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Where Are They Now?

NASJE's first judicial educator emeritus is about to begin a new career in September as senior visiting scholar and professor at China's Tsinghua University School of Law and National Judges' Training Center.

A founding member of NASJE, Paul Li was NASJE's third president and the director of the California CJER for 20-years. After stepping down in 1993, Paul was an international education consultant until his retirement in 1998.

Since then, he has been primarily enjoying his four grandchildren and refusing all job offers--that is, until he was offered this position in China.

NASJE members may not know that Paul Li has a twin brother, Peter. Their parents were from Beijing, but moved to Hong Kong where Paul and Peter were born. When Paul was 8-years old, the family moved to St. Louis, Missouri where his father taught science at St. Louis University.

The extremely able Paul Li has made indelible and long lasting tracks in the field of judicial education. Founding father of the California Center for Judicial Education and Research (CJER), Paul's work was studied by many other states. It was natural that he was on hand to initiate NASJE itself, then to lend a guiding hand in NASJE's growth and development.

Paul Li's influence did not stop at our national borders. He has served as an international consultant in such venues as Egypt, Israel, Pakistan, the Maldives Islands, and throughout Asia.

He returns to Beijing, China to a school considered to be the "Harvard" of China.

Transitions

NASJE continues to welcome new members from across the country. During May and June, 2000, NASJE admitted to full membership Arizona's new education services director, Agnes Felton. Linda Ryea Richard, employee education manager from Vermont's Office of Court Administrator, was also admitted to full membership, as was Martha Martin, senior attorney for the Florida OSCA. Another newly admitted full member is Pam Castaldi, the New Mexico Judicial Education Center's instructional media specialist, who has been responsible for adapting NASJE News to the Web and for enhancing the NASJE Web site this year.

Kathleen Sikora, with the CJER Education Division, has converted her membership to associate status. Jennifer Scholes and James Kozick, senior educators in the Washington Court Administrator's Office are also new associate members. New general members include education specialist Carol Davanay from the National Center for State Courts; the Hon. Susan Finlay, education director of the National Association of Drug Court Professionals in Alexandria, VA; and Greg Barwell, assistant director for judicial support for the Ohio Judicial Conference. We have also just learned that the Hon. Ernest Borunda, the new Dean of the National Judicial College, has joined as a general member as well. Membership in NASJE's judicial education leadership section continued to grow with the addition of the Hon. Kimberly Hornak from the Juvenile Court of Sandy, UT. Welcome to all of you.

Along with these new additions, we also get to congratulate a long-time colleague on the occasion of his retirement. After 16 years as West Virginia's judicial education director, Richard Rosswurm retired in mid-June. Richard reports that he will be available for a variety of part-time projects after he completes his move to Cincinnati in mid-August. Richard may be reached at 3767 Boomer Road, Cincinnati, OH 45247, (513) 389-0265; rhrosswurm@aol.com. Richard conveys his "thanks and regards to NASJE for a decade and a half of aid and comfort." Thank you, Richard, for your service on the board and your years of support to your colleagues.

President's Column

Dear Friends:

As I write this column, summer is in full bloom here on the East Coast - blue skies, hot days and the beaches are calling. Unfortunately, my duties have prohibited my spending time at our beach house, but I'm hoping to get away for a few days shortly.

NASJE business has kept Denise Kilwein and me hopping from airport to airport. We spent a most productive weekend in Williamsburg, VA at the National Center for State Courts meeting with representatives of the American Judges Association and the National Association for Court Management on the

development of a curriculum for judges dedicated to trial court performance standards. The groundwork has been laid for the three organizations to partner on this most important project under the umbrella of the National Center for State Courts.

Denise and I arrived home to change clothes and catch a flight to East Lansing, Michigan to attend the JERITT Management Board meeting. It was wonderful to visit with Denny Caitlin, Dr. Maureen Conner, Dr. John Hudzik, Kay Palmer and the staff of JERITT in addition to discussing JERITT's accomplishments and future endeavors.

I'm looking forward to representing NASJE at the upcoming Conference of Chief Justices/Conference of State Court Administrators Annual Meeting, July 30 - August 3, 2000, in Rapid City, South Dakota as well as at the National Association of Court Management in Atlanta, Georgia, August 13 - 18, 2000. Maintaining a presence for NASJE at these important conferences has resulted in many recent collaborations. We look forward to working closely with AJA, CCJ, COSCA, and NACM in the future.

You will soon receive information regarding our 25th Anniversary Celebration/Annual Conference in San Antonio, Texas, October 18 -22, 2000. I encourage you to attend what promises to be a most entertaining and educationally rewarding program. Please also check our Web site at <http://nasje.unm.edu> for conference updates and additional information. Many thanks to Pam Castaldi, our Web developer, for her outstanding design work. I also encourage all to use our list serves that are hosted by the NCSC and the Georgia Institute for Judicial Education.

In closing, I look forward to greeting you in San Antonio and to celebrate the accomplishments of NASJE over the past 25 years.

Fondly,
Franny Haney, President

Point

Content Is King

In the ongoing and intense debate over the relative importance of content and environment in judicial education programming, content clearly prevails.

Wait, you say. What debate? Why haven't I heard about it? If you plan educational programs, I submit you have heard of it, but perhaps you have not had an occasion to think of it in these terms. You hear of it every time you allocate resources between presenter honoraria and facility rental costs. You hear of it when you schedule "free time" and social activities into conference agendas. You hear of it when you decide between urban and rural conference sites, when you plan meals, receptions and entertainment.

Unconvinced? How many planning committees have not debated the importance of conducting conferences in high quality hotels, or of offering a "retreat" atmosphere for the program, or of serving elaborate banquets? And how many resources have been diverted into facility rental and banquet costs, or increased participant and presenter travel time and expense, because of the selection of luxurious or remote conference venues? How many of those diverted resources might not have been better invested in speaker fees and enhanced AV resources?

Content, I submit, is the essence of professional education. It is the reason why the audience comes at all (or at least why the public supports their attendance); it is the only enduring reward they take away; it is why judicial education programs exist at all. Program content – and how it is presented – determines the success and impact of any educational program.

Obviously, the absence of basic creature comforts will adversely impact a program: neglect of room temperature, seating comfort, lighting, or in situ urban wildlife exhibits will certainly detract from any learning experience. But excessive emphasis on environmental comforts can impose major distractions from the learning experience as well. A conference at a swank mountain resort may attract more family members and golf clubs than appetites for serious learning. While I know of no reputable study on the subject, I would suspect that attendance at conference sessions declines in direct proportion to the number of tennis courts, swimming pools, bike paths and other diversions offered to the conferees.

I submit that educational resources funded by taxpayer dollars are far too scarce to be diverted into environmental concerns beyond the basics of a comfortable meeting space and nutritious food. Every dollar spent on an elaborate meal or luxurious meeting room is a dollar less to spend on attracting quality presenters and adequate materials. The time consumed traveling to exotic rural locations can be far more fruitfully invested in providing extended experiential learning opportunities. In the worst case, an excessively attractive environment can distract learners from the whole objective in attending the conference: to learn.

Counterpoint

Content and Environment: The “Nature” and “Nurture” of Education

Whoa! Before everyone nods smugly and murmurs “case closed,” let’s think about this. We might, on reflection, discover that our reaction is less related to what judicial education is about than to beliefs we would be squeamish about acknowledging directly: “Content worthy of judicial education is what we and our committees say it is” or “If they’re not in the classroom, they’re not learning.” Most of us would agree that these statements leave something to be desired as a judicial education belief structure. And so, I’m afraid, does the juxtaposing of ‘content’ and ‘environment.’

Ours is another version of the debate about why people turn out the way they do. Is it nature or is it nurture? It turns out that strengths in one (nature or nurture) can overcome great flaws in the other, but that neither makes a “complete” person by itself. So, we know for sure that the either/or discussion is wrong to the core.

In our world, we ask why learning turns out the way it does. Is it content or is it environment? It turns out that strengths in one can overcome great flaws in the other, but neither makes a “complete” educational experience by itself. We know for sure that the either/or approach to content and environment is wrong.

What are we about in judicial branch education? We are trying to improve the quality of justice in our states through education. We are equipping our

constituents with knowledge, beliefs, and skills necessary to be highly effective, either by incrementally improving what is being done, or by changing what is done altogether.

Let's face it. We're not really about giving people every minute bit of "stuff" they need to know on the job. We're about providing a context for people to create their own learning pathways. We are about teaching people to be better learners; to acquire, understand, and apply new material for a higher quality of professional output.

I would argue that most of the material with which we load our conference days — in the classroom— is inappropriate filler. The bulk of classroom time is not used to improve practice, but rather to simply hand out information. Moreover, delivery of the material is so controlled that many learners do not develop the framework for continued development on their own ("don't you dare take what we've given you and make your own meaning of it— you use it like we told you"). In these cases, it has been the learning that has taken place despite the classroom, within the environment, that has saved the day. It has been the discussion over group meals, the informal gatherings at breaks, and the reflective time during other activities that resulted in more effective professional practice back home.

Educational researcher Alan Tough's decades of study into why and how people pursue learning indicates that professionals do not attend programs and conferences for "content," in the traditional sense. They are very capable of getting information and learning skills more efficiently on their own. Indeed, they will spend up to 800 hours per year in self-learning. Professionals come to group learning environments for the "spin," the analysis, that is offered there. They want insights and perspectives. They want a behind-the-scenes view of the subject. Do our learners get this better in the "environment" of our programs, or in the presentations? Be honest.

Assuming we can get the content thing worked out, we still need to have an environment that nurtures learning and development. In my experience, the highest level of contemplative work and discussion of the "essence" of one's profession has happened in inspiring surroundings. I agree with Paul that we should scrap the cost of luxurious meeting rooms, but I think the savings should go to the most pleasant food and surroundings affordable. Those judges who have attended my programs at mountain resorts have not missed a session, and have reported some of the most meaningful life (and practice) changing experiences from the programs.

I doubt that many of the greatest theories, inventions, or definite works have happened in a classroom, but no doubt a great many "aha" moments have happened on bike paths, tennis courts, and in swimming pools. If anything, our classroom experiences should prepare the learners for those happenings in the environment. The learners come for the happenings, dear friends, not the content. And the happenings are everything when it comes to the success and impact of a program.

So, in closing I have only one question for my pro-content colleague: where, pray tell, is this “excessively attractive environment” you were writing about? I need to book a program there as soon as possible!

New Judges' Curriculum Profile: Virginia's Pre-Bench Orientation Program

by Tom Langhorne

I offer you a very personal admission. One of which I am not particularly proud. I am completely captivated by the many themes underscoring the hit television series “Survivor.” Pretending to be above it all, I initially proclaimed my resistance to watching a fabricated media event compelling my voyeuristic, primitive tendencies.

Now, however, I watch with attached interest, being convinced that a future winner of this competition will be a graduate of Virginia's new judges' orientation program. I do not pretend that Virginia's Pre-Bench orientation curriculum is comparatively superior to other states' new judge training. But, I am struck by the tendency of Virginia's new judge orientation program to develop “survivor” skills necessary to make the transition from lawyer advocate to impartial judge. Lawyers daring to raft their way through uncharted, unsettling political waters to land on the often isolating judicial island, must, by necessity, demonstrate certain particularly unique skills. Remaining, surviving and thriving on that judicial island, requires another reservoir of survivor skills. This article addresses those skills new judicial captains must master lest they share Blackbeard's fate.

About Virginia's New Judges

In Virginia, one must be a lawyer before one can qualify for judicial candidacy. Once appointed by Virginia's legislature, new judges are required to complete a three-week Pre-Bench training curriculum.

General jurisdiction (circuit court judges), limited jurisdiction (district court judges) and juvenile and domestic relations court judges jointly attend the three-week course. Although specific courses are designed to address the jurisdictional idiosyncrasies of these three types of judges, most of the curriculum is designed for joint classes attended by all three types of judges.

Identifying the Major Learning Objectives for New Judges

Each of the three, non-consecutive weeks of new judge orientation has distinct general learning objectives. Each week of training lays a learning predicate for successive weeks of training. The following describes the learning objectives for each respective week. ([To review Virginia's three week Pre-Bench schedule, click here.](#))

The First Week of Pre-Bench Training:

Making the Immediate Transition from Lawyer to Judge

Those fortunate enough to navigate successfully the treacherous political waters to become judges obviously possess considerable political and legal acumen. My experience with new judges indicates these same skills are hardly sufficient to survive an extended tenure on the bench. Generally, new judges are hardly idiomatic representatives of Gilligan, the Professor, the Skipper, Mary Ann, or Ginger in that they are rarely hapless or helpless. Nevertheless, they are thrown together, each possessing divergent skills, decision-making and personality preferences. Leadership styles differ. Communication styles conflict. Ultimate professional ambitions compete. Collectively, each desperately searches (although few new judges admit it) for the means and wherewithal to survive the initial transition to and shock of being on the bench. What are the resources upon which new judges can immediately rely? What must new judges do to “fit into” a startling new culture with concomitant new values, rules, and expectations? How can the newly appointed judge preserve or promote a team-oriented court culture? Ultimately, after the passage of time, most reflective judges query, “Who am I? What place do I take in the judicial scheme? How will others perceive me? Did I make a mistake

leaving my secure environs?"

Like newly formed corporations, the greatest challenge to a judge's viability comes during the formative stages. I recall the first day of my practice with a large Richmond law firm. The senior partner assigned to my "professional development" called me into his corner office. To the point, he advised me his only goal for my first year of practice was to ensure I did not commit malpractice or commit an ethical violation. If I survived the first year, not only would I be considered a success, I would then be on my own. Similarly, our Pre-Bench program aims at assisting new judges in developing short term and long-term survival skills. If a judge can survive the initial transition period, the judge will, in all likelihood, survive the long haul. To accomplish this survivalistic feat, of course, there are certain skills and adaptations new judges must learn to command and embrace.

Making the Transition from Lawyer to Judge

Our new judge orientation program's first class focuses on making the transition from lawyer to judge. ([To see the learning objectives and description of this class, click here](#)). Let's face it. The skills needed to be a successful lawyer are not necessarily synonymous with the skills required to be a successful judge. Simply put, lawyers are advocates; judges are neutral arbiters. Making that role transition, in and of itself, is professionally daunting. Add to that challenge the fact that the legal and jurist professions demand overlapping, but disparate, skills. Some judicial skills come naturally to some jurists. Other judicial skills must be learned.

We begin the first week of orientation by advising new judges that they can expect to experience three general, but nevertheless distinctly identifiable career phases during their tenure. New judges must be apprised of this fact early in their judicial career. I would argue that they need to know this prior to seeking a judicial appointment, much like law students should know what lies beyond their three year sacrificial commitment.

Learning About the First Phase: Adjusting to the Bench

Our Pre-Bench curriculum emphasizes that the judges' first transitional phase will require them to learn new roles, behaviors and projected images with which judges are expected to comply. These expected roles are very different indeed from those expected of lawyers. Our Pre-Bench program aims at preparing them for this initial culture shock.

Specifically, during this "adjustment phase," a new judge often thinks she knows what is expected of judges and what judges actually do. Often, these assumptions are incorrect. This invokes the popular judicial educator refrain: "How can one know what one does not know?" Accordingly, we introduce our new judges to the roles and behaviors expected of them by various entities and private parties. This includes a discussion of their adapting to and adoption of the "judicial temperament" and exercising self-restraint. (Often, this is more difficult for these reformed advocates than they can anticipate. Overcoming the natural temptation to try the case for ineffective lawyers can be difficult at best.) Moreover, new judges must develop decision-making skills that differ from those employed by lawyers. These skills include decisiveness, prompt decision-making, and letting go of the case once a decision is made. (I believe some judges' inability to emotionally detach from individual case decisions is a leading cause of their ultimate alienation and burnout).

One of the most demanding challenges facing the new judge is to learn and become comfortable with their new role as public figures. Judges must be prepared for changed relationships with fellow judges, former Bar colleagues, friends, and yes, family. In this vein, it is most important to prepare judges for the common and, unfortunately, virtually inescapable phenomenon called "judicial isolation." Altering relationships with the forgoing parties is a reality inherent in the adjustment phase. For example, the new judge is advised to monitor prudently the nature of her communications and public interactions with her former partners or friends who have cases pending before her court. During this first orientation class, new judges learn from senior colleagues how to prepare for and take actions to ameliorate the effects of this isolation.

Other personal questions new judges must immediately confront include balancing new

demands on their family, including increased visibility of and life style changes for all family members.

Understanding the Second Phase: The Establishment Phase

Phases and transitions which follow the “adjustment phase” take on their own, unique faces and challenges. An important learning objective of this class is to understand these transitions and concomitant challenges are dynamic, not static. Specifically, after a judge masters the adjustment phase (becoming comfortable with the new roles and expected behaviors and mastering the routine mechanics of the job), the judge merely enters a second phase characterized by entirely different transitional challenges. This second phase can be aptly called the “establishment phase,” during which the judge becomes comfortable with the job, resolving any conflict between the new roles as judge and personal or private expectations. The establishment phase is marked by the judge turning his or her attention to improving the judicial system, the quality of justice and professional judicial skills.

Our Pre-Bench curriculum addresses some of the second phase challenges, including resolving core conflicts inherent in the job. These include the typical conflicts between judicial efficiency and rendering justice, pleasing the expectations of the Bar or public, which often conflict with traditional notions of justice, resisting public pressure groups’ demands for their particular brand of justice. Specific instruction is also given to how they, in this second phase, can improve their judicial skills, engage in mentoring efforts, and improve the public’s perception of courts.

Phase Three: The Commitment Phase

If judges survive the perils of the first two phases, they should be prepared for the transitions that accompany the last phase of their judicial career. The commitment phase is marked by a judge’s commitment to finishing his or her career as a jurist and convergence of personal values with system values. One becomes an elder leader to the legal, judicial and public community. The leader personifies a model for younger judges to follow. Each of the forgoing imposes new challenges for those who have managed to survive the first two stages.

How does a judicial educator address all of these issues and learning objectives? Our approach, each year, is to constitute a three-person panel of judges, each of whom represents one of the three phases of judicial development. Each judge is given specific speaking points and learning objectives that correspond to their respective phase. Each panelist is given about twenty minutes to explain the respective phase’s transitional challenges and practical, personal insights as to how to overcome those adjustments. Liberal time is afforded for questions and answers. Dialogue between the new judges and panelists is expressly encouraged. An ancillary benefit of this approach is the forging of a “pledge class” dynamic wherein each year’s Pre-Bench class begins to interact, share similar concerns (and fears), and perhaps most importantly, develops bonds that endure throughout their judicial career.

Resources, Resources, Resources: What Do I Need to Survive?

Recall those occasions in your life where you found yourself in a strange place, uncertain as to how you would sustain your basic needs. Have you ever traveled to a foreign country, exchanged a foreign currency, grappled with a foreign language when needing directions for food, shelter or a water closet? Making the initial transition to the bench, like that of washing ashore on a deserted island, requires the new judge to rely on completely new resources, procedures and the expertise of others. Our first week of Pre-Bench training focuses on orienting new judges to the resources and systemic expertise upon which they can rely when their own resources and expertise are exhausted.

For example, our Pre-Bench faculty includes Virginia’s Attorney General who explains whom to contact when a judge is sued, what insurance coverage judicial representatives enjoy when acting in the scope of their professional duties and how to obtain advisory opinions from the Attorney General’s office regarding a wide range of issues pertinent to the execution of judicial duties.

Personnel benefits provided our judiciary and their families are an obvious and immediate

concern to our new judges. “What are my sick and personal leave benefits?” “What happens if I am disabled?” “Whom do I contact if I have staff grievances and what procedures must I follow?” Our Director of Personnel addresses these issues and entertains the new judge’s personnel-related questions.

Extra-judicial resources must also be explained. Various state agencies regularly interact with, impact upon and provide support services to Virginia courts. Accordingly, judicial disciplinary representatives, representatives of the Department of Motor Vehicles, state police, Department of Corrections, juvenile rehabilitation services and others are established members of our orientation program faculty. Each explains their organization’s role in and interactions with the court system. Importantly, each carefully explains those resources that can be summoned when judges need them.

Invariably, during the course of a trial or entertaining motions, the novice judge is presented with substantive or procedural questions she cannot extemporaneously resolve. Often, the initial question is “Where do I start in order to resolve this issue”? In those instances, a new judge must rely on readily accessible reference resources for guidance. Accordingly, the first week of training provides exposure to various carefully prepared benchbooks, manuals and computerized research and case management tools.

How Will People Perceive Me?

Face it. People see us differently than we see ourselves. The way in which judges are perceived while wearing their robes can impact public confidence in the courts or affect an individual’s perception of whether they received a judicial fair shake. Complicating this issue is the fact that most of these new judges have never presided over a trial. (Our orientation class includes former limited jurisdiction judges who have been elevated to our general jurisdiction courts. Nevertheless, these new general jurisdiction judges have yet to preside over a jury trial.) Obviously, they have no idea as to how lawyers, parties, clerks or bailiffs will perceive them in their new role as the courtroom’s alpha dog. Few have ever seen themselves on video or television while executing their judicial duties. Accordingly, it is a rare judge who intuitively knows how physical or verbal mannerisms may contradict or undermine intended messages or rulings.

To address this dilemma, we conduct two separate mock trials for each judge. The first mock trial is based on a straightforward, pro se misdemeanor assault and battery scenario. Rarely does the first mock trial last more than one-half hour. Volunteer actors and actresses from the Supreme Court’s Administrative Staff serve as bailiffs, parties and witnesses. The first round of mock trials are conducted in appellate courtrooms located in the Virginia Supreme Court building. Each mock trial is videotaped. Immediately upon concluding the first mock trial, the judge is handed the videotape of the trial and is led to an informal studio where the judge is joined by a communication specialist (who is usually a faculty member from one of several local Richmond area universities). The communication specialist watches the videotaped trial with the judge. During this review, the specialist spots and analyzes verbal and non-verbal cues that dilute the judge’s courtroom authority and presence or contradict and undermine the judge’s intended messages. In short, this exercise is designed to teach judges that the majority of the message heard by courtroom participants comprises the judge’s tone and body language, not the actual spoken word. It is important for judges to understand that their body language and tone can unintentionally send mixed (and therefore misunderstood) messages when the former is inconsistent with the actual words used. Moreover, all three converge to either bolster or diminish the judge’s control over the courtroom.

During the first videotaped mock trial, actors are encouraged to engage in behavior that is inappropriate for the courtroom. For example, the bailiff is instructed to lose the court papers and not recall the case style or assist the judges when litigants become unruly. Police officers, witnesses and litigants are asked to speak disrespectfully to all concerned, interrupt the judge and on occasion direct sexist or racist remarks. On first blush these antics may seem unnecessary (monitors are present to ensure actors do not exceed boundaries of the absurd). However, two major learning objectives are achieved by this approach.

First, judges are allowed to appreciate their dependency upon every person in their courtroom. Each person, in one way or the other, supports them and the litigation process. In their former capacity as lawyers, new judges are accustomed to courtroom proceedings that are by and large controlled, orderly and organized. New judges need to realize, through first hand experience that they are very much dependent on support staff, attorneys, and yes, litigants who sufficiently respect the court to endure the trial process.

Secondly, these artificial “antics” place the new judge under increased stress. Creating increased stress levels increases the chances the judge will manifest undesirable and unintentional verbal cues and non-verbal mannerisms. These are the very cues we want to capture on film for our experts to analyze. Invariably, our judges advise me they never knew they exhibited certain courtroom mannerisms. Some maintain, “I would not have believed I said/did that if I hadn’t heard/seen it with my own eyes.” Armed with this new found insight and suggested corrective strategies, the judge can become a better courtroom communicator and present an image more consistent with that of an objective, neutral fact finder.

Orchestrating the second round of mock trials is reminiscent of planning the Normandy invasion. At the conclusion of the first week’s classroom component, judges are sent to Richmond area courtrooms to preside over more complex mock trials. Depending on the number of new judges in the orientation class, between thirty to fifty actual courtrooms are used. Most importantly, experienced Virginia judges observe the new judge’s mock trial performance and offer an in depth critique of the new judge’s performance. Area attorneys likewise donate their valuable time to serve as actors, witnesses, and lawyers for these mock trials. Elaborate scripts, evidentiary issues, preliminary motions, and exhibits are individually tailored to correspond to the specific type of subject matter jurisdiction the new judge will be inheriting. These materials are distributed in advance to everyone except the new judge. This affords the participants advance trial preparation time and, accordingly, they execute their “performances” in a more realistic fashion.

Clearly, this effort requires great orchestration with and support from the Bar, senior judges, court clerks (who must sacrifice courtrooms and make specific courtroom assignments well in advance of orientation) and Sheriff offices (who serve as bailiffs during the mock trials). Our new judges consistently indicate that this is a very valuable “dry run” lesson.

How Do My Sentencing Decisions Affect People?

We believe judges should experience the environs of the prison, the juvenile detention center and other alternative sentencing destinations. In essence, judges should know, in advance of their first sentencing decision, what the convicted person’s life will be like as a result of a sentencing decision. Accordingly, with the cooperation of Virginia’s Department of Corrections, the Richmond City Sheriff and juvenile detention centers, we give judges eye-opening tours of various correctional facilities. Judges see, hear and smell the conditions prisoners experience. They can evaluate, first hand, the type of rehabilitative programs and resources that are or are not available. During these tours, judges meet in small groups with correction representatives. Judges are exposed to a wide range of correction concerns, including their frustrations with the courts, feedback regarding ineffective sentencing decisions, lack of resources, and disdain for cryptically worded judicial orders. After this experience, most judges carry with them a higher degree of empathy for those affected by their sentencing decisions. Armed with this three dimensional knowledge, judges can also make more appropriate sentencing decisions after taking a facility’s resources and living environment into consideration.

The Second Week of New Judges’ Orientation: Dealing with Others

“Dealing with Others” is an overarching theme interwoven throughout the second week our new judge training. Judges are required to interact with widely divergent types of people and entities. We often take for granted the seemingly endless number of people and organizations that seek their share of a judge’s attention and energies. Court clerks, bailiffs, lawyers, pro se litigants, witnesses, parties, public interest groups, the media, and public agencies all compete for a judge’s limited time and resources. Effectively dealing with each of these groups requires the application of disparate skills and insights. Representatives from all of the above-mentioned

groups help comprise our orientation program faculty. Each representative shares his or her perspectives regarding those specific skills judges should exercise to interact effectively with their constituencies and colleagues. By way of example, we invite a former television journalist (now a media relations consultant) to demonstrate effective media relations and television interviewing skills. One exercise requires judges to practice their newly learned interviewing skills while being videotaped. Their performance is critiqued. Ultimately, judges learn how to deal with the media and promote the judge's preferred message and agenda while simultaneously negotiating reporters' difficult or sensitive questions.

For judges to effectively and fairly interact with various, divergent court users, they must know themselves and be capable of objective introspection. Moreover, judges' personality traits profoundly impact the way they interact with litigants, witnesses, lawyers, clerks of court, jurors, the media-- indeed, everyone who deals with the court.

To help new judges understand how their personality affects everything they do, from their courtroom communications to the way they decide matters, we administer the self-scoring version of the Myers-Briggs Type Indicator during the first week of orientation. Judges are advised to commit their score (personality type) to memory for the second week of orientation. During the second week of orientation, we devote three hours to demonstrating how their personality type impacts virtually everything they do. Affected are their preferred communication style and how and when they decide cases, manage their docket, determine witness credibility, resolve office disputes, make meaning of and assign value to information, impose sanctions and a host of other court-related processes. More importantly, perhaps, judges are instructed how to identify the personality types of those with whom they must interact. The ability to identify another's personality type is an invaluable tool. For example, a judge armed with self-knowledge of how her personality type will react to a lawyer's diametrically different personality type allows her to monitor her own reactions and decisions for objectivity. In effect, this knowledge helps ensure courtroom decisions and interactions that are based on objective information, not biased reactions.

Each and every one of us possesses and occasionally acts upon our prejudices and biases. We cannot reasonably expect judges to be immune to this universal truth. We can expect our judges to take an honest and difficult inventory of their biases and monitor their biases in a fashion that inhibits the biases' manifestation in the courtroom. Aspirationally speaking, I wish I possessed the ability to design gender and cultural bias curricula that effectively eliminate all traces of prejudices from judge's hearts and minds. If you know an educator who has accomplished this feat, call me or at least post that person's name on the NASJE News web site. Until I find that miracle worker, we will have to be satisfied with helping judges monitor their prejudices so that they minimally affect their decision making process. This is one of the paramount goals of our orientation program.

Considerable time is devoted to helping judges understand how to communicate effectively in the courtroom. Our faculty emphasizes the value of developing active listening and two-way communication skills. Hopefully, judges learn to appreciate the maxim, "People would rather be heard and understood than agreed with." Our courtroom communications class also reinforces some of the fundamental lessons learned from Week One's mock trials, including lessons regarding the judge's body language, tone and expressed words.

As all judicial branch educators know, judges are routinely subjected to stressful situations, both inside and outside of the courtroom. These stresses often assume different forms during different stages of the judge's tenure. Stress-coping mechanisms must be adopted and practiced by judges if they are to enjoy rewarding careers as jurists. Accordingly, considerable time is devoted to helping judges deal with, identify, monitor and control job related stress.

The Third Week of Pre-Bench Orientation: Nuts and Bolts

During the third week of orientation, juvenile judges attend a specialized track of instruction that differs from the district and circuit judges' track. This approach is driven by the specialized case types and equally specialized procedures and resources juvenile judges must quickly master.

Juvenile judges spend intensive, interactive class time with senior judges and subject matter specialists. Their third week of orientation could be aptly characterized as the “nuts and bolts” week. ([Click here for a complete schedule.](#)) Segregating juvenile judges from their circuit and district court colleagues at this juncture fosters focused learning responsive to their unique learning needs. Additionally, resulting small class size promotes a supportive learning environment in which any question can be asked without risk of embarrassment.

Concurrent with the juvenile judges’ classes, our district and circuit judges attend a completely different track. We refer to this track as the “Judicial Institute” track. Here, classes are divided into eight, three-hour subject matter review classes. These review classes are primarily straight lecture in format. Each class resembles a Bar Review course in its presentation. Essentially, a subject matter expert (usually a law professor from one of Virginia’s law schools) provides a fast paced, three-hour survey of a particular area of the law. Accompanying each lecture is an extensively detailed outline. The pedagogical theory behind the “Judicial Institute” is that new judges should be at least as up to date in their base-level knowledge of certain legal subjects as the new attorneys who must pass the Bar exam before they may practice before them. Examples of classes typically included are criminal law, criminal procedure, constitutional law, torts, property, landlord-tenant law, contracts and various commercial law topics.

Series: Learning Outside the Classroom

The first article in this series, by Krista Johns in our spring issue, introduced the notion of learning outside the classroom and discussed some considerations in designing such programs. Now we introduce the second and third articles for this series. In the second, also by Krista Johns, we continue our look at how understanding natural learning can assist us in developing a greater repertoire of learning opportunities. The third, by Michael Pack, discusses the role that technology can play in delivering educational programming.

Part Two in the Series: Learning Outside the Classroom

Natural Learning

by Krista Johns

More than ever, judicial branch education is being offered in ways outside the usual forms of classroom delivery. There are innovative programs to support independent study, as well as traditional mentor programs. Web-based courses provide interactive video and opportunities for personalized feedback (“how did I do on that evidence quiz?”).

The maturing of classroom education (seminars, workshops, conferences) has played a role in this move to other venues, as have funding and access issues for the increasing numbers of individuals within judicial branch education’s charge. Planning committees and learners now expect to deal with more than information: they want to polish skills and wrestle with philosophies and values associated with their work. It is more difficult and costly to provide these to all interested learners, because they call for a low teacher-student ratio and replication of the environment in which skills will be used.

In designing out-of-class learning activities, the challenge for the educator is to think more broadly about learning, and about the educator’s role. Without the classroom, do we need a convening place? A course design? Hospitality-type amenities? An instructor? If so, what form do they take? If we don’t need one or more of these things, what is left of the judicial branch educator’s traditional role? What new roles emerge?

When we move from the “seminar business” to the “facilitated learning business,” we need to know our learners much more intimately. We need to know the sorts of background they have, and the tasks and roles they fulfill on the job. We also need to know how they learn naturally. Though the best educators already focus on the learner, there are pragmatic blinders that generally narrow the focus to what is relevant for the learner in the classroom. This has allowed for the fixation on information knowledge that learners should acquire. After all, cognitive development (or at least delivery of information) is what has been honed for the classroom. The power of the classroom blinders can be demonstrated in this irony: many

Judicial branch educators use the word concrete to refer to information (“the judges want something concrete”), whereas education theorists equate concrete with experiential and information with abstract.

The exploration of how constituents of judicial branch education learn naturally starts with learning on the job and moves beyond. The point is not to replicate the work of theorists who have developed learning style models. Rather, the objective is to discover what instrumentalities of learning have been important to someone’s development. We want to identify what happened to bring about the learning. The elements of inquiry include both intentional learning and learning as part of being alive (e.g., the “school of hard knocks”).

It is often difficult to determine what learning that comes from being alive is useful for “facilitated learning.” Much of what ends up being significant for bringing about change in individuals is unanticipated or not recognized at the time. This, in itself, should give pause to those who use curricula or committees to rigidly define what the content will be in judicial branch education. Nevertheless, it is useful to consider what human abilities an individual is expected to bring to the job, and how these are learned over the course of one’s years. For example, how do people commonly learn to select suitable clothing? What are some of the motivators, negative and positive, for this piece of learning? What general insights can we glean about natural learning from this example and others? These insights provide “facilitators of learning” with a better understanding of how constituents can acquire the knowledge, skills, and supporting beliefs needed to fulfill the tasks and roles of their jobs.

The connection is even closer in the exploration of how individuals intentionally learn on their own. Educational researcher Alan Tough has found that individuals spend, on average, 800 hours per year intentionally learning things they have identified for themselves. Again, the better understanding of our constituents will come if the inquiry moves beyond how they learn job-specific material or tasks. There is value in considering how people learn to ride a bike or manage their money or drive a car, for example. These abilities are viewed in our society as milestones of independence. The ways in which these are learned can help us understand how new judges or new court employees can employ natural learning as they move into their new role. Similar benefits derive from exploring how our constituents learn to kayak, speak a second language, or use PowerPoint.

Our purpose in understanding how people learn naturally is to take advantage of those processes in creating learning opportunities outside the classroom. The inquiry will not be complete, however, without also looking at the “what” people learn on their own. What do people learn as part of being, both on and off the job? What do people set about to intentionally learn on their own? As for the information component, how do individuals address that need?

With this information, judicial branch educators can continue to develop outside-the-classroom learning opportunities that make the best use of how their constituents learn. The increased repertoire of learning opportunities can also allow educators to allocate more accurately (i.e., limit) classroom time for presentation of “information” so as to accommodate the best use of the group interaction. Finally, educators will be able to acknowledge a learning partnership in which formal education is only one part, and in which independent and other sources of learning must be facilitated.

Among the most promising vehicles for facilitated learning (both formal education and independent learning) are those involving technology. The next article will take us into new ways in which technology is playing a role in delivering education.

Part Three in the Series: Learning Outside the Classroom

Technology Tools For Learning Outside The Classroom

by Michael Pack

Learning is not subject to the confines of time and space. This is good news for court professionals. Judges do not have to wait an entire year for their next annual program in order to learn again. Clerks' offices can proceed with the demands of their daily responsibilities while training new employees. Court administrators can develop new management tools in the midst of scheduling dockets. And judicial educators are now free to design, develop, and implement education and training from the comforts of their own office.

This article will not advocate one method of learning as a best practice, but will attempt to explore the best solutions for a variety of learning challenges. Technology increases the arsenal of the judicial educator, but is simply a means to a desired end. Judicial educators must identify the needs of the learner before designing the proper learning initiative.

The Judge

Various technological tools are available to the judicial educator and the judge to enhance the judge's in-class learning experience. Let's use the example of a judge who has attended a four-day judicial education seminar with his colleagues from across the state. Jim Bob, the judicial educator, wants to reinforce several points made by the evidence instructor during her presentation on new case law. Jim Bob has a judicial education web site that he encourages judges to use as a discussion vehicle and research portal. Jim Bob works with his evidence instructor to develop a set of follow-up discussion questions and case scenarios. The questions and scenarios are then posted on a bulletin board on the secure section of the judicial education web site.

Our judge receives an e-mail from Jim Bob informing him of the web site and is now able to access it, read a question or scenario, and post his own response. His response will be visible to all other judges accessing the bulletin board. In essence, Jim Bob has created a secure, anonymous (if using alternate id's), non-alcoholic hospitality room. Judges from across the state are able to discuss the posted issues and share unique solutions to common problems. Some judges are so intrigued by their colleagues' responses that they begin sharing encrypted e-mails on the subject. Jim Bob is so pleased by the success of the web site that he is designing a real time chat room and developing instructor-led classes using streamed audio and video.

The Clerk

Talk about a busy place! Circuit court clerk Sasha works in controlled chaos. Her office is the keeper of records for her circuit, in addition to issuing driver licenses and doing whatever else her judges may need. Sasha has eight deputy clerks to assist her and one vacancy. The vacancy will be filled on Tuesday, so Sasha must decide how best to bring her new employee up to speed. She has determined that the first substantive issues to address are the personnel policies and the clerks' procedure manual, which provides a step-by-step outline and explanation for practically every responsibility in the clerk's office. Fortunately, the Administrative Office of the Courts has placed both manuals on its secured web site. Sasha will review the personnel policies with the new employee while showing her how to access all of the features of the

web site.

When her new employee is comfortable with the web site, Sasha will outline the employee's office responsibilities and have the employee access the online procedure manual. The manual is formatted with the procedures explained first and then an interactive training component to ensure the new employee comprehends the information. The new employee will then be assigned to a more experienced deputy that afternoon for some helpful mentoring and practical application. How fortunate that her new employee can obtain this information without pulling another deputy away from his or her responsibilities. Sasha may even begin to cross-train the rest of her staff to maximize the efficiency of her office.

The Court Administrator

Larry, the assistant court administrator, has been assigned the responsibility of proposing a new approach for compiling failures to appear, or FTA's. Although the case management system is very thorough, their jurisdiction has not yet developed the ability to pull FTA's. A computer-literate judge has recommended that Larry look into database programs. Although he is very comfortable with the computer, he has never used a database program. Larry calls Jim Bob at the AOC. Jim Bob suggests that Larry sign up for the Element K interactive web training program which allows the learner to attend on-line classes through streaming audio and video, and to go through step-by-step tutorials designed with Flash technology. Jim Bob also sends him a videotape instruction course on the database program used at the AOC to familiarize Larry with the terminology and user interface.

After three weeks of on-line classes, Larry has designed a database to track FTA's and has discovered some very useful information about other programs on his computer. His judges are now using the advanced features of their e-mail program to share scheduling information and to book conference rooms. And the chief court administrator has just recommended Larry for a salary increase.

The Judicial Educator

Jim Bob is pleased with the progress of his judges, clerks and court administrators in using the on-line resources at their disposal. His office is now conducting all registrations for their various programs, needs assessments and follow-up evaluations through e-mail and the judicial education web page. His next project will include posting on-line bench books and commentaries. Several states have already posted various versions of on-line references and bench books, and he is busily evaluating these products. His fellow judicial educators are extremely helpful in sharing their experiences. In fact, one state judicial educator has sent him a CD-ROM version of their on-line references. Perhaps he can develop interactive tutorials on CD-ROM for court personnel to use when Web access is unavailable.

He constantly reminds himself that although these projects often seem daunting, technology and the resources available in this day and age enable

him to be more efficient and to execute his responsibilities to the Court of Justice in a more productive manner. Five years ago, the current level of communication and interaction between Court of Justice personnel was unthinkable. His biggest challenge is to remain abreast of developing technologies and to identify properly the proper technological tool to achieve the desired outcome.

Conclusion

Judicial branch education professionals should use technology to learn outside of the classroom. Shifting the learning model from the classroom is not a new concept, but using technology in more traditional classroom instruction is fairly new. Technology has reached the stage where some very intuitive and productive learning can be accomplished, whether using the Web or a CD-ROM. Our respective information technology departments are very good resources, but the judicial educator should actively research and evaluate the various technologies and their usefulness in training and education. In this respect, judicial educators are the gatekeepers. Judges, clerks, court administrators, and other court personnel often look to the judicial educator as their main resource in determining the usefulness and practicality of education and training material. Judicial educators should make use of any and all tools at their disposal to increase learning and job proficiency with the least amount of impact to the responsibilities and daily lives of court personnel. We are fond of encouraging learners to "think outside of the box." Well, technology just may be the key to unlock the generations-old box known as the classroom.

Product Review

AJS Curriculum: Communicating with Voters: Ethics and Judicial Campaign Speech

The American Judicature Society has published a new curriculum to assist judicial candidates to communicate with the electorate within the bounds of judicial ethics. The materials include a videotape, instructor's manual, study materials, and a self-study guide published in both written and CD-ROM versions.

The Communicating with Voters: Ethics and Judicial Campaign Speech curriculum reflects the same high quality we have come to expect AJS educational products in judicial ethics. The videotape (which is also provided on the CD-ROM) features three realistic scenarios that pose ethical problems many elected judges will undoubtedly find all too familiar. AJS has done its usual thorough work in researching opinions issued by ethics committees and courts from around the country on these problems. While the materials will support presentation of a several day course, judges may use the written or CD-ROM interactive self-study guide to prepare for their election campaigns.

This curriculum is a product of Grant No. SJI-096-02B-C-152 by the State Justice Institute. There are modest charges for the material; to order contact Rodney Wilson at AJS, ((312) 558-6900, extension 147; rwilson@ajs.org. For more information, contact David Richert, (312) 558-6900, extension 119; drichtert@ajs.org, or access the AJS Web site at www.ajs.org.

Special Section

Keynote Address: Creating Our Future

NASJE 25th Anniversary Conference

Friday, October 20, 9:00 a.m. - 12:00 p.m.

Connecting Personal Growth with Professional Development

"All change is a miracle to contemplate, but it is a miracle that is taking place every instant." -- Henry David Thoreau.

During NASJE's 25 years, we have experienced a period of remarkable change-in our own lives, in judicial branch education, and in the world around us.

While the future will bring more change into our lives, this presentation will equip us to direct some of that change. Brad L. Mitchell, Associate Professor at the College of Education at The Ohio State University, will offer tools we need to recognize what motivates us to make change. He will help us to decide where we want to go and what we need to do to get there. As leaders in judicial branch education, we can use these strategies and tools to effect positive change not only in our personal lives, but to advocate for changes that will improve the administration of justice.

As a university professor, Dr. Mitchell's areas of specialty are the politics of education, human development and educational change. Currently, he serves as head of the Educational Administration section in the School of Educational Policy and Leadership at The Ohio State University. In addition to his professorial duties, he serves as the local host for "Viewpoint," a PBS community affairs program aired twice weekly. He also is a project consultant throughout the United States, Poland and Italy.

Send Your Leaders to the Leadership Convocation

For several years, now, judicial educators have been inviting committee chairs, faculty, and other contributors to judicial branch education in their states to attend a Leadership Convocation. This pre-conference session at the NASJE Annual Conference provides an opportunity for individuals to consider their roles and responsibilities in judicial education, the principles that undergird professional education for the judicial branch, and current issues in the field. The value of the Convocation is in the interaction with colleagues in other states, and the immersion, for a day, in thinking about judicial branch education.

This year's Leadership Convocation theme is educational leadership. The session is being held on Thursday, October 19. It will begin at 8:30 a.m. and end at 3:00 p.m. Lunch is provided to encourage informal networking.

Led by Catherine S. Lowe, retired director of the California Center for Judicial Education and Research, Brenda S. Loftin, judge of the Circuit Court of St. Louis County, Missouri and faculty for the Missouri Judicial College, Court Executive Officer Jose Guillen, of Napa, California, and Judge Ernest Borunda, dean of the National Judicial College and long-time judicial education faculty and governing board member will engage participants in lively and thought-provoking presentations, discussions, and activities. Big picture frameworks, new ideas, and pragmatic suggestions will all be part of this day on educational leadership.

AGENDAS

dinner on the Riverwalk.			
Wednesday, October 18 Welcome and Orientation			
8:00-9:00 am	Brenda Williams Debbie Bogosian	Alamo Foyer	
9:00-12:00 noon	NASJE Mentor Committee Education Committee Member: Kevin Bowling	Alamo Room	
12:00- 1:00 pm	Hosted Lunch for Orientation Participants		
1:00- 4:00 pm	A Curriculum for New Judicial Educators and First-Time NASJE Conference Attendees - Continued		
4:00- 6:00 pm	M. Christy Tull	Alamo Foyer	
6:00- 8:00 pm	Texas Delegation (Kenny Miller, Jay Johnson, Frances Lopez, Roger Rountree, MariKay Bickett, Heather Hidalgo)	Ludwig's	
7:00 - 8:00 am		Brenda Williams Debbie Bogosian	Crystal Ballroom Foyer
7:00-8:00 am	Breakfast	Ludwig's	
8:00-3:00 pm	Leadership Convocation 2000: "Educational Leadership" (Pre-registration required) See Agenda below	Crystal Ballroom	
8:00-12:00 noon	NASJE Committee Meetings		
12:00-1:00 pm	Hosted Lunch for Convocation Participants	Ludwig's	
2:00-5:00 pm	NASJE Board of Directors Meeting		
3:00-6:00 pm	Kenny Miller	Magnolia	
6:00- 8:00 pm		Franny M. Maguire, NASJE President	Ludwig's

Leadership Convocation Agenda

Court Executive Officer, Napa, California		Break	
• 9:50 - 10:10 a.m.			
10:10 - 11:45 a.m.	"Internal" Partners in Educational Leadership Understanding the judicial branch education partnership; getting partners informed, empowered, developed, and involved; sharing responsibilities and benefits among the professional staff, committees, governance body, peer faculty (judges, court professionals), and learners.		
11:45 - 1:00 p.m.	Luncheon and informal networking		
1:00 - 2:15 p.m.	"External" Partners in Educational Leadership Looking outside the generally perceived relevant groups to: other professionals and fields; other branches of government; the public.		
2:15 - 3:00 p.m.	Continuing Development in Leadership Becoming and remaining effective partners and leadership in judicial branch education; observations from experience; suggestions for "going back home;" and inspirational thoughts.		
7:00-8:00 am		Breakfast	Ludwig's
8:00-9:00 pm	Vendor Exhibition Kenny Miller	Magnolia	
	9:00-12:00 noon	Division of Leadership and Policy Development Education Committee Member: M. Christy Tull	Crystal Ballroom
	12:00-1:30 pm	Ludwig's	
Model Program Display		Magnolia	
Vendor Exhibition		Magnolia	
1:30-3:30 pm	Including a multi-media presentation by the NASJE Editorial Board regarding the Improved NASJE News and Web site	Crystal Ballroom	
3:30-5:30 pm	Northeast, Richard Saks, Director	Baker	
	Southeast, Michael Pack, Director	Yellow Rose	
	Midwest, Kenny Miller, Director	Bluebonnet	
	Western, Martha Kilbourn, Director	Mahncke	
	Model Program Display	Magnolia	
	Vendor Exhibition	Magnolia	

	6:00 pm	Depart for Annual Banquet (two block walk)
6:15 pm	http://www.buckhornsaloon.com	The Buckhorn Saloon
7:00-9:00 am	Breakfast	Ludwig's
9:00-12:00 pm	TBA	Mahncke
	Alamo	
12:00-1:30 noon	<p>Hosted Lunch/Plenary Session Speaker: Mr. Edward D. Barlow, Jr. Creating the Future, Inc. St. Joseph, Michigan http://www.creatingthefuture.com</p> <p>Education Committee Member: Kevin Bowling</p>	Crystal Ballroom
1:30-4:30 pm	<p>http://www.creatingthefuture.com Education Committee Member: Kevin Bowling</p> <p>Curriculum Planning for Court Improvement and Professional Growth Speakers: Maureen E. Conner, Ph.D. Executive Director, JERITT Project</p> <p>Thomas N. Langhorn, III Director of Educational Services, Supreme Court of Virginia</p> <p>John R. Meeks Executive Director, Supreme Court of Ohio Judicial College</p> <p>M. Christy Tull Family Law Education Specialist Supreme Court of Ohio Judicial College</p> <p>Education Committee Member: M. Christy Tull</p>	
Secrets for Spectacular Meetings - Goals and Objectives of Meeting and Program Design Speaker:		

TBA			
Education Committee Member: Debbie Bogosian			
Distance Learning Speaker: TBA			
Education Committee Member: Jay Johnson			
5:30-7:30 pm	7:00-9:00 am		Breakfast Ludwig's
9:00- 10:15 am	NASJE President-Elect Education Committee Member: Kevin Bowling	Crystal Ballroom	
10:15 - 10:30 am	Conference Evaluations		
10:30 am	Conference Adjournment		

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