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Fall 2001

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Editorial

A New World's Challenge for Judicial Branch Educators

by Thomas Nelson Langhorne, III

The events of September 11, 2001 irrevocably changed our world.

The Friday thereafter was designated as a national day of prayer and remembrance. But I will remember that day as the day I finally comprehended the gravity of what judicial educators do and who we really serve.

Those of you who know me would not first describe me as a "church going man." For good reason. However, on Friday, September 14, thirsting for something to salve my sadness and douse my anger, I found myself standing on the outside steps of downtown Richmond's St. Paul's Episcopal church. Outside steps because several hundred equally dazed downtown Richmonders had preceded me to the noon service. The hundred who arrived after me stood solemnly, shoulder-to-shoulder, snaking around down to the sidewalk. They spilled onto our city thoroughfare.

A diverse group we were. Seniors held babies. Teenagers displayed hair colored in hues

not known to nature. I saw those all too familiar faces who regularly asked us starched collared, disconnected professionals for lunch money. Folks of different faiths held hymnals.

At this point, you need to know St. Paul's Church is the immediate neighbor of the Virginia Supreme Court building. We had been evacuated from the latter during the previous Tuesday's events. (We were later told that Richmond, with its high rise Federal Reserve building and federal and state courts buildings predominating the skyline, was an intended secondary target for the terrorists). The Supreme Court's bomb sniffing dogs' incessant barking rendered inaudible the inside service to those of us outside. Nevertheless, we were unusually content to stand close, silently, with our newfound community. On any other previous day's stroll, I would have ignored these same strangers' faces while pretending to find sudden amazement in the sidewalk's composition.

At one o'clock, the downtown church bells rang as singing rippled from the congregation's front pews back to us street worshippers. After a few moments, I recognized the melody with its unmistakable words. Soon, our chorus of America the Beautiful drowned out the barking of the bomb sniffing dogs.

Our duties as Americans and judicial branch educators were clarified on September 11. Terrorism's objective may be to remove us from the Arabic region, or it may be more symbolic than strategic. Our armed forces and intelligence community may militarily fight this aggression. Our executive and legislative branches may politically posture. But the true resolve and colors of our freshly challenged democracy will be fought for and determined in our courtrooms. It is our jurisprudence and rule of law, complete with due process, fundamental fairness, and protection of personal liberties that will be most challenged in the ensuing months. Let us remember *Korematsu vs. U.S.*

Soon, our state and federal courts will have to balance between the sometimes misunderstood legal protections of due process and fundamental fairness and the pressing human needs for safety and security. Today's news is replete with reports of officials calling for curtailed individual liberties, suspended constitutional safeguards, expanded wiretapping authority, jettisoned probable cause determinations, and relaxed standards for involuntary confinement of suspicious individuals.

I experience the irony of being torn between personal concerns and those principles to which I have dedicated my professional life. I lay awake at night wanting to know my wife will be safe during her frequent business flights to New York. At times like this concern for her safety is much more real and pressing to me than are our hard-fought constitutional safeguards, especially when applied to those who may even loosely fit terrorist profiles. I privately prioritize my homeland's security over the unreasonably long, warrantless detention of suspected terrorists.

And therein lies my professional and personal tension. How do I resolve the conflict between our democratic ideals and the many difficult law enforcement and national security decisions that must be made. Where do I stand as an American and as a judicial educator in resolving this precarious balancing act? Specifically, will my visceral versus intellectual battle adversely affect what I do on the job? Will I somehow diminish the quality of my hate crime curriculum development, how I teach my cultural bias courses or criminal due process primers for new magistrates and judges? Can I avoid subconsciously signaling that my desire to know my wife's personal safety will supercede for me the fundamental constitutional rights of those strangers on her next flight?

These same types of tensions will invariably manifest themselves in our courtrooms, the real battlegrounds for fighting our new world's challenges. As an educator, my role is to create the environment in which legal principles remain relevant to current challenges. I

must provide a safe harbor for the expression and development of appropriate responses by members of the judiciary. I must be honest in my own conflict, yet committed to the high democratic values that brought me to this work. The events of September 11 have put the challenge before me with frightening clarity. Those September planes were guided by terrorists. But they were driven by racial prejudice and geopolitical hatred. In reconciling my duties as a judicial branch educator with that of my personal fears, I must remember the Arab-American and Muslim voices that drowned out the barking of those bomb sniffing dogs.

President's Column

Meeting the Challenge

by Paul Biderman

September 20, 2001

Thank you very much for the opportunity to serve as president of NASJE for the next year. I feel that before all else, it is important for me to acknowledge the contributions and efforts of the presidents who have preceded me. They are a remarkably talented group of people, and I hope to be able to build upon their extraordinary successes.

I am also grateful that most of the members of the board that I have worked with this past year will continue as my colleagues in the coming year. In particular, our past president Denise Kilwein has demonstrated leadership and vision that I can at best aspire to emulate. The entire board has been as capable and dedicated a leadership group as I have ever seen in any organization that I have worked with, and I am proud to be a part of such a team.

Each year, our annual conference and the beginning of a new program year offer us the opportunity to reflect on the significance of the job that we as judicial educators do, and what we can offer ourselves through our Association that we cannot attain individually. The tragic events of the September 11 attacks on New York and Washington have added new urgency to this inquiry. Every aspect of our society will be affected by the new American reality created in this single day of terror, and our field is no exception. In fact, I suggest that judicial educators have a unique and vital role in helping our country through this difficult and dangerous period of our history.

I believe that judicial educators have long had a very important role to play in maintaining the strength and integrity of the judicial system-and through it, our very democracy. Those words may at first seem self-aggrandizing, especially on those days when we feel as if our careers can be made or broken by nothing more than a misspelling on a nametag or a squeaky meeting room door. But in fact, an independent and enlightened judiciary is arguably the most important institution of our democracy. And our work as judicial educators is essential for the preservation of that independence.

To realize the importance of an independent and well-informed judiciary to our democracy, we need only look at some of the cases whose very names define our most cherished personal liberties: *Brown vs. Board of Education*, *Roe vs. Wade*, *Miranda vs. Arizona*, and *Gideon vs. Wainwright* (extending the right to counsel to indigent state criminal defendants), to name just a few. We equally recall the names of cases that stand for the opportunities lost to the courts to advance civil liberties: *Dred Scott vs. Sanford*, *Plessy vs. Ferguson*, and *Korematsu vs. U.S.* (the case that upheld the WWII internment of Japanese-Americans). The common element of each case where civil liberties of American citizens were extended was the ability of the justices to understand and place themselves in the position of marginalized people facing hardships imposed by the other branches of state or federal government. Even though these were hardships that none of the justices had or would ever personally experience, they were able to empathize with less privileged people who did suffer these undeserved burdens.

Conversely, in the cases where the justices failed to extend or protect civil liberties, they were unable to transcend their privileged status and to resist the strong antidemocratic pressures of their times.

Of course, the work of the judicial branch, and especially of those to whom we offer educational services, is rarely reflected in landmark decisions like those that I have mentioned. Rather, it is overwhelmingly found in the thousands of cases and rulings decided by judges and official acts performed by court staff every day. While we never hear of the vast majority of these actions, they are where the public interacts with the judicial branch, and where the citizenry forms its lasting impressions of the fairness and quality of the judicial system.

The most important role we play as judicial educators is to provide to judges the opportunity to broaden their vision, so that they may understand justice as seen through the eyes of the people who stand before them. If we fail in that responsibility, then some judges will fail to fulfill their obligations to the people they serve. To the degree that this happens, it will undermine public confidence in and support for that vital institution, an independent judiciary.

This concern holds even truer in the transformed America we have inhabited since September 12, 2001. How will the judges of our states and our country respond if the executive and legislative branches seek excessive power, or exceed their powers to crack down on suspects, and possibly sweep innocent civilians in their wake? How seriously will the courts treat hate crimes or economic forms of discrimination against law-abiding people whose association with dangerous fanatics is assumed solely from their name, skin color, accent, place of worship or mode of dress? How can judges prevent those same factors from prejudicing juries, court personnel or even the judges themselves in civil or criminal cases? While our country must certainly respond vigorously to the September 11 attacks to minimize the possibility of further such inhuman crimes, we must not diminish our own society's commitment to freedom and tolerance in the process. It will be up to the courts to ensure that that does not occur. And the judicial education community can and must help in that effort.

The work of NASJE is conducted through its committees. All of our committees have chairs and members committed to working this year on important and exciting initiatives for our organization. While I cannot discuss all their ideas here, I would like to focus on several plans that relate to the theme of this message.

Christy Tull of Ohio will now head our Education Committee, which under the leadership of Kevin Bowling has done such an outstanding job of planning and implementing our annual conferences of the last few years. I have asked the committee to consider including a theme of Justice as Seen through the Eyes of Others as they develop the 2002 annual conference. I would hope that, in doing so, this committee would consult with the Diversity Committee, which Kathleen Sikora of California has agreed to chair. More immediately, the Board has decided to create online resources for judges and for court staff on a topic tentatively titled, Challenges Facing the State Courts in a Post-World Trade Center America. We need NASJE members and friends to serve on all of the committees pursuing these tasks.

The Newsletter/Website committee, now co-chaired by Phil Schopick of Ohio and Tom Langhorne of Virginia, is planning to develop its first online resource library for the education of the judiciary. With an anticipated contract from the National Highway and Traffic Safety Administration (NHTSA), this committee hopes to develop a collection of resources on driving under the influence cases that judicial educators will be able to download for training purposes or to refer their judges to directly. This same medium will enable us to make available other resources for the courts, including our proposed special post-WTC curriculum.

I have also asked Martha Kilbourn of California to chair the Mentoring Committee, and to consider incorporating some of the same ideas discussed above into mentoring plans for new judicial educators. The International Committee, which will now be headed by Claudia Fernandes of California, will pursue ways to increase our exchanges with colleagues abroad, and help us-and ultimately our courts-to understand perspectives of people from other parts of the world.

Our committees are pursuing many other initiatives that will address many other areas of interest to judicial educators as well. We will try to discuss those in future issues of NASJE News. If you are a new member or not already serving on a NASJE committee, or if you would like to work in additional areas, now is the time to let me know. Check the list of committees on the NASJE web site table of contents at left, under "committees," and also look at the policy and procedures manual for detailed descriptions of the responsibilities of each committee.

NASJE has always been a source of strength and support for the judicial education community. Now, we are called upon to play that role with an entirely new level of urgency and responsibility. I ask you to become involved in keeping our organization strong, relevant and vibrant. I appreciate the opportunity to serve as president of our organization as we go through this time of transition.

NCSC's Roger Warren Welcomes NASJE to Williamsburg

Roger Warren, President of the National Center for State Courts, warmly welcomed us to Williamsburg, on behalf of NCSC, which is celebrating its 30th anniversary. He then drew parallels between NASJE's metaphoric voyage (2001 An Educational Odyssey), the mythic one on which Arthur C. Clarke and Stanley Kubrik collaborated, an image of which adorned our notebooks, and the very real voyage our forbearers embarked on in 1776, this noble experiment in being a republic. Warren reminded us of the pivotal role courts play in this system of checks and balances. He used this rich symbolism to show how we all come together. NCSC's mission is to improve courts and it is a premier court reform organization. Warren acknowledged the critical role of education in the reform effort, and said, "Learning is NASJE's business. It is the engine of education and reform. Training, development, and learning are NASJE's mission, so NASJE's mission and NCSC's are intertwined." We are both focused on helping courts improve and develop. So, much like the original 13 colonies, Warren observed that we, "embark on a common enterprise – to establish justice so the public has the benefit of what our ancestors fought and died for 225 years ago." Warren's greeting comments were much appreciated and set just the right tone as we began our several day sojourn into collaboration and became an intentional community of learning in one of the most significant settings where our democratic form of governance and discourse was launched.

Keynote Address: 2001 - An Education Odyssey

Dr. Murlene "Mac" McKinnon opened the NASJE conference with a keynote speech entitled, "2001: An Education Odyssey, Effectively leading Judicial Change in the 21st Century." She guided us through a highly interactive and entertaining session during which we examined three core areas of our leadership role and of leadership training. Below is a little taste from each part of the discussion:

1. Leadership philosophy- She asked us to think about what we were most proud of in our professional lives and how we had made the world a better place. After this critical reflection we explored leadership philosophy and what really determines effective leadership. Values that were expressed/lived and the ability to inspire others were two topics heavily emphasized by the group.
2. Building successful teams- This discussion harkened to Lou Holtz and the themes of

trust, commitment, and care. These are a striking contrast to conventional hierarchical notions of command and control. Her care centered approach as opposed to merely "fair" centered, was reminiscent of the work of Carol Gilligan at Harvard and her reminder that treating people differently is sometimes the most fair thing to do because it is care centered and focuses on the unique place of the individual. We also talked about the critical need to create safe space for risk taking and for dissent in the work place. Leaders empower others to share their own ideas and don't punish them for speaking up.

3. Four Big Questions Leaders Should Regularly ask themselves- McKinnon recommended four questions we can ask to keep ourselves or our leadership teams honest:

A. Where are we going? These destination questions have to be asked to see if you are consistently living a vision and mission.

B. How are we going to get there? Are we going to use technology, human resources, etc.

C. Who will be there when we arrive? This is where Dr. McKinnon made a very important point that really seemed to resonate with the group. She said, "Be who you want people to think you are. This makes you live up to the standards you have set."

D. Can I feel good about myself in the process? This has to do with ethics and honesty. It grows out of the admonition to be who you want others to think you are. But it is more than that because during this portion of the session McKinnon really got us thinking about community and group responsibility for one another. Here is where she discussed the productive purpose of taking the time to produce values statements for work teams and to sit down together to prioritize those values. Afterwards we were divided into our own little collaborative teams or learning laboratories and we worked out some strategies for leadership when they returned back home.

Leadership Convocation

CJER's Kathleen Sikora and Michael Roosevelt joined Alameda County Superior Court Judge Ken Kawaichi, Dr. Dave Rottman of the National Center for State Courts and NASJE's President-Elect Tom Langhorne in presenting this year's Leadership Convocation. This year's theme focused on judicial branch educators' role in maintaining and improving public confidence in the courts.

After noting some troubling public confidence research findings, Tom Langhorne explored other phenomena that question whether there is indeed an erosion of public confidence in our courts. He also reviewed requisite leadership skills judicial branch educators must demonstrate if they are to assist in improving public confidence. Specific reference to various Trial Court Performance Standards was made, including key measurements focusing on public access, equality and fairness.

Dr. Rottman reviewed some particularly compelling research findings on this subject. (Click [here](#) to review Dr. Rottman's PowerPoint slides and major research findings). He observed that the level of public confidence varies among racial and cultural groupings. For example, African-Americans generally expressed lower levels of public confidence in their local courts than did Whites and Hispanics. Moreover, the more experience survey respondents had with courts, the less likely they were to express a high degree of confidence in those courts. On the bright side, the majority of Americans believe judges are honest and fair in deciding cases.

The California presenters provided various "public confidence" curricula models, which judicial branch educators can adopt and adapt. Ms. Sikora also reviewed exciting and encouraging research regarding social cognition and implicit association preferences.

My First Time

By Wendy Smith Deer

Flush with excitement and nervous about the new adventure on which I was embarking, I arrived very early at the Williamsburg Hospitality House in "historic colonial Williamsburg." After checking in and getting settled, I dutifully read through the local tourism guide and decided to strike out on my own to forage for lunch. I wanted to be sure to see some of the local attractions before settling in for some five days of rigorous training and study. I had heard through the proverbial grapevine that although the members of this organization I had joined - and with whom I would be cloistered for nearly a week - were well-respected and quite accomplished in their chosen field, they could be a bit, well, "clique-ish." So of course, being somewhat shy, I grew more and more anxious as the day dragged on. I had heard, however, that there was a restaurant in town with chocolate desserts to die for, so I set off to assuage my fears.

Fast forward to lunch, which I enjoyed at a sidewalk café in town. Sitting just to my right, also enjoying the local fare, were two gentleman, Clayton and Kent. Before long it became clear to me that Clayton, a kindly fellow from the Northwest, was also beginning his journey with this organization and I immediately felt a kinship. After interrupting their conversation and introducing myself, I learned that Kent, also very friendly, was a veteran of the profession and the organization and had offered to spend some time with Clayton and answer some of his questions. What a treasure, I thought, to have met another soul on my same journey. It would be such a comfort at the welcome reception to see Clayton's friendly face and know it was also his first time. We finished our meal and went our separate ways.

After returning from town, I made my way to the reception table where, with little ceremony, two lovely women bestowed upon me my "name badge," complete with two identification banners, one to highlight that I was a new member and the second to announce to the whole world that it was my first time. The large colorful badge which revealed so much about me made me self-conscious at first. As unnerved as I was by the placard, at least I didn't have to wear Tom Langhorne's badge with all those banners in every color of the rainbow. Noting this, I began to believe that the rumors were true and that this group would be unnecessarily caught up in titles and false-pretenses; I mean really, just look at that badge!

The evening progressed without incident and I met many friendly and interesting people. Still unconvinced of their sincerity however, and a little lightheaded from hunger, I agreed to join the party in the Hospitality Suite. That Langhorne character, a Virginian complete with a "How Ya'll doin'" accent, was one of the hosts and I thought this would be a good opportunity to infiltrate what I perceived as the in-crowd. I did; more on that later.

The next day, tagged with my placard for tracking, I convened with the rest of the group for a light breakfast and our morning key-note address followed by a leisurely and surprisingly substantial lunch. So far, the rumors about the nature of this group appeared unfounded, but I figured the more senior members were given strict directions to embrace the new members and cultivate a sense of belonging before revealing what I was certain was the organization's ugly side.

I reconvened with my fellow first-timers after lunch for a separate orientation. A proper outline of our program, complete with a succinct statement of the program's goals and an agenda concretely demonstrated the professionalism and ability of this group to do their jobs. Therefore, I thought, if the rumors of their accomplishments were true, the other rumors must be as well. Indeed, were the more senior members off in their cliques choosing which new members would be embraced and which would be shunned?

The slightly abbreviated new members program proceeded according to plan, as near as I

could tell, which in and of itself is a testament to its success. The first-timers benefitted from meeting representatives from numerous state, national and non-profit organizations which we would undoubtedly call on for support and information. More important than the advice they offered on the spot - the bulk of which was probably lost shortly after the conclusion of the seminar in favor of one or more of the other interesting presentations made during the week - were the numerous resource sheets, catalogs, brochures and web addresses bestowed upon us. This wealth of material provided us with information that we would refer to on innumerable occasions. Indeed, just in the last month I pulled out Pamela Bulloch's SJI business card on more than one occasion, and received prompt and courteous attention, I must add.

In addition to the wealth of information gained during the introductions, we also enjoyed working with fellow first-timers on our own sticky problems. During the "What's Buggin' Me" program - which can be requested from Kay Palmer of Arkansas - teams of first-timers were led in a discussion of the issues which were "buggin'" them. Our team, led by Mr. Vice President Kenny Miller, not only discovered interesting ways to approach and solve thorny issues, but also that the problems and challenges we face each day are not unique to us. The exercise provided a terrific support system of peers and a great way to approach my own needs assessment dilemma.

The next item on the agenda for the session requires a column unto itself and, truth be told, if the new members evaluations have any influence, we should see such a column following next year's annual meeting. I say this because Blan Teagle's presentation on the "Art and Science of Being a Judicial Branch Educator - Leading From Behind" was so rich with information and his presentation method so engaging that we asked that the session be expanded and offered again next year to the whole membership. Employing lecture, demonstration, video, handouts and encouraging participation, Blan taught the unexperienced and reminded the experienced the best way to run a meeting in order to achieve the goals and serve the greater good of the organization, here, the administration of justice. Without being able to reproduce the session for you on mere paper - or screen as the case may be - I send along Blan's strongly recommended reading in this area, Murray Hiebert and Bruce Klatt's "The Encyclopedia of Leadership." Kudos to Blan and I do hope we will see this segment again.

The success of this session and resulting comraderie of the participants still did not resolve the other issue buggin' me during this week though, whether this group - which thus far had been nothing but friendly, helpful and a sheer pleasure to be with - were really just putting on a face. By the conference's end I had my answer, which has only been reconfirmed time and again in the last few weeks. The membership of the National Association of State Judicial Educators embrace their work with a level of passion, enthusiasm, professionalism and respect I could not have anticipated, even given the positive accolades I had heard prior to the meeting. More importantly, they also embrace each other in the same manner. The rumors, of course, were unfounded. To be sure, there are networks of friendship shaped by common interests or experience or geography, but nothing I witnessed or experienced suggested that anyone sought to undermine or exclude any other member. Members rallied around each other, sang their praises, offered suggestions and even constructive criticism, where warranted. Everyone demonstrated an interest in each others' personal and professional lives in a manner that suggested that each was invested in the other's successes, that they honestly and sincerely cared.

As some of you have recently learned, the offices of the New York State Office of Court Administration, of which our current education and training division is a part, are located in lower Manhattan - merely four blocks from the site of the rubble of the World Trade Center Towers. Our own Deputy Director of E & T, along with her 11-member judicial education staff worked in that building day in and day out toward the same goals and meeting the same challenges as each of us. I am happy to report that the whole of the

OCA staff survived, shaken but alive. We did lose three members of our court family, court officers from a neighboring court who responded to the towers in an effort to help others. Additionally, several of our courthouses and judges' chambers were either destroyed or rendered unusable by the attack. In the aftermath of the incident, I heard from family and close friends who know that I often travel to Manhattan for court business. I also heard from other members of the court family across the state who couldn't contact the OCA offices directly. Notably though, Elise and I both heard from friends and peers among the membership of NASJE. We received notes and calls of support, offers of help and extensions of time with respect to NASJE deadlines. These little acts seem obvious, even expected, given the circumstances. But the effort each of you made to reach out to us, even when all modes of communication were rendered useless, proved to me there is a NASJE clique, an in-crowd; it is just that we are all members, warmly welcomed and embraced.

Thank you.

Teamwork in Judicial Branch Education

Presentation by Dolores Corona-Tuttle

by William Brunson

With an undergraduate degree in business and a master's degree in organizational development, Dolores Corona-Tuttle sought to educate judicial branch educators (JBEs) in how to apply teamwork principles to their work. In the session, she helped attendees identify:

- What judicial branch educators believe about teamwork
- Why teamwork should be applied in the work of JBEs
- When teamwork should be a primary or secondary aspect of educational or work goals
- How to introduce team building into educational sessions

Teamwork Beliefs; Benefits and Drawbacks of Teamwork

Ms. Corona-Tuttle began her presentation by asking the participants to respond to a survey about their beliefs regarding the use of teamwork in their work. For the most part, the participants surveyed felt that teamwork was important in achieving the work of judicial branch education.

Next, she led the attendees in an exercise to determine the benefits of teamwork such as creative and improved problem solving, increased productivity, increased innovation, and the support of risk taking. She also profiled when team building should not be used when: (1) two or more members have it out for each other; (2) the group has previously demonstrated dysfunctional conflict management skills; (3) management is not committed to enacting the necessary changes; and (4) retribution seems likely. See p. 10 of her materials. If the task complexity is high, and interdependence is high, teamwork is recommended. If task complexity is high and interdependence is low, teamwork is not called for. See p. 9.

Teamwork's Application to Trial Court Performance Standards

Ms. Corona-Tuttle led the participants in an analysis of the use of teamwork in educating the judicial branch about the trial court performance standards. She asked the attendees to define whether teamwork principles are applicable in the justice system. More specifically, she asked whether teamwork has a place in ensuring: access to justice; expedition and timeliness; equality, fairness, and integrity; independence and accountability; and public trust and confidence?

Research Applicable to Teamwork Principles

She discussed the work of Bruce Tuckman. In 1965, he simplified the teamwork theories by designating four stages of team development in an article entitled, "Developmental

Sequence in Small Groups." The four stages are Forming, Storming, Norming, and Performing. A successful team is one that can move deftly back and forth between these stages as circumstances change. At the forming stage, team members are often polite and they usually try to establish boundaries and common ground. At the storming stage, team members' ideas begin to clash, and conflict often results. A successful team will build beyond the storming stage to a norming stage where it begins to operate cohesively. In the norming stage, the team begins to work through conflict and achieve some success on initiatives. Finally, the team reaches the performing stage where it becomes more efficient and effective because of a reliance on one another's strengths.

Ms. Corona-Tuttle also profiled the work of Professor William C. Schutz. In his Fundamental Interpersonal Relations Orientation (FIRO) Theory, he discussed three basic needs that can be satisfied when we are in groups:

- Inclusion: The desire to be part of a group and to be accepted by a group; that is, to be "in" or "out" of the group.
- Affection: The desire to experience warm, positive relations with others.
- Control: The need to guide the group by organizing and maintaining the group's processes. Some group members will likely want to lead, and others will want to follow.

She also profiled the work of Abraham Maslow. He is known for establishing the theory of a hierarchy of needs. He suggested that human beings are motivated by unsatisfied needs and that certain lower needs need to be satisfied before higher needs can be satisfied. According to Maslow, there are general types of needs (e.g., physiological, safety, love, and esteem) that must be satisfied before a person can act unselfishly. As long as we are motivated to satisfy these cravings, we are moving toward growth and self-actualization. Consequently, a team member must have his or her lower level needs satisfied before progressing to those areas where growth and self-actualization occur. For team purposes, if the team members' lower level needs are being met, the team members and the team are prepared to reach their goals.

Finally, she explained the research of Albert Bandura. He postulated that self-efficacy makes a difference in how people feel, think, and act. With regard to feeling, a low sense of self-efficacy is associated with depression, anxiety, and helplessness. Individuals with low self-efficacy usually also suffer from low self-esteem and experience pessimistic thoughts about their accomplishments and personal development.

With regard to thinking, an individual's strong sense of competence aids cognitive processes and performance, especially the quality of decision-making. Self-efficacy levels can facilitate or impede motivation. Individuals with high self-efficacy choose to perform more challenging tasks. They are more likely to set higher goals and achieve them.

With regard to action, once individuals with high self-efficacy take action, they invest more effort and persist longer than those who suffer from low self-efficacy. Even more importantly, when inevitable setbacks occur, they recover more quickly and maintain their commitment to attaining their goals.

Obviously, it is important to create an environment where self-efficacy is nurtured and rewarded for teams to be effective.

Infusing Teamwork into Educational Sessions

She also summarized how to incorporate team building into educational sessions. Ms. Corona-Tuttle provided four activities to assist judicial branch educators in infusing teamwork in educational sessions.

Activity One: The Team Process Check activity assists a team in determining its

effectiveness and cohesiveness. This activity would help a team that is currently progressing to assess how well it is functioning as a team. See pp. 19-20.

Activity Two: The Relevance of Teamwork - Functional Overlap activity would assist a team in assessing how the team is involving all different functional units within an organization. Such questions as, "Do our locations, functions or workloads enhance or inhibit our working relationships? How?," are used in the assessment process. This tool can assist in identifying where there is overlap or redundancy of activity within an organization. See pp. 21-23.

Activity Three: The Recognizing the Need activity assists teams in identifying potential forces or people who will support or impede the plan of action. See pp. 24-26.

Activity Four: The Closing the Gap & Creating the Future activity provides a team with an assessment tool to gauge current reality. It also provides a tool for determining what the team is seeking in the future and compels the team to think about its desired future in terms of a "simple statement." This can be important for ensuring that each team member shares the same ultimate goal. See pp. 27-28.

She also recommended the use of a brainstorming activity to determine when teamwork can be infused into educational sessions. It is a simple exercise that takes about 10 minutes and contains all of the common rules for brainstorming activities. See p. 31.

Teamwork Activity: Building an Airplane & Launch Pad

Ms. Corona-Tuttle concluded the presentation by asking five different teams to each build a plane and launch pad. This team exercise showcased the benefits of teamwork, such as creative and improved problem solving, increased productivity, increased innovation, and the support of risk taking. Indeed, Mr. Dan Schenk of South Dakota risked life and limb by serving as a launch pad. Because of its creativity, his team was successful in launching its plane the farthest. Of course, other teams suggested that the team's launch pad (a.k.a. Dan "Pretty Boy" Schenk) was not a "true launch pad." This brings us to a potential downside of teams within an organization: "success envy." This is also known by other names. We will consider that in future editions of NASJE News.

Helpful Resources

Ms. Corona-Tuttle provided a plethora of resources for learning more about teamwork. See pp. 35-37 or her materials. Also, she recommended the following websites for teamwork exercises and information: <http://www.squarewheels.com>, <http://www.siop.org>, and <http://www.aom.pace.edu>.

Comments on Grants & Judicial Branch Education, a presentation made by Jeffrey Barlow at the 2001 NASJE Conference at Williamsburg, VA
by B. Phyllis Whittiker

One of the most useful presentations at the Williamsburg Conference was that of Jeffrey Barlow from the Missouri Office of the State Courts. His topic was one of interest to all of us involved in Judicial Education: How to find and obtain grant funding for our projects.

- The objectives of his presentation were to:
- Illustrate methods for the identification of grant funding;
- Define grant administration;
- Integrate grant development and project implementation; and
- Contrast Trial Court Performance Standards and outcome-based budgeting to justify grants.

Mr. Barlow opened his presentation by taking us through "The Money Chase," a comprehensive description of how we can search for grant funding on the World Wide

Web. He pointed out that 20% of all federal funding is spent on grant programs, and he described the Interagency Electronic Grants Committee (IAEGC) Action Plan. The goals of this committee are to establish a comprehensive one-stop Federal Gateway for E-Grants processing, coordinate Federal electronic grants policy, and improve management of E-grants. Ultimately, we can expect that the application processes, as well as the administration of federal grants, will all take place on the web.

One of the web sites that Mr. Barlow recommended to us is <http://www.cfda.gov>, the Catalog of Federal Domestic Assistance. This web site provides access to a database of all Federal programs available to state and local governments; Indian tribal governments; domestic public, quasi-public, and private non-profit organizations and institutions; specialized groups; and individuals. Judicial educators can search the site to find assistance programs meeting their requirements and for which they are eligible. Also available on the site are aids that provide guidance in the writing of proposals for assistance. The CFDA site is updated twice a year at approximately the same time as the printed Catalog of Federal Domestic Assistance is published (June and December).

When searching for grant funding, Mr. Barlow suggests not limiting ourselves to grants that speak specifically to judicial education. Think creatively, and see how our programs can fit within the requirements of the grants. Also, remember to expect a significant lag time between applying for the grant and receiving the funds.

Mr. Barlow led us through a number of other federal web sites that sponsor programs: the Office of Justice Programs (OJP) <http://www.ojp.usdoj.gov>, the Grants Management System (GMS) (also within the OJP site under GMS), and the Department of Health and Human Services (DHHS) www.dhhs.gov all have potential funding for judicial branch educational programs. Another resource for grant funding is the Catalog of Federal Domestic Assistance at <http://www.cfda.gov>, which even provides a tutorial on writing grants.

Of course, we can't overlook potential funding from the State Justice Institute at <http://www.statejustice.org>. Its latest funding package is available and should be read carefully for applicability to our courts and our projects.

Grant seekers can also find and research a number of private grantors on the Internet. A valuable site for this activity is <http://www.foundations.org>, a directory of charitable grant makers.

In developing our grants, Mr. Barlow cautioned that it is important to consider the needs and requirements of the grantor, and to be impeccable in our applications. He suggested that we read over a number of successful grant applications, and remember that "there is no such thing as plagiarism" in a grant application.

All grants require an outcome-based budget, and Mr. Barlow recommends that we use the Trial Court Performance Standards to assist us in developing these outcomes. He also reminded us that the evaluations of the project or program should not be how well beneficiaries of the grant liked their experience, but rather, what they did with it. In other words, what's the impact of the program?

We were all very fortunate to have a presenter of Mr. Barlow's caliber walk us through the many aspects of finding and applying for funding. He has a wide range of experience in this area. In addition to his work with the Missouri State Courts, he is the executive director of the Hawthorne Institute which serves state and non-profit agencies in a variety of public sector projects. Thank you, Mr. Barlow, for passing on your insights and experience.

Court Reform

by Blan Teagle

Maureen Conner opened the session by tracing the history of JBE as a reform movement, from the total denial of the need for education before 1950 through the internal dissatisfaction, public demand, and early development of JBE programs in the 1950s through the 1970s, to their institutionalization in the 1980s and the proliferation of new issues in the 1990s.

Lynn Hecht-Schafran then discussed the still existing myth that law school education prepares judges to serve as decision-makers in real life situations such as complex child welfare, domestic violence and domestic relations cases. Law school provides no preparation for a judge to determine a child support award that could actually be sufficient for a single mother to raise a child. While considerable programming emphasis is being directed toward interesting, "cutting edge" issues like rights to frozen embryos, the problem is that judges already know their knowledge is limited in these specialized and emerging areas. They may think they understand family dynamics from their own experience, but in fact, they may make inappropriate decisions by applying their experience to totally different situations with households riven by domestic violence. It is a tough call what to do. Cutting edge issues should not be allowed to crowd out day-to-day issues for scarce educational resources, yet they have to be dealt with competently and judicial branch educators want to provide support.

Schafran suggested that "social context" education be:

- (1) marketed as protective of the judges so that they will not be criticized in the press or subjected to disciplinary action by judicial disciplinary bodies.
- (2) incorporated into other programs with less confrontational titles such as "sentencing," or "problems in juvenile justice."
- (3) Offered in increasingly complex applications to avoid complaints of repetitiveness.

After Schafran's presentation, Claudia Bayliff presented a video and self study guide developed, with support from SJI, by the National Judicial Education Program to Promote Equality of Women and Men in the Courts, with support from SJI. The excerpts dealt with a non-stranger rape case. Bayliff described how the video curriculum was developed and how it can be presented in different states. She summarized some lessons learned on how to present these curricula. She said that judges are apprehensive about appearing biased, they want to be neutral decision-makers, and they have concerns that advocates are trying to persuade without sharing all the information they have. Often the experts with the most information are the ones judges most suspect of bias.

Her recommendations for overcoming these hurdles were to stress fairness and that the experts used in the curriculum are not trying to make judges into advocates. She stressed that the expert panel consists of interdisciplinary teams, but mostly judges. Judges like to be taught by other judges and trust that they have the best interest of the profession at heart. Bayliff recommends that in the area of social context education you want to keep the judges focused on their role. You want them to arrive at their own conclusions and say to themselves, "Here are some things I can do differently that will ensure that justice is served." She really emphasizes that the exercises related to the videotape always involve the application of knowledge to facts. The training has to be job relevant and the use of judges as experts on the tape and as faculty in the classroom will ensure this verisimilitude.

To guarantee relevance, the judges use their own state law, and develop materials specific to their jurisdiction, both geographic and subject matter. The materials are organized in two different parts and each part has four units so that it can be presented in a half or full day format or in a series of lunchtime seminars. The units start with courtroom vignettes followed by a judge panelist who introduces the non-judge expert; in the case of the non-stranger rape case module we watched, it was a psychologist with

excellent credentials. The judge then interviews the expert. In the particular module we saw demonstrated, the judge was Judge Michael Keasler of the Texas Court of Criminal Appeals, known to many NASJE members, who asked very pointed and incisive questions from a judicial perspective.

The module we watched was fascinating, as it dealt with risk assessment that goes into preparation for a sentencing order. So, there is this very practical context provided, a situation that judges will definitely face on a daily basis. The expert in the module explained to Judge Keasler that there is no profile for the non-stranger rapist. This can be a depressing realization for judges, but Judge Keasler on the tape pushes on and says, "Well then, how can we know low or high risk? Why is the young man on the tape a high risk then?" Judge Keasler really inquires deeply to try to find out how, practically, to support the order. I still remember the catalogue of helpful information the judge elicits from the psychologist, Dr. Lisack, in response to Keasler's probing questions. He listed no less than 8 factors to consider in developing a good order:

1. What violence occurred and how much?
2. What is the history of the individual?
3. What does the psychopathology report say?
4. What is the development history of the defendant?
5. What is the defendant's emotional awareness?
6. What information has been presented about sexual arousal patterns?
7. What cognitive distortions are there?
8. What evidence is there of treatment indications and why should the offender be treated as opposed to simply incarcerated?

The curriculum, as presented by Bayliff, spelled out answers to all of these issues and more, and the answers that come are not easy solutions, but revolve around collegial discussion and deep thinking on the issues. On the tape following Keasler's interview of the expert is a panel of judges who discuss the indications from the research. In just a short demo, very important things were communicated: (1) if defense counsel presents evidence regarding the defendant's MMPI results, this is a general type indicator and does not serve as a valid instrument for detecting propensity to rape. It does not reveal psychopathology; (2) there are no profiles and you can't rely on appearance or stereotypes; (3) you have to look at the current research from allied fields. Even though there is no profile of these sex offenders, these cases are not hopelessly unmanageable. Justice can be served. There are valid cumulative evidentiary considerations that can guide a judge to a well-reasoned decision.

Bayliff closed with some helpful comments on the judge's role outside the confines of the courtroom and explained how judges can use this information to do community education before school groups or others where they are working to improve understanding of the law, the legal system, and the administration of justice. Bayliff provided to many in the audience a renewed sense of the value of interdisciplinary research and the value of discussion teaching as opposed to didactic methods in doing social context education.

Substance Abuse Programs for Judicial Branch Education

Hon. Sheila Murphy, Amie Clifford and Michael Cohen co-presented this seminar on responding to signs of substance abuse among judges and attorneys. The session addressed the indicators and effects of substance abuse, and some characteristic patterns of behavior. Substance abuse frequently accompanies other psychological disorders, and is a strong indicator of the presence of other problems, particularly depression.

The presenters discussed the availability and characteristics of effective treatment programs. They then previewed a model lesson plan produced by the ABA Standing Committee on Substance Abuse and the ABA Commission on Lawyer Assistance

Programs. The draft lesson plan explores the ethical obligations of judges to respond to conduct among judges and lawyers that indicates substance abuse. The PowerPoint presentation and written hypothetical scenarios challenged participants to identify when behavior suggests substance abuse, and to develop appropriate responses to various degrees of addictive behavior.

Distance Learning Production Needs

by William Brunson

The Institute for Court Management (ICM), the education and training division of the National Center for State Courts (NCSC) has been involved in distance learning programs for two years. Ray Foster, MaryAnn Massey and Kevin Mittler shared their experiences with the NASJE audience during a tour of NCSC's Education and Technology Center. Mr. Foster, Dr. Massey and Mr. Mittler showed three different technologies for the delivery of distance learning: videoteleconferencing, live interactive web-based training, and combination of 24/7 online training with live interactive components.

Videoteleconferencing

Mr. Foster and Dr. Massey profiled the intricacies involved in producing an ISDN videoteleconference. They allowed the audience members to see the pre-videoteleconference set-up, which added greatly to the experience. They explained the tools involved in setting up the videoteleconference such as the cameras, the headphones used for communication by technical personnel, and the interaction with the service providing the audio and video bridge. They profiled the different views that are possible such as side-by-side, four pictures, and the "Brady bunch" mode. They discussed the necessity of using technical facilitators, usually at least one per site. In addition, they recommended the use of at least one program facilitator.

During the videoteleconference, the participants were split into two groups: one group stayed at the Ed Tech center and the other went to Courtroom 21 at the College of William and Mary. They provided tricks of the trade, such as ensuring there are plenty of extra batteries to putting tape on the floor to show the presenter where to stand. "It is very much like the television business," explained Mr. Foster. The [technical](#) and [program facilitators](#) must pay close attention to lighting and camera positions, set decoration, backdrops, and props, among other items. Even clothing, jewelry & makeup need to be monitored closely to ensure that the appearance on screen is professional. Mr. Foster also explained how CODECs are used to compress the images for transmission over the telephone lines and then to decompress the image for viewability. Dr. Massey and Mr. Foster recommended that the audience members read their NASJE materials for instructions for receiving site program facilitators and receiving-site technical facilitators.

Dr. Massey explained the importance of asking the faculty members to develop a minute-by-minute summary of the program to ensure the success of the program. She recommended that persons who would like further information about preparing faculty for videoteleconferencing check their site at http://www.ncsc.dni.us/ICM/distance/Videoteleconference/Faculty_Planning.html.

Live Interactive Web-Based Training

In simple terms, live interactive web-based training programs are teleconferences with visual aids provided via the students' computers. ICM is currently using WebEx (<http://www.webex.com>) for delivery of its live interactive web-based training programs. This software allows for the delivery of PowerPoint slides, whiteboard, and polling of students via computer. The students can also email the instructors or other students in private chat rooms. The polling feature is much like a responder system allowing the instructor to ask students to register responses via their computers. Using their personal

computers, students can view presentations, respond to survey questions, and engage in brainstorming. Dr. Massey recommends that courses be no longer than 75 minutes in this environment. She recommended that participants review their NASJE materials for information on lessons learned such as the correct way to use PowerPoint slides and how to poll audience members effectively.

Combination of 24/7 Online Training with Live Interactive Components

Finally, Mr. Foster and Mr. Mittler profiled the use of Blackboard (www.blackboard.com). It is a web-based program that gives an instructor a number of tools to use. The instructor can post assignments, build quizzes, provide materials, supply Internet links to other resources, and offer discussion forums. While the student would engage in most of these learning activities during his or her own time (24/7 availability), the instructor may decide to have a "live" chat or engage in other live activities such as the use of WebEx above. The purpose of Blackboard is to allow a faculty member to create content for the web without the knowledge of programming languages such as Java and HTML. The strength of this medium is that it allows for a longer term learning experience. At the time of the NASJE conference, ICM had not yet experimented with this medium; nevertheless, it is anticipated that courses will take place over a period of four weeks with assignments each week

Summary

In sum, ICM has experimented with a number of distance learning technologies in the past year. All NASJE members can benefit from the lessons that their staff members have learned. To find out more about ICM's distance education opportunities, NASJE members can find the site at <http://www.ncsc.dni.us/ICM/distance/index.html>. For a full range of information on videoconferencing, including faculty preparation, FAQ's, strengths and limitations, et al, plus additional material specifically related to videoconferences, go to the bottom of the page and click on Building III - Videoteleconferences.

Program facilitator is tasked with the curriculum side of the program. NCSC defines it this way:

One of the several groups of people whose contributions are critical to the success of video teleconferenced education programs focuses on site program coordination/facilitation. These people at each participating site are responsible for gathering handout materials, connecting with the local audience, and welcoming them and facilitating their exchanges with the host site. They coordinate with the technical facilitators in their studios and with the faculty and host site coordinators to learn how to debrief exercises, use the microphones, and a host of other jobs.

Technical facilitators are tasked with the technical support for the videoconference. NCSC defines it this way:

Technical support personnel should be available for the video teleconference program as well as any test and practice sessions. The technical support person should be in contact with the program coordinator and have access to all agendas prior to the program. They should be familiar with the following:

Audio System: The capability to mute and unmute the microphone system connected to the VTC equipment should be understood and tested

Controlling Cameras: Someone familiar with the camera attached to the VTC system should assume the responsibility for camera controls. If the camera system has remote pan, tilt and zoom functions, the technical coordinator or their designee should be prepared to zoom and focus the

camera on the appropriate speaker. Spokespersons for the participating group should be identified and placed in positions in the room where camera and microphone controls will allow them to be clearly seen and heard while presenting information during the VTC. The technical coordinator should also be prepared to zoom and focus on visual materials (whiteboard, writing pads, etc.) that will be used during the presentation. This requires planning and coordination between the technical facilitator and the program facilitator.

Site Label: A sign should be used to identify each participating site.

Backup Audio: A telephone should be available in the room or in a connected room.

Presentation Aids: Presentation aids such as whiteboards, easel pads, etc. (if used) should be positioned so they can be clearly seen by the camera and the responsibility for camera moves to show these aids should be worked out in advance of the program.

Pens and markers used to write on these boards should be dark and produce broad lines for easy reading through the videoconferencing system.

For a full range of information on videoconferencing, including faculty preparation, FAQ's, strengths and limitations, et al., please check out the ICM website where you can find all of this information plus additional material specifically related to videoconferences. The link is: <http://www.ncsc.dni.us/ICM/distance/videoteleconferences.html>

An Ethics Guide for Judges and their Families

Cindy Gray, the foremost expert on judicial ethics in the country, shared with us the new American Judicature Society Curriculum, "An Ethics Guide for Judges and their Families." During this informal "train-the-trainers" session, participants had a wonderful opportunity to talk about the various uses of the program with the person who created it. Many of us are looking for ways to do meaningful spouses' and children's programs in conjunction with our judicial conferences and Cindy offered us an excellent vehicle for piloting this concept.

The guide comes complete with PowerPoint slides, a set of handouts, and a set of small and large group exercises. You can design a full day or two day course or use the cafeteria style approach to pick and choose from what she provides and design a program of whatever duration you want. Cindy has put together a very practical usable format guaranteed to address issues judges and their families will face at some point in the judge's career.

She started by answering the question, "If the code does not apply to family members, why should they know the requirements?"

She then proceeded to walk through the potential morass of ethics issues that can confront the ill informed and she demonstrated how families can conduct their own activities in a way that strikes a balance between their right to live their lives as they see fit and their responsibility to safeguard the judge family members reputation for integrity.

Germane issues include civic and charitable activities, financial activities, acceptance of gifts and loans, acting as an attorney for the family once on the bench, serving as a fiduciary, avoiding misuse of office, exercising appointment authority without perceptions of favoritism or nepotism, and disqualification. Every one of these issues provides an opportunity to discuss with a judge's family members the sensitive nature of the job and how much spouses, children, and other relatives can impact public perception of the judiciary. This guide is essential to every judicial branch education library and it was very helpful to have a dialogue with Cindy about yet another one of her outstanding ethics guides.

Manager's Briefcase

"The key to being a good manager is keeping the people who hate me away from those who are still undecided."

– Casey Stengel

Because judicial branch educators are often responsible for the management of staff, the editors of NASJE News felt it was appropriate to provide those managers with some tools. Thus, we bring you the Manager's Briefcase. This section's articles will highlight the latest information on management philosophy and practice. Like good managers, however, we will take our jobs seriously, although the authors won't take themselves too seriously as the quotation above illustrates.

Manager's Briefcase will begin this issue with an article on the role of the manager. Future segments will address many issues, including how to hire the best employees for your organization and methods of motivating employees to perform their best. Should the employee not be internally or externally motivated, the employee may engage in inappropriate behavior. Thus, we will discuss the proper ways of disciplining employees. If motivation and discipline are not successful, and it becomes clear that the employee is not going to succeed in the position, it may be necessary to terminate the employee. An additional future section will provide an effective termination procedure that will help make the unhappy occasion as pleasant as possible for both the manager and the employee and hopefully avoid an expensive and time-consuming lawsuit.

One of the most common errors that educational organizations make is to neglect to educate their own staffs. In a future edition, we will discuss the importance of education for all members of your staff. Other tools provided in future editions will be articles focusing on establishing collegiality, evaluating employees effectively, holding effective staff meetings, building teams that produce results, and others.

As you read the Manager's Briefcase, we would like to hear about your experiences in managing your staff. These anecdotes can be especially helpful to other managers trying to navigate sometimes murky and treacherous employment issues. Further, we would like to hear your [suggestions](#) for future topics. Finally, we will provide resources for further reading, so you can continue to educate yourself.

Hopefully, the articles will remind you of your own sense of humanity and help you to retain a sense of humor in difficult times. Casey Stengel and we wouldn't want it any other way.

The Manager's Role

by Yvonne Stedham

All organizations have managers. Interestingly, both managers and those being managed occasionally wonder what "managers" are supposed to be doing. As the first installment of the Manager's Briefcase, this article will provide some general insight into the manager's role.

The short answer to the question, "what do managers do?", is that managers are supposed to do four things:

- Plan
- Organize
- Lead
- Control

If you were to ask the vast majority of managers if they were performing these functions,

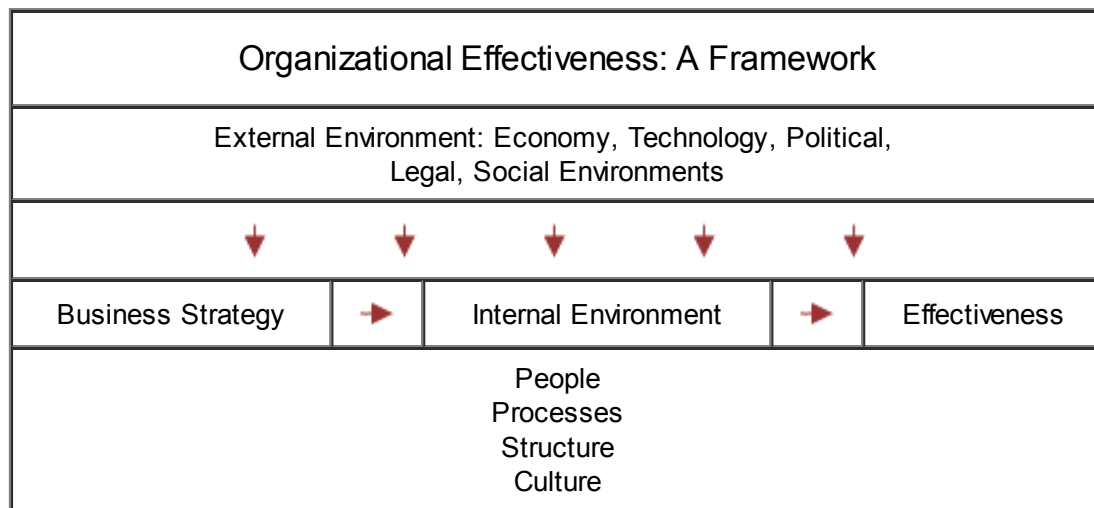
they would most likely answer, "yes, absolutely." The more difficult and, perhaps, the more relevant question is "Why is managerial work composed of these functions?" How does a manager, by performing these functions, contribute to the success of an organization?

If we are interested in understanding management's relevance to the success of an organization, we must first define what an organization is. Simply stated, an organization is the people who comprise the organization. Why do organizations exist? Organizations exist to provide goods and services that society needs and desires in an efficient and effective manner. Efficiency is defined by the input-output relationship in the organization; effectiveness is defined by the organization's ability to accomplish what it had set out to accomplish. Thus, a manager's responsibility is to ensure both efficiency and effectiveness. The more senior managers are more focused on effectiveness, while junior managers are more focused on efficiency.

If senior managers are primarily concerned with effectiveness, how can organizational effectiveness be assessed? The ultimate, long-term criterion is the survival of the organization. However, in the public sector, this isn't always an accurate measure because the government supports the organization. On the other hand, some public entities are assessed in this manner, and if they are not effective, governmental bodies have sometimes elected to privatize the function.

In the short-run, an organization is considered effective if it is profitable; measurements such as a high return on investment (ROI) and low employee turnover rates are short-term measurements of organizational effectiveness. The million-dollar question is "How do we get from being profitable in the short-run to surviving in the long-run?" In the intermediate run (in other words at all times), organizations have to change, adapt and respond to changes in their environments in order to stay relevant. The intermediate-run criteria for organizational effectiveness are the organization's adaptiveness and responsiveness. Consequently, senior managers are responsible for the effectiveness of the organization by ensuring that the organization is adaptive and responsive in the long-term as well as profitable in the short-term.

So far, we have concentrated on the internal processes of the organization. The effectiveness of an organization is also contingent upon external factors as well. The following framework illustrates the functions of both internal and external influences on the organization.



This model is composed of three primary elements: the external and internal environments of the organization, and the organization's strategy. The relevant external environment depends on the specific organization but generally is comprised of economic forces including internationalization pressures, technological changes and developments,

political issues, legal developments, and social issues, such as changing values and generational differences.

The internal environment of any organization consists of four elements: (1) the people who "make up" the organization, their behaviors, perceptions, motivations, and personalities; (2) the processes, such as decision-making and communication processes; (3) the structure of the organization - strictly hierarchical reporting relationship or flat, open, organic structures; and (4) the culture of the organization - the prevailing values and norms. These four elements are reciprocally related to each other - if one of them changes the others must change accordingly to maintain internal equilibrium.

The organization's strategy is usually set forth in a strategic plan which defines the activities that an organization must undertake to maintain a good fit between the external and the internal environments. It is based on a careful and detailed assessment of the organization's external and internal environment through a strengths-weaknesses-opportunities-threats (SWOT) analysis. A SWOT analysis results in the identification of an organization's internal strengths and weaknesses and its external opportunities and threats.

A manager, being responsible for the effectiveness of the organization, must engage in activities that maintain a good fit between the organization and its environment as well as a good fit among the elements of the internal environment. This is accomplished through strategic planning and facilitating and monitoring the implementation of the strategic plan. This concept can be modified to apply to specific units within the organization. For instance, the role of a manager of a department or even a work group can be analyzed using this model.

Specific tasks required to perform the managerial role include strategic planning, leadership, supporting the design and implementation of human resource systems and processes that are consistent with the structure, culture, and desired behaviors in the organization, organizational design (developing appropriate structures and reporting relationships), and monitoring the organization's culture.

In summary, from a macro, big-picture perspective, managers are critical to the success of an organization because through planning, organizing, leading, and controlling they ensure that there is a good fit between the external and internal environment of the organization as well as a good fit among the elements of the internal environment and, hence, ensure that the organization is adaptive and responsive.

Although the presented conceptual framework of organizational effectiveness and management's role may be quite straightforward, the actual implementation of all aspects of managerial work is not straightforward and requires extensive skills. From a micro, person-to-person perspective, managers get their work accomplished through others. How? Since an organization is "people," the organization is only as effective as each individual person in the organization. Hence, on a micro-level the focus is on ensuring individual effectiveness or performance. A simple model suggests that an individual's performance depends on the individual's ability and motivation:

Performance = Ability * Motivation

Managers must engage in activities and make decisions that result in both high levels of ability and motivation. Ensuring optimal levels of ability is the easier one of the two to accomplish. The knowledge, skills, and abilities (KSAs) required for the performance of a job must be clearly defined. Care must be taken in selecting and hiring individuals for a particular job relative to the required KSAs. This, in my opinion, is the most important decision managers make. Employees' KSAs relative to job requirements must be monitored to ensure continuous fit. Motivation is the difficult factor. Simple theories of

motivation emphasize the importance of understanding employees' needs: what is important to employees? Are extrinsic rewards, such as money, benefits, and recognition or intrinsic rewards, such as a sense of achievement and accomplishment, more important? What are the most important values for employees - for instance, time with family or material wealth? Once a manager has identified employees' needs, motivation is generated by providing the rewards that employees desire. Job performance becomes the necessary condition for receiving the desired rewards.

What exactly is it that managers are supposed to be doing? Managers are responsible for the organization's performance by accomplishing their macro-level function of understanding the big picture and affecting organizational change and their micro-level function by creating a work context that fosters employee ability and motivation. Sound simple enough? Let's do it.

Transitions

Please join us in welcoming the following new NASJE members:

- Janica Bisharat, Utah Judicial Institute
- Nan Poges, Tennessee Administrative Office of the Courts
- Wendy Smith Deer, New York State Judicial Institute (NASJE News Editorial Board)
- Christina Van Hook, Nevada Administrative Office of the Courts
- Tana J. Petrich, Texas Center for the Judiciary, Inc.
- Kim Kemodle, Texas Center for the Judiciary, Inc.
- Debra Weinberg, Supreme Court of Ohio Judicial College
- William Dressel, President, National Judicial College
- Jackie Branagan, Washington Office of the Administrator for the Courts
- Kathleen S. Gross, Administrative Office, West Virginia Supreme Court of Appeals
- Marianne Carlson, Vermont Judiciary
- Christine Eisenwinter, Vermont Judiciary
- Margaret Robbins, Texas Municipal Courts Education Center
- Theresa Davidson, Vermont Family Court
- Sue Latzko, Arizona Supreme Court Distance Learning Unit
- Margaret L. Cimino, CJER
- Michael Jamison, National Council of Juvenile and Family Court Judges
- Michael C. Wright, The National Judicial College
- B. Phyllis Whittiker, The National Judicial College
- Mary Ann Aguirre, The National Judicial College

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