teaching gives a strong philosophical rationale and many practical strategies for using discussion. The authors believe that discussion is essential for a democratic learning environment, one that embraces diversity, inclusion, and open-mindedness. The authors do not pretend to have all the answers but encourage instructors who care about democracy in the classroom to incorporate discussion in the teaching/learning process.

Brookfield and Preskill define discussion as “a way of talking that emphasizes the inclusion of the widest variety of perspectives and a self-critical willingness to change what we believe if convinced by the arguments of others” (p. XV). As judicial education tackles critical social, political, ethical and legal issues, a democratic classroom seems to be a very appropriate environment for these discussions to take place. One chapter in the book focuses on discussion in culturally diverse classrooms and another addresses discussion across gender differences. Both chapters have particular relevance for the judicial education arena.

The authors do not suggest that casual engagement in conversation with others brings about the desired democratic state. They have identified nine critical factors that must be present for the learning environment to achieve the ideal. These factors include:

- Hospitality – individuals must feel invited to participate.
- Participation – individuals must participate and have a sense that their contributions matter.
- Mindfulness – people must pay attention, listen, and use tact during interactions with others.
- Humility – individuals must be willing to admit limitations and be open to new learning.
- Deliberation – democratic classrooms require vigorous, thorough engagement that makes alternative viewpoints known. The authors acknowledge the difficulty of simultaneously creating both a safe place and one where ideas can be confronted and challenged.
- Appreciation – participants must express appreciation to others for their ideas and for their willingness to share. This builds trust and a positive emotional climate.
- Hope – participants must share a positive perspective on the value

of democracy, interaction and engagement. They must believe that there is hope that change can be accomplished.

- Autonomy – this attribute refers to the ability of individuals to take responsibility for taking a stand and making a viewpoint known. Without this voicing of perspective there can be no deliberation. Yet, individuals must be open to hearing the perspectives of others and reconciling their views in light of other voices.

Moving from a philosophical to a practical perspective, Brookfield and Preskill provide a chapter on the educational benefits and limitations of discussion. Among the fifteen benefits examined, several seem particularly relevant to judicial education. These include:

- Providing participants an opportunity to explore diversity of perspectives;
- Increasing participant ability to recognize and investigate their assumptions;
- Developing participant skill in attentive and respectful listening;
- Increasing intellectual agility of participants;
- Strengthening participant connections to the topic;
- Enabling participants to develop empathy; and
- Stimulating transformation.

As an instructor who has heard the audible groans when participants are invited to discuss, I appreciated the authors' exploration of why discussion does not work and how an instructor can make it work better. I also found encouragement to keep discussion as a part of my classes even though it does not seem to go perfectly well or some participants complain. Here are some practical strategies for stimulating rich discussions:

- Prepare participants for discussion. Provide background reading and structured questions that stimulate thinking. Use lecture to offer questions, present alternative viewpoints, and explore assumptions. Use periods of silence to "digest" lecture and short buzz groups to make meaning and develop student questions.
- Develop ground rules for discussion. Involve participants in the process. Not only do these rules provide guidelines for participation, they empower participants to remind other participants who go outside the guidelines.
- Be specific about the opening invitation. Vague statements like "does anyone want to respond to that?" are less likely to get the discussion going than a more precise focus.
- If background readings were provided, use them to launch the discussion. Have participants identify ambiguities, assumptions, or

assertions that need exploration. Ask participants to identify questions for discussion as they read. (This strategy can be easily adapted to e-mail or electronic discussion groups.)

- Ask participants to identify a concrete image, a scene, an event or a moment from the reading that stands out. For visual learners, this invitation is a welcome change from the emphasis on words and other abstractions. The sharing of the images will trigger conversation.
- Use the real life experience of participants to trigger discussion. Ask for sharing of experience that is related to the concept being discussed. Recent critical incidents from work can provide very concrete illustrations.
- Don't be afraid of silence. As noted earlier, silence can give participants an opportunity to digest content and reflect on what has been said. People whose first language is not English and those who are introverted need more response time. If you move too quickly you will discourage many from joining in. Participants quickly learn that with some presenters, it is just a matter of seconds before presenters answer their own question and move on. So why bother? Silence can also be a way of showing profound respect to what has been seen or heard.
- Use several groupings and re-groupings to keep conversation going. Ask individuals to respond to the questions, then share their response with someone else. That pair can then discuss with another pair, creating a group of four and so on. Groups can also be asked to move to a different "station" in the room to discuss a different question or issue.

Discussion as a Way of Teaching gives faculty motivation and practical ideas for making discussion work. In judicial education, where education for development is honored, discussion is an appropriate and effective instructional strategy. Creating democratic learning environments ought to be our goal. Brookfield and Preskill give us push in the right direction for making discussion a viable component of judicial education.

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