Learning Outside the Classroom
First Part of a Series

By Krista Johns

Judicial educators exploring alternative forms of educational delivery will inevitably consider the potential for learning outside the classroom. The phrase spans a wide range of meanings for judicial branch educators, from self-study to experiential learning to the social learning in the surrounds of educational conferences. When asked recently at a gathering of judicial educators to complete the sentence “Learning outside the classroom is learning---,” judicial educators answered:

• at breaks and during social hours
• while fishing
• through computer-based training
• with a mentor
• by correspondence courses
• on-the-job
• while traveling
• in learning organizations
• via the Internet
• through learning communities

The wide variations among these responses call for a more basic examination of the concept of learning outside the classroom. We should first consider continued on page ten

Big Changes Coming to NASJE News

Beginning after this issue, NASJE News will be undergoing big changes. Because it is going to be online, you will no longer receive a personal copy in the traditional format through the mail. (See volume 15, issue number 1, “NASJE Knows” column for a detailed explanation for this shift.) Here are some suggestions on how you can continue to enjoy your publication and benefit from it even more than in the past.

WATCH THE NASJE LISTSERV. When the next set of articles is ready, we will send an e-mail prompt to everyone on the NASJE listserv, and to everyone else whose e-mail address is published in the 2000 JERITT Judicial Branch Education Directory. This prompt will alert you to the articles and resources just added to the NASJE Web site and allow you access with a single mouse click.

If you are not already on the NASJE listserv, you can add your e-mail address by contacting Bill Haynes at HAYNESB@icje.lawsch.uga.edu, or by phone at 706-542-7940.

PRINT YOUR COPY. If you want to read your next issue of NASJE News on paper, simply click on “Want to print entire spring issue?” in the upper right corner of the home page for instructions. Then select Print from the file menu or the toolbar. Remember, however, that each issue will include articles with convenient links to additional resources, so explore all links of interest to you.

CIRCULATE YOUR MAILED VERSION. Several NASJE members have asked that we continue to supply their offices with paper versions of NASJE News through the mail. To accommodate these requests without negating the cost savings of online publishing, editorial board members have volunteered to print the online version and send one copy to the director of each member judicial education office in the country. The director can then circulate this printed version among staff. These copies will arrive more slowly than the Web version, however, and readers will still have to go to the online version to link to supplemental resources referenced in the articles.

TRY IT—YOU’LL LIKE IT! Web publishing will offer many advantages to NASJE members and friends, as we explained in our last issue and as we hope you will soon see for yourself. Please keep an open mind, approach the Web site playfully, and forgive us for any mistakes we may make as we adapt to this new technology.

Look for the new NASJE Web site at http://nasje.unm.edu
Dear Friends:

As I write this column the first signs of spring are slowly blossoming in the Mid-Atlantic states. As spring bursts forth, invitations from our fellow court-related organizations are also arriving. I am so pleased to report that NASJE has been invited to serve in an advisory capacity to the Conference of State Court Administrators Education Committee to assist in the planning of the educational program at their annual meeting in South Dakota this summer. Karen Thorson (CJER) has graciously accepted the appointment to this committee.

Denise Kilwein, president-elect, and I traveled to Arlington, Virginia, this past weekend to meet with other national leaders at the Assembly of Court Organizations. The assembly was convened by Judge Roger Warren, president of the National Center for State Courts. The groups identified three areas of common interest on which we could collaborate:

- Establishment of a listserv hosted by NCSC to link the associations
- Development of a model curriculum for judicial and non-judicial court employees that would address the important issues of a multicultural society, including economic issues and ADA
- Development of a national conference on the changing role of the courts/judges

Judge Gerald E. Elliott, president of the American Judges Association, has invited me to represent NASJE at the AJA Board of Governors meeting in May. Judge Elliott, Denise, Zelda DeBoyes (president of NACM), Frank Broccollina (president-elect of NACM), and I will meet in Arlington in early June to discuss future collaborations between AJA, NACM, and NASJE. Further information on the collaborations will be forthcoming.

The NASJE Board met in Wilmington, Delaware, February 11-12, 2000, and voted on the following issues:

- Set aside $5,000 for NASJE News
- Donate $1,000 to JERITT in addition to the in-kind donations of NASJE members
- Set aside $2,000 for the president or his/her representative for travel on official NASJE business
- Change the dates of the next three annual conferences to the following:
  - 2001: August 22-26, 2001, Williamsburg, Virginia
  - 2002: August 21-25, 2002, Western Region

The Board also reviewed the bylaws, policies and procedures manual, and the strategic plan. Board members are currently working on updating the policies and procedures manual and the strategic plan. Finally, Kevin Bowling (Michigan), chair of the Education Committee, presented a most comprehensive overview of our annual conference, October 18-22, 2000, in San Antonio, Texas. Plans are under way for a dynamic educational program and a celebration of our twenty-fifth anniversary.

A personal highlight was traveling to Alexandria, Virginia, March 3, 2000, to represent NASJE and speak on the accomplishments of JERITT to the State Justice Institute Board of Directors. Ellen Marshall (District of Columbia), a past president of NASJE, and Tom Langhorne (Virginia) accompanied me and related their personal experiences relating to JERITT. Dr. Maureen Conner and Dr. John Hudzik of JERITT presented the SJI Board with an overview of the JERITT project and the products which SJI has funded over the years. Dee Beranek (Florida), the evaluator for JERITT, explained the findings of her research. It was a pleasure to represent NASJE, to meet the board members who previously had been names on a letterhead, and to explain the importance of JERITT to judicial educators.

A special thank-you to all who have agreed to chair or serve on a committee or task force. Your work makes my duties much easier. In closing, these past few months have been most productive for our association, and I look forward to our collaborations and meetings during the remaining months of my term. Happy Spring!!
Editorial

State Programs and National Providers:
Defining the Federalism of Judicial Education

The National Association of State Judicial Educators has long welcomed as members not only state judicial educators, but also staff of national providers who may hold nonvoting, general membership status. National education staff have played a valuable role in NASJE committees and programs and have conducted recruitment and program development with due consideration for the role of state judicial educators.

Yet it has not been many years that the relationships between state and national programs were a good deal less productive than they are today. State educators then complained of being bypassed by national organizations that went directly to judges to recruit their attendance at programs or of undergoing excessive competition for grant funds. National providers felt they were getting resistance from state education offices to their efforts to extend educational opportunities. Thankfully, most of those controversies have receded into history, through the recognition by both groups of the value of collaboration and shared resources and ideas.

We should remember, however, that state educators and national providers still have somewhat different interests. State judicial educators with tight budgets are acutely aware that the money required to send just a few judges or court administrators to an educational program somewhere else in the country could fund a program for many more people at home. National providers do their best to offer scholarships and group discounts, but ultimately must rely for a major part of their operating revenues on tuition payments by participants. With these kinds of different interests permanently lurking in the background, we should continuously strive to prevent the resurfacing of controversies that would benefit no one, least of all our mutual constituencies, the state judiciaries.

The editors believe that this period of goodwill and cooperation between state and national programs offers the opportunity for NASJE to explore these issues and develop protocols for a “federalism” of judicial education. Such protocols would offer guidance to state judicial educators and policymakers on how to make optimal use of the programs offered by national providers and define ways in which national providers can support state organizations while minimizing any competition with them. These protocols would in effect serve as standards for relations between state and national programs, comparable to the Principles and Standards NASJE has published for state education programs.

For example, state educators and their oversight bodies could be reminded that nationally developed seminars are most valuable when they provide judges and court staff with educational opportunities the states may not themselves be able to offer. Such opportunities may include lengthier, more in-depth seminars on relatively narrow topics that most state programs could not afford to produce, or that address only a fairly specialized group of judicial personnel. Model guidelines for state programs could be offered on criteria for sending judges and continued on page seven

Advice Column

NASJE Knows

Dear NASJE Knows:

My office is being paralyzed by meetings. It seems that if at least three individuals are not part of every decision, then we can’t move forward. Is this what collaboration and consensus are all about?

At our last one-hour meeting, we spent 45 minutes reviewing the minutes of the previous meeting. Our final 15 minutes was spent debating whether we really need minutes after all (this is not a joke). What’s the deal with minutes, anyway?

Finally, in conversation with a colleague, I mentioned that I did not always want to meet on matters of concern. Indignantly, my co-worker stated that “because I want one” should be a sufficient reason to convene a meeting. What is to be done?

Fed Up

Dear Fed,

Your question could probably serve as the dust cover of a very long and overpriced book, so for brevity let’s focus on the three issues that you raise directly. When are meetings really necessary? How much effort should go into developing and reviewing meeting minutes? And by whose authority should meetings be convened?

When are meetings really necessary?

It is certainly valuable to attain consensus and commitment from staff when undertaking any project, and this can only be achieved through meetings. But excessive hours spent in meetings can swamp the time and energies of the staff. The issue is first and foremost a problem for management, who needs to establish, with staff input, clear goals and objectives for the office. Areas of responsibility for each staff member and general understandings and protocols for conducting business are also needed. It seems as if these kinds of higher-level guidelines are lacking in your office, or staff probably wouldn’t be continually seeking direction for every project. Once consensus is reached at these higher levels of operation, daily activities can be understood as the implementation of agreed plans, rather than as cause for a new, major planning effort.

How much effort should go into developing and reviewing meeting minutes?

Minutes are valuable when they succinctly confirm the decisions reached at a meeting and allow staff to avoid having to rework the same ground in subsequent discussions. They also inform those who did not attend of the decisions reached and remind staff of their assignments and deadlines. Of course, when minutes become a subject of continued on page nine
How to Develop Long-Term Curricula for Judicial Branch Personnel: First, Go Jump in a River!

By Tom Langhorne

I cherish my 84-year-old father. I even respect the “old school” side of him. That wasn’t always true. Like the time he threw me in the murky waters of the Otter River, which meanders through “the bottom 40” of our Campbell County, Virginia, farm. Watching over me, he was gentle enough to tell me of his intentions right before he “let me loose.” “Today, son, you’re gonna learn to swim.” To this day, I’m comfortable swimming upstream.

For the longest time, I had given no thought to that broiling August morning. That is, until our state court administrator advised me I should develop a long-term, comprehensive curriculum for virtually every type of Virginia court personnel. Talk about “letting me aloose.”

Even now, six months into the project, I find myself frequently resurrecting that “I’m over my head—what am I supposed to do?” reflex.

This article explores some hard-learned lessons associated with my trying to keep my head above the slow, serpentine Otter River, which imposed pragmatic limitations on the long-term curriculum. Accordingly, consider using the long-term, comprehensive curriculum for its realistic intended use—a general strategy for achieving major organizational goals. Your curricula should possess the fluidity to respond to those unanticipated, dynamic challenges and problems that will inevitably face your courts.

Avoid Rigidity—Leave Room for Ad Hoc Training

Even a thoroughly planned, long-term curriculum must build in flexibility. Reacting to unanticipated external stimuli and forces will surely remain a pedagogical reality for judicial branch educators. Our courts’ personnel must constantly adapt to externally imposed, novel challenges. Our courts’ world is changing at an ever-accelerating, often dizzying pace. These realities impose pragmatic limitations on long-term curricula. Accordingly, consider using the long-term, comprehensive curriculum for its realistic intended use—a general strategy for achieving major organizational goals.

Do Not Try to Reinvent the Wheel

I confess to having felt overwhelmed when I began our curriculum development project. My frustration waned when I discovered I did not need to create each curriculum out of whole cloth. I soon learned one of the most effective and time efficient first steps would be as simple as calling or e-mailing my NASJE colleagues or their national-level counterparts.

Although our research revealed no state that has developed long-term curricula for all of their various court system personnel, many have developed a curriculum for a single group. We can borrow their work products and learn from their lessons. Without exception, all state judicial educators we contacted gave unselfishly of their valuable time and advice. Our library now contains many examples of some of your curricula, which serve as exemplars for our state’s efforts.

Consult the JERITT Web page for more specifically tailored research needs. I found JERITT personnel more than willing to advise me through various conceptual and practical stumbling blocks. In this vein, do not overlook the opportunity to consult with private- or corporate-training providers. Consulting these national education providers allows you to begin piecing together quickly the curriculum fabric tailored to fit your unique needs.

Consider Taking an Interdisciplinary Approach

The explosion of “corporate universities” reflects the private sector’s recent strategy of coping with employees’ demand for lifelong learning, the challenges of our information age, the quantum pace of...
change, and external competitive threats. Relatedly, central to corporate universities' "knowledge management" is the realization that traditional, external education providers alone cannot help ensure a corporation's survival. (See Jeanne C. Meister, Corporate Universities, Lessons in Building a World-Class Work Force, New York: McGraw-Hill, 1998.) Another inherent "corporate university" philosophy instructive for judicial educators is the emphasis on inter-organizational learning, modeled perhaps after higher education's interdisciplinary curriculum model. Essentially, the interdisciplinary approach to corporate instruction holds that each department within an organization needs to understand basically how other respective departments function and interrelate. Much like political science undergraduates must complete interdisciplinary course work outside their major, marketing department employees are trained to appreciate how the corporation's sales, engineering, and legal departments operate, interrelate, and affect each other by their actions. Judicial branch educators might find this teaching philosophy instructive.

Let's examine a specific example illustrating the benefits of interdisciplinary training for judicial educators. Historically, few of the Virginia court system's organizational components possessed an appreciation for the work of other court system components. When one court system component fails to realize how its actions affect operations, case-load, and the effectiveness of others, great inefficiencies and injustice can result. Accordingly, our curriculum development process emphasized intra-organizational learning. Specifically, we decided to conduct joint educational conferences during which different court system groups share classes and dialogue. Moreover, each group's curriculum shares courses with other groups' curricula. Each group will receive shared instruction, thereby fostering an understanding of other groups' functions and procedures. This interdisciplinary approach also helps a magistrate, clerk, or judge understand the effects of their actions on other organizational components. In the end, the public should be better served through greater efficiencies, consistent procedures, and improved administration of justice.

**Visualize Your Desired End Product**

In the early stages of curriculum development, try to visualize in three dimensions what the end product of your effort will look like. Remember, the curriculum creature you will ultimately create probably has no exact counterpart in another state. Recall, there is no one right way to engage this process. You alone will determine whether this creature has two legs or four, hair or leathery skin. Be creative in visualizing what the end product might look like (and be comfortable to discard the concept should you find the original concept is not working for you). In our case, our vision borrowed from the college catalog concept. Perhaps I can be criticized for being too linear in my thinking. But, like sculptors, it helped us advance the creative process by visualizing the end result of our curriculum development efforts. By visualizing curricula that looked like a college course catalog, we were able to start constructing core courses and electives as well as course descriptions.

**Seek User Input—Create User Ownership**

In developing curricula, it is critical to elicit and consider your constituents' opinions. Admittedly, learners can't always know what they don't know, making input from outsiders also important. But you should never underestimate the contributions and insight your various court system groups can offer to ensure their curriculum responds to their needs. You can seek their input at any stage of the process. You have equal latitude in determining how you structure the input process. After debating these issues, given our state's milieu, we decided to seek user input only after we had developed initial curriculum drafts. We also decided to seek user input by employing a variety of methods.

Our first step in gathering input was to convene focus groups. We met with each group's standing education committee during regularly scheduled biannual meetings. We spent a considerable portion of those meetings seeking their opinions regarding broader, more general issues, such as identifying core competencies, curriculum categories, and evolving learner needs. Armed with that generalized information, our staff then refined the curriculum content and filled the gaps with specific "courses," which captured the committees' reflections.

After developing a draft curriculum for each group, we sought additional input by sending surveys to every member of the constituent group. Each survey included Likert scale questions as well as open-ended questions regarding specific content suggestions. If you choose this survey approach, I suggest designing it in a fashion that allows statistical manipulation; e.g., one amenable to SPSS programming. Finally, after receiving and analyzing these surveys, we created and sent a final draft curriculum to the respective education committees for final revision and approval.

Whether you choose to structure the input process as we did or in another way, any attempt to seek your users' input promotes comprehensiveness and sense of user ownership.

**Identify Core Competencies**

What do judges, clerks, and magistrates really do? If you can answer that question by distilling each group's required skills, abilities, or knowledge into several core competencies, you will no longer be merely treading water—you will begin swimming comfortably upstream. Identifying each group's core competencies may be the single most critical curriculum development step to master. Accordingly, we should be clear about what we mean by the term core competencies. For Virginia's purposes, we analyzed each group's core functions, often by reading their job descriptions, bench books, manuals, and other descriptive resources. We then distilled each group's core functions until we reduced them to their lowest common denominator. We considered these core competencies to be the curriculum's skeleton, around which specific courses would be continued on page eight
What Is the Future of Futurists? Whose “crystal ball” is it, anyway?

Our View of the Future Is Fuzzy—Keep It That Way

By Krista Johns

I am a dreamer and am convinced that the ability to dream keeps me at the head of my game. Nevertheless, I am disturbed by the new rush to consult futurists about what we in judicial education should be doing to prepare for the future. The futurist “crunches” currently developing information to make estimations of where we’ll be relative to that information in years to come. Unfortunately, their very work takes the value out of their end product. It is the process of looking at the future and not the product (prediction) that has value beyond the sensational—and we’re entrusting that process to someone else!

As for the information generated: do we really need to pay someone to tell us that technology will play a major role in our futures, or that these factors are more remarkably significant than others for the way in which we in judicial education go about our work? Why would another factor be more significant than, say, the growing number of children (future employees, future litigants, future constituents) whose brains are wired differently because they are born drug affected or because they live in a violent or neglectful early environment? Clearly, it’s all significant on some level. And just as clearly, knowing all of this information does not make our future or our course of action any more or less “known.”

Two sources and types of information have known implications for our futures: they are our history, and what we—specifically—are doing today. They aren’t au courant but we would be well served to include them among our futuring tools.

History repeats itself. We all comprehend this and are drawn to the stories about how individual people and at the time small influences have changed the course of history. Would we not be well served, in these times of change, to look at history for its lessons to us? After all, the pace of life in times past may have allowed for contemporaneous reflection on what was happening that would provide insights for us. What were individuals in 1900 or 1940 or 1980 thinking about the future when they took certain actions? What resulted from their actions? Looking back from 2000, what really was significant, and how did the survivors remain viable into the future? When it comes to education, law, and courts, are we at the beginning, middle, or end of certain cycles that began in history?

Finally, are our abilities to analogize from the past and see implications for us now and in the future as carefully honed as they should be? Let us test our ability to understand the significance of past patterns and signals, and the value of observation and reflection, before we blithely ask a futurist to tell us what current events mean for the future.

Live today as though there is a tomorrow. We know that the actions taken and decisions made today close off some options and move us in certain directions. Looking at who and where we are today can certainly lead us to understand more about our futures. Our ability to understand the natural consequences of our choices is notably only as good as our ability to see the choices we are making (by omission and commission). What are we doing to make certain we understand ourselves and the nature of our work today? When we take our “best guesses about what we’re about now” and dip them in a coating of futuring or strategic planning, we have at best, “futures lite,” and at worst, error compounded. When it comes to looking and planning for our future: garbage in, garbage out.

Granted, looking at history and the present does not guarantee an accurate futures view. The ways in which we acquire historical knowledge and knowledge about our current operations can deplete the value of those efforts in the same way that futurists take away the value of predicting the future. We do not become any more able to move assuredly into the future by listening to a futurist, historian, or organizational consultant, than we become self-sustaining fishers when someone hands us a fish. It’s time for us to weave ourselves from dependence on nearly passé trends and opportunists of the for-profit world. When it comes to futuring, we, as judicial branch educators and as judicial education organizations, must be intimately involved in these processes ourselves in order to derive value.

When it’s all said and done, the future is not known and cannot be known by us. We can be certain, though, that we endanger our futures by embarking on any process that puts us in a lockstep course of action. Remember: grandiose predictions, pronouncements, and plans for the future are among the most amusing stories we find scattered throughout history. Our equipping for the future involves developmental activities that build in capacities for change. They are necessarily fluid and flexible. Whereas futurists operate in the milieu of the present extrapolated, our thinking should be highly developed and postmodern (Claxton/Murrell, Keegan), pressing beyond the known frameworks with a hearty acceptance of the unknown.

The most difficult aspect of preparing for the future is building skills and maintaining the high-level ethic and motivation to undertake the study of our past and present while engaging in our “life work.” Falsely certain predictions of the future can debilitate that ethic and motivation. However, what can move us outside of the business of just living is the dream—the vision—of the long-lasting importance of what we are about.

So, for tomorrow, let’s visualize clearly and positively. For the long view, keep the future fuzzy—as it really is.
all" should we trust—our own or a consultant's?

A Place for Futurists in Today's World

By Paul Biderman

There is much to commend in Krista Johns' entreaty for fuzzy futurists and other planning experts have planning our future than we can count upon astrology or arrays of animal entrails to decide our fate.

But there is nonetheless value in listening to futurists and others who analyze past and current facts to discern trends. More important, we can benefit by consulting experts who add to this research strong skill in the techniques of organizational planning for change. So long as we remember that the responsibility ultimately rests on our shoulders, futurists and other planning experts have their place. This "counterpoint" article will attempt to define that place.

To begin with, Krista is quite correct that it would be a serious mistake to let the futurist do all our planning for us. But most futurists would deny, with much legitimacy, that they assume such a role. Although the expert may identify current trends and project them ahead, only those forecasters claiming divine communications links or extrasensory powers assert the inevitability of their predictions. If they become careless and speak as if the truth has been revealed to them, it is not beyond our intelligence to qualify their assertions as if they had said, "if current trends continue," "unless we adopt new strategies," or even, "if you can believe anything I tell you." If a futurist decries as useless our attempts to influence our fate, we should spend our money elsewhere. What is the point of consulting the Oracle if we must end up blind and imprisoned for incest no matter what we do (with apologies to Sophocles)?

A responsible futurist will assist us with two things for which we rarely find time or resources. First, the expert will sift through some of the enormous amount of data available in today's world and identify facts that tell a story of where we are headed. We are free to agree with this story, disagree, or write our own story; but at least we may take the time to ask questions we would not have otherwise asked. And that leads us to the second benefit of consulting this expert: far from taking the process away from us, the helpful futurist will lead us into the process, challenging us to develop our own analyses and forecasts.

Krista makes a valid point that to plan for our future we must look to our history and analyze our present. We should recall, however, that one of history's greatest lessons is that we all too often repeat our mistakes. Looking backward is certainly critical if we are to progress, but in an age whose single greatest hallmark is the unprecedented pace of change, retrospection can never provide more than a small part of the answer. Similarly, the most significant facts in today's world are often buried under the heaps of minutiae of daily life. More important, it is far easier to rely upon the reality that suits us than it is to address the reality we dread. To test this theory, ask any auto executive to define the standard of proof that it will take to convince him of the disastrous consequences of global warming unless he stops manufacturing internal combustion engines.

With the combined tools of relevant data, a structured process for exploration, and, above all, time and a sense of priority for the task, we can employ the futurist as catalyst to guide us to our own vision of the future and our plan for succeeding within it. We are well advised to avoid letting the futurist take over our thinking for us, but that sound caution should not deter us from availing ourselves of whatever tools we may have at hand.

---

Editorial: State Programs and National Providers, continued

staff to such programs, and on expectations for sharing their experiences when they return. Examples of such guidelines could include, for example, the strength of the presenters, relevance of the program to the judges, the value of sharing perspectives on this subject with colleagues from around the region or country, and reasonableness of costs.

Similarly, the protocols could propose guidelines to national organizations for offering programs to state judges and court staff. These guidelines could include promoting programs to state judiciaries through state judicial education offices, consulting with judicial educators when developing new courses, seeking ways to offer courses regionally to reduce expense, developing standards for partnerships with states, and suggesting follow-up offerings to programs. To their credit, national providers have largely adopted these practices already, especially through greatly enhanced consultation with state educators and some fine examples of partnerships between national and state programs. It would nonetheless be well worth the effort to publish protocols for the benefit of new personnel and new organizations at the national level and to provide useful guidelines for resolving any controversies that may arise someday.

State and national organizations offering judicial education services have a great deal to offer one another and the state judicial branches. The different perspectives, resources, and opportunities for learning that they offer can be harmonized into stronger educational menus for all through more formal understandings than now exist. NASJE News urges the development of such understandings at the next national conference.
added. For example, we decided our circuit court judges' curriculum could be distilled down to six core areas: decision-making skills, communication skills, trial management skills, keeping abreast of and applying substantive and procedural legal knowledge, comporting themselves ethically, and growing personally and professionally.

Taking each of these core competencies individually, we then identified the totality of courses needed to completely flesh out that particular competency. This "fleshing out" process was often conducted by examining other states' curricula, bar review outlines, codebooks, internal manuals, and related resources. After completing this process for each core competency, we proceeded to the next competency until the group's curriculum was complete.

A word of encouragement at this point. Identifying your groups' core competencies is more of an art than a science. Any two educators attempting this stage could easily, and rightfully, produce completely divergent sets of identified competencies. Much of the value lies in the process of identifying the core competencies and associated courses—regardless of the end product achieved.

Step Outside of the Traditional Curriculum Box

Until recently, determining core competencies and their supporting cast of courses and learning objectives constituted the foundation of curriculum development. But today's emphasis on providing lifelong learning opportunities creates other curriculum design challenges. Optimally, curriculum design should contemplate facilitating employees' personal and professional growth. Corporations are learning that this approach improves retention rates, promotes creative problem solving, and engenders employee loyalty. Including "liberal learning" classes promotes these and other worthwhile organizational objectives. Curry and Wergin define "liberal learning" as learning that develops sound thought processes, a context of experiences in which to think, values, and the ability to communicate among (corporate) students. (See L. Curry and J. F. Wergin, Educating Professionals, San Francisco: Jossey-Bass Publishers, 1993, p. 128.) The groups for whom judicial educators are assigned to develop curriculum undoubtedly benefit from these more complex, creative analytical skills. These classes should encourage introspection and personal renewal and promote intellectual inquiry. They should also promote your identified organization's core beliefs and values. Many "liberal educators" believe these values and belief sets provide the organizational glue that bonds employees in their respective efforts.

Examine some of these courses by linking to http://nasje.unm.edu/resources/models/ccjcdp.htm.

Avoid Monopoly Think

As we learned during last year's Symposium on the Future of Judicial Branch Education, state judicial educators can no longer assume we are the exclusive providers of training in our field. In developing the implementation plan for your courses, consider allowing your audience to enroll in courses offered by outside providers. For example, if you determine judges should complete an advanced evidence class every four years, be open to the idea of private or state bar CLE learning opportunities that satisfy that requirement. Within what paradigm are we operating if we believe we should be the exclusive provider of judicial education? We train a sophisticated audience accustomed to choices. If our ultimate aim is to serve the end users of the court system (the public), we should explore all possible methods of educating those charged with promoting justice. Doing so opens up new vistas of learning opportunities for those we are charged with serving.

Deciding How to Deliver the Curriculum

Relatively speaking, I am convinced that the easiest part of curriculum development is determining content. The most onerous and time-consuming stage occurs after the content is determined. You will ultimately be faced with determining how each course will be delivered; e.g., via small-group, face-to-face discussions, plenary session lectures, CD ROM, listserv study groups on your intranet, videotaped lectures, or structured teleconferences. How does one decide which delivery system fits each of the hundreds of courses you will ultimately develop? Admittedly, we have not reached that stage in our project, and, therefore, I am not comfortable offering advice. I will also admit that the thought of that task makes me swallow water and gasp for air. If you have experience or opinions regarding that phase of curriculum development, throw me a lifeline. Better yet, submit an article to the NASJE News editorial board through the discussion group on our Web site, at http://nasje.unm.edu.
Advice Column: NASJE Knows, continued

troversy as described in your letter, this useful tool becomes an impediment to progress. Our suggestion to avoid this is that minutes be entered on a laptop computer right at the meeting, cleaned up immediately thereafter, and distributed to all participants as soon as possible after the meeting. Participants should be asked to review the minutes while the meeting is fresh in their minds and to offer any corrections within a short time period. While this may still leave some issues open, at least they can be more narrowly defined and only real questions of interpretation discussed at the next session.

This whole issue does raise a bigger issue, however, of meeting management in general. Unfortunately, and as we all know, lots of bad things besides prolonged debates about minutes can happen in meetings. Discussions can go off on worthless tangents, a few can selfishly dominate the time of the many, and issues may be revisited endlessly. While some groups work well together naturally, good leadership is usually indispensable to controlling meeting dynamics. A few tips may help the beleaguered chair. A meeting leader can ask the group at the outset for the power to return the discussion to the agenda, to rule new items as out-of-order except to schedule them for future handling, to shut off repetitive or excessively long debate, and to rule out revisiting issues that have been previously decided without demonstrable change of circumstances. This authority will almost always be given by the group, and can be invoked when most needed. Above all, the chair should place the success of the meeting process above advocacy of his or her own ideas. If a chair feels too strongly about an issue to preside objectively, he or she should temporarily pass the gavel to another member. It is also helpful to agree at the outset when a meeting will end. Then if later agenda items are not being discussed, the chair can remind the members of the scheduled end time and move the agenda along. The alternative is to ask for a motion to extend the ending time for the meeting. Rarely will anyone make that motion.

By whose authority should meetings be convened?

A democratic working environment does not equate to license for any staff person to advance a personal agenda at the expense of everyone else. An office should stick to a regular schedule of meetings to give everyone an opportunity to air legitimate concerns without demanding disruptive ad hoc conferences. Meetings will not seem so disruptive if they are scheduled routinely and firmly but respectfully controlled in tone, length, and content. Even when special tasks cause new working groups to form, a reasonable schedule of meetings may be needed to develop project objectives, devise plans, and review progress. Emergencies may always arise that will force everyone into an unplanned huddle, but scheduled meetings should provide ample opportunity to address the great majority of issues. When projects are planned well, emergencies are far fewer, anyway.

Ultimately, your question comes down to whether your office has a management that is attentive to the balance between the values of employee empowerment and office productivity. Without good planning, these objectives are at odds with each other; with planning, they are complementary. The management in your office must allocate itself enough time to manage so that the situation you describe can be remedied.
Learning Outside the Classroom, continued

the words used to describe this concept: classroom, learning, and outside.

Classroom

To start, it is helpful to acknowledge the centrality of classroom in our understanding of traditional judicial education. Without the presumed default mode of “classroom” in our lexicon, there is no need for an “outside the classroom” alternative. While judicial educators may not use actual classrooms, they expend tremendous energy to replicate classrooms at hotels, conference centers, and courthouse meeting rooms. Why is that?

Whether the classroom construct is central out of habit, custom, or safety of the known, or to link with earlier learning experiences, it brings along a number of assumptions. At a minimum, the space is enclosed and has chairs. There are identified teachers and learners. The teacher’s space within the classroom is at the front. Learners face the teacher. The construct of classroom creates a model where, as Parker Palmer describes it, the expert controls access to the subject matter. In The Courage to Teach (Jossey-Bass, 1998), Palmer describes the traditional classroom mode as one in which, by its very design, the faculty (expert) takes center stage rather than the material itself, and learners are expected to receive the material without filtering it through their own life experience-created perceptions.

The classroom is so integrally identified with education that a countermovement of deliberate divergence has formed over the years. Calling for changing assumptions, the “effective learning” experts have promoted variations in seating arrangements, use of breakout sessions, and multiple methods and modes to overcome the confines of the classroom. It is striking, on reflection, how tied to “classroom” even the divergers have been. While using the general language of learning, most recommendations would not be important if not for the icon: the classroom.

In the days before formal judicial education, individuals still learned.

They learned on the job. They formed mentoring relationships. They undertook self-directed reading, consulted with respected peers, and asked questions around the table at lunch with colleagues. They journaled and got away from their work to reflect on the big picture. Only since the institution of “classroom” have these activities been categorized as “outside the classroom,” meaning “outside the norm of education.” In retrospect, we might wonder whether it is the classroom itself that is the least natural, least traditional mode of learning.

Learning

Johanna Keirns, in Designs for Self-Instruction (Allyn and Bacon, 1999), explains the difference between designed learning experiences and incidental learning that comes through life and work experience. She identifies an instructional situation as one in which first, learning is an intended consequence of the interaction with information, and second, learning is demonstrated and evaluated against a desired standard.

Learning is an intended consequence when both the provider and the user of the information expect a change in the knowledge or skills of the user as a result of the interaction. Use of a department of motor vehicles booklet to study for the driver’s license test is an instructional situation. Use of an information kiosk at an airport is not: it’s a job aid. Keirns posits that repeated use of such job aids as help screens may result in learning, but they are primarily intended to offer information for use at a particular point in time with no necessity for the information to be stored for later recall and application.

The distinction between job aids and learning situations is beneficial for judicial branch educators in reexamining their work. Checklists, how-to instructions, and similar information might, if understood to be in the nature of job aids, be relegated to the category of “outside the classroom.” These devices might be equally (or more) useful to judges and court employees if available on demand via a Web site or notebook, rather than made the subject of conferences and courses. A focused categorization of material into either “job aid” or “instructional (intended for change)” could lead us into a more useful consideration of alternative delivery methods than the “keeping up with the technological Joneses” approach does.

Keirns’s second criterion for designed learning situations is evaluation. Judicial branch educators want to create an implied contract with their learners that there will be a change in their knowledge or behavior (and usually beliefs or feelings) through interaction with the presented material. The contract requires effort on behalf of the user and provision of appropriate assistance by the provider. There cannot be a valid contract without a means for the parties to assess whether the commitments have been met. And it is the learning environment itself that must provide opportunities for the user to demonstrate the newly acquired ability to apply the new knowledge or skill successfully.

Analyzing judicial education in this manner, it is easier for us to imagine certain changes in knowledge or behavior that would best be demonstrated “outside the classroom.” For example, the challenges to judicial educators in presenting effective trial skills and demeanor courses might be, in large part, those that arise in trying to provide learner demonstration and evaluation of acquired skills within the confines of the classroom. Side-by-side instruction on the bench during a trial might eliminate some of the difficulties and provide a learning experience directly tied to the realities of the work.

Outside

Reexamination of the notions of classroom and learning creates a different perspective of “outside.” We can more readily recognize that our educational and job aid repertoire has been artificially constrained to one mode among many. We see that our effectiveness in meeting the needs of
judicial branch learners demands the integration of new modes.

Without the limitation of the classroom, we can suspend time and space concerns. Our focus can more easily move away from event planning and toward needs-based education. We can conceive of individualized learning plans for court professionals. And we can look back at the classroom and challenge ourselves to consider its best uses.

In the process of moving "outside," we will need to recognize how linked our identities are to the classroom. How will we remain important players, visible to leaders and to our constituents, when we are outside the classroom? How do we think about learning and plan strategically outside of the known boundaries of classroom time and space? These issues will underlie many of our questions and concerns about alternative delivery of education.

Future articles in this series will consider how best to enhance the "natural learning" that has been used by successful individuals since the beginning of history. We will also explore new opportunities presented by technology and the concept of learning communities as a way to address the needs of individuals located apart from each other. Finally, we will consider how these educational modes provide new opportunities for understanding our work as educators and our continued vitality and relevance in the future.

New Directions for Judges Orientation

By Ingo Keilitz

For an explanation of how this article was researched as well as a brief discussion on identifying "truth," check this page on the NASJE Web site.

State judicial branch education providers are offering more than just meat and potatoes in their orientations of new judges. In addition to such traditional topics as criminal and civil law and procedure, discipline and ethics, jury management, trial management, and courtroom control, one in four of 116 orientation programs currently offered in 22 states surveyed include more exotic fare. In broad program areas of personnel management, social humanities, and organizational development, state judicial branch education providers are offering such non-traditional fare as: "recognition and awareness of bias" (Louisiana Judicial College), "maintaining judicial wellness" (Indiana Judicial Center), "fuzzy logic" and "judges as lifelong students" (Oregon Judicial Department), and "avoiding sexual harassment issues in the courtroom" (New Jersey Administrative Office of the Courts). In its week-long orientation program, the Texas Center for the Judiciary offers its new judges "Stress Management and Nutrition," which includes meditation techniques and "quieting skills."

Delivery methods, too, have strayed from the traditional lecture and include mock trials, mentoring, videotaping, and Web-based training. In New Mexico, the Judicial Education Center provides videotaped and critiqued practice sessions for new judges to apply their skills in various trial proceedings; site visits to a municipal court in session to observe a judge in action; and interactive training on the center's and other legal resources' Web sites. Among the topics covered in the orientation of new state court judges, Georgia's Institute of Continuing Legal Education offers "Communications in the Courtroom; Video Taping of Individual Judges." The Louisiana Judicial College offers a course on mentor training, and the providers in Alabama, Florida, Ohio, and Virginia administer the Myers-Briggs Type Indicator to their new judges.

Among various other influences and causes (see JERIT's Issues and Trends in Judicial Education Branch Education 1999), this trend in state programs toward non-traditional course offerings may be responsive to changes in programs for new judges delivered by national providers. The National Judicial College, for example, now offers to new judges a two-week general jurisdiction course as an alternative to its ongoing three-week course. Developed by the NJC in response to busy judges in two-income families who said they found it difficult to be away from home for three weeks, the short course focuses on criminal law and procedure and eliminates from its curriculum such topics as "Judicial Wellness (Stress Management)," "Respecting and Maintaining Your Body," and "Health Fair." Additionally, in the two-week course, there are fewer discussion groups. (See http://nasje.unm.edu/articles/jeritccourse.htm for a side-by-side comparison of NJC's two- and three-week courses.)

It makes little sense for state and national judicial education providers to offer identical curricula to new judges. Although it is too early to know whether the trend toward nontraditional course offerings by states is causally related to a shift toward traditional courses by national providers, the simple division of labor seems promising.
Transitions

NASJE has an impressive list of new members to welcome. Mr. Joe Silsby and Ms. Robin Thompson of Missouri's Office of the State Court Administrator have joined as full members. Ms. Kristine Prince-McStotts of Utah's AOC has also joined as a full member, as have Washington's judicial education manager, Ms. Marna Murray, and Ms. Ashley Hassan, an education specialist from Kentucky. NASJE's newest associate members are Ms. Catherine Rachlin, director of judicial education for the Vermont judiciary, and Mr. Chip Epperson, court manager for the Adelson Family and District Courts in Vermont. Mr. David Funk, executive director and CEO of the National Council of Juvenile and Family Court Judges, Ms. Mary Sammon, director of the Court Executive Development Program of the National Center for State Courts; and Ms. Sarah Colley, project manager for the East West Management Institute, have all joined as general members. And our Judicial Education Leadership Section continues to grow, with the addition of three Arizonans: the Hon. William E. Druke of the Court of Appeals, and from the Pima County Adult Probation Office, Chief Adult Probation Officer David Storee, and Training Program Coordinator Rafaela de Loera. Congratulations to all of you, and welcome to NASJE.

This issue was posted on the NASJE Web site on April 25, with links to additional information. We hope you will enjoy and benefit from the greater speed and detail offered by the Internet.
Three projects, continued

are Alabama, Arkansas, Arizona, Iowa, Massachusetts, and Minnesota.

The states will send teams composed of the persons who have primary responsibility for leading judicial education. A typical team will include two judges, the state judicial educator, the court administrator, and an expert in adult education curriculum and teaching. Leadership Institute training will be augmented by (a) follow-up visits, (b) the development of instructional materials, and (c) the development of an ongoing network of leaders skilled in enhancing their state systems of judicial education.

Dr. Claxton notes that the results of the project will include (a) a cadre of 24-30 trained leaders who have the skills to foster more-comprehensive approaches to judicial education, (b) three published papers or monographs that summarize larger principles and guidelines helpful to others interested in enhancing state systems of judicial education, and (c) the beginnings of a network of professionals who can help themselves and others after the project ends.

For more information on the Leadership Institute for Judicial Education, call Dr. Charles Claxton at (704) 262-2875.

Introducing JERITT. The Judicial Education Reference, Information, and Technical Transfer Project (JERITT) will "catalog information on existing and developing areas of judicial education programming and make it available through a variety of means to professional judicial educators throughout the United States," according to Dr. John K. Hudzik, JERITT's project director.

Dr. Hudzik notes that the project has three principal features:

- The Judicial Education Reference and Information Service (JERIS) database.
- Information dissemination to judicial educators through a variety of means, including (1) the JERITT Issues and Trends Annual, (2) a JERIS quarterly program summary, (3) the Judicial Education Programs Annual, (4) the monthly JERIS Bulletin, and (5) judicial education resource monographs.
- Technical assistance through subject matter searches and on-site consultations.

JERIS database. The JERIS database will collect information from judicial educators on the thousands of programs offered annually. "The information will be stored on a computerized database that will permit searches by judicial educators for specific program information and data that they may use for programming in their states and organizations," says Dr. Hudzik.

The database will be cumulative beginning with programs offered since January 1, 1990. Access to the database by judicial educators will begin on a test basis in July of 1990 and on a fully operational basis in September of 1990. The database is organized around a key-word indexing and retrieval system and permits the use of multiple searching criteria. Judicial educators may specify from general to very specific subject matter interests and cross-reference these to program location, time, faculty, instructional methodology, and a host of other variables.

JERIS will automatically search its database to answer requests for information and sources of additional information. The database will be designed, therefore, to provide a prompt, focused response to inquiries. Starting in September of 1990, the database will be accessible through JERITT Project staff; eventually, direct electronic access will also be available to judicial educators.

JERITT publications. The JERITT Issues and Trends Annual will summarize results from an annual survey of judicial educators sponsored by the JERITT Project. The annual survey will tap educator views about emerging problems and opportunities, judicial education budgets and staff, and new program topics and instructional methods. The first Issues and Trends Annual is scheduled for late fall 1990. It will represent an expanded and enhanced version of what is presently the biannual Survey of State Judicial Education in the United States.

The JERITT Quarterly Program Summary will be an expanded and enhanced version of the present quarterly report from the judicial education data bank. As with the data bank reports, the Program Summary will be cumulative with the full year's data being compiled and published in the JERIS Judicial Educational Programs Annual Report.

The JERIS Bulletin will appear monthly, beginning in September of 1990. It will keep judicial educators apprised of recent additions to the database, advise judicial educators of the trends in national programming based on reviews of the JERIS database, and identify and provide overviews of new and innovative subject matter and techniques.

Judicial educational resource monographs will be issued occasionally and will describe innovative and successful programming in substantive areas that have widespread importance to the contemporary court system. The monographs will provide details on program philosophy, topical outlines, training aids, and reading lists and offer a how-to guide for initiating such programs. The first monographs will appear in early 1991.

Technical assistance. Two kinds of JERITT Project technical assistance will be available to judicial educators. One involves using the JERIS database to answer requests for information from judicial educators. The second form of technical assistance will be a limited number of face-to-face assistance projects in which expert consultants will visit judicial educators to help plan new programming efforts. Three such technical assistance visits will be supported by the JERITT Project during 1990.

NASJE members should begin receiving preliminary correspondence and information shortly. Inquiries may be addressed to the JERITT Project, 560 Baker Hall (MSU), East Lansing, Michigan 48824; or call Dr. John Hudzik at (517) 353-9019.
Three new state judicial educators have joined the ranks.

Jane Nelson has been named manager of judicial education for the state of Washington. Jane has been involved in the field for several years and has been a member of NASJE. She holds an undergraduate degree from the University of Washington and an MA degree from Stanford University. In addition, Jane holds a JD degree from Boalt Hall, University of California, Berkeley.

Her experience with judicial education stems from her affiliation with the National Judicial College where she served as director of the degree program and special projects, co-director of the academic department, and academic assistant to the dean for a period of four years. Prior to employment with the college, Jane worked for the Supreme Court of Nevada and served as a deputy attorney general.

Jane will also be serving on the editorial committee of the NASJE News.

She and her daughter, Sierra, 14 years old, have been in Olympia since September.

Jane replaces Carol Weaver, who has left her position to take a full-time teaching position with Seattle University.

Karen Waldrop has been named division director of education services for the Arizona Supreme Court. She has been employed by the division for three years as a training coordinator and specialist. Prior to employment by the court, she served as director of community and continuing education for Carraway Hospitals of Alabama and as a teacher in the Alabama public school system.

Karen, a native of Alabama, is a graduate of the University of Montevallo in Alabama and holds a master of arts degree from the University of Alabama at Birmingham.

Karen succeeds Nancy Schef- fel, who has left her position with the education division of the court to work in the area of the future direction of the courts of Arizona.

Patricia Winnie, deputy director of the administrative office of the courts of Nevada, has assumed responsibility for judicial education.

She holds an associate degree from Cameron University, a business degree from the University of Nevada, and a JD from McGeorge School of Law in Sacramento, California.

Prior to working at the AOC, Pat was a law clerk to the chief justice and a staff attorney for the Supreme Court of Nevada. She served as in-house counsel for First Interstate Bank of Nevada and was in private practice.

Pat has done some teaching at local colleges in the area of business law and paralegal training. She feels that “teaching law is a way to help our legal system better respond to society.”

Welcome to Jane, Karen, and Pat, three newcomers to the list of state judicial educators, but certainly not strangers to the field.
Larry L. Sipes to lead National Center for State Courts

Virginia Chief Justice Harry L. Carrico, chairman of the board of directors of the National Center for State Courts (NCSC), has announced that Larry L. Sipes has been selected to replace retiring NCSC president Edward B. McConnell this spring.

Since 1986, Sipes has been a special master for the Marin County (California) Superior Court, where he oversees the administration of the $450 million Buck Trust. Previously, he spent 13 years as director of NCSC's Western Regional Office in San Francisco. He has received NCSC's Distinguished Service Award and the National Conference of Metropolitan Courts' Justice Tom C. Clark Award for outstanding contributions to judicial administration.

Profile, continued

apple of his eye. An avid photographer, Tony spends much time in the darkroom. He also enjoys camping, horseback riding, travel, and hiking. A member of an English walking group, perhaps this (and age) have made Tony "more accepting of what is" and "appreciative of what exists now." He has taken courses in the art of seeing and personal expression.