

National Association of  
State Judicial Educators

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Winter 2001

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## Curriculum Development: A Step-by-Step Model

by Karen Thorson, Director, CJER

### Background

Many involved in judicial branch education are rethinking how they plan. Although the goal is always how best to meet educational needs, there are several models for achieving what is called curriculum development or curriculum-based planning. Each model has strengths and weaknesses, so choosing one (or tailoring one) for a specific entity involves careful consideration and analysis of what will best work in the specific environment. This article will describe the model we are using at the California Center for Judicial Education and Research (CJER) (<http://www.courtinfo.ca.gov/courtadmin/aoc/>).

### A Definition

For CJER, the working definition of “curriculum development” had to be both a process and a product – the designing and the design. Working together, the professionals on the CJER staff determined that “curriculum development” had to:

- Focus on the importance of the learners in new, more direct ways: dealing with learner tasks and approaches to their roles in the courts, focusing on what the learner does rather than just what the learner should know
- Engage staff and potential learners in a shared creative process: creating a partnership to determine content and delivery
- Engage other stakeholders in ways that were non-threatening to learner groups: establishing an inclusive process that draws richness from various perspectives
- Yield a comprehensive and complete design: resulting in all pieces fitting together and complementing each other, including:
  - A core that would be fairly stable;
  - Layers of increasing specificity:
    - Providing consistency across programs/venues, but also
    - Allowing faculty some discretion and ownership
- Provide approaches to learning that stretch across the full career span of learners: using strength-based and developmental

## approaches

### Obstacles

In striving for these desired outcomes in curriculum development, we identified numerous obstacles in our environment:

- The size of the task (eventually addressing all learner groups in the courts)
- The size of the learner groups (1800 judges, 58 court executives and 18,000 staff)
- The amount of time staff and learners would have to devote to the full curriculum development process (a significant additional time commitment for the next couple of years)
- The need to continue to sponsor existing programs while undertaking this task (more than 50 distinct annual events, with numerous programs, topics, tracks imbedded in most)
- The need for consistency in process among our numerous professional staff and committees (10 professionals with differing backgrounds and several existing event-based committees)

We determined that the importance of the curriculum development process was too critical to the evolution of judicial branch education in California to let these obstacles deter us.

### Approach

In order to address learners in numerous target audiences, staff recommended to the CJER Governing Committee the creation of 28 Education Committees. Some of these committees were already in existence (we simply changed their roles from event-based to curriculum-based work) and some had to be constituted. Some committees represent learners with specific assignments (criminal, civil, family, juvenile, etc.); some represent learners with specific roles (presiding judges, court executives, managers and supervisors, etc.); some represent behaviors or skills/abilities that impact all learners (fairness, technology, etc.).

We worked internally over a period of months discussing and creating a process that could be shared and embraced by all of the professional staff, since each of them would be facilitating the work of two to three committees. To our mutual satisfaction, we defined terms, discussed and refined approaches, determined a process that provided some consistency and also offered some flexibility, and charted a course of action to implement this significant change in how we plan our educational efforts.

We began to implement the process by conducting a one-day education session for all Education Committee chairs. Seated with the professional staff who would eventually facilitate the process for them, Education Committee chairs were engaged in seeing how the process would work, discussing the uniqueness of their particular target audience(s), determining a meeting date(s) to educate their respective committees and begin the curriculum development process. We also conducted internal training sessions for the professional staff to refine the process and to prepare each individual to facilitate the process for their assigned

committees.

#### The Process:

We agreed that the process would be multi-year and that we would execute it with deliberate care for the integrity of an agreed-upon methodology. There are three steps in the process. Each step involves different configurations of participants, and each step involves several tasks for those participants.

- Phase One: creates a skeletal version of a curriculum for a specific group of learners, with information grouped into categories/topics determined by the committee during a participatory process.
- Phase Two: creates a three-level, more fleshed-out version of the basic skeletal curriculum design for each category/topic; the three levels represent a version of the curriculum for each category/topic for learners at entry, experienced, and advanced levels.
- Phase Three: results in greater detail in the form of lesson plans for each category/topic for each of the three levels of learners.

#### Phase One: Initial Curriculum Plan

This initial step involves members of a curriculum development committee for a specified group of learners and invited stakeholders, such as attorneys, treatment providers, and other professionals. This step takes one to one-and-a-half days. The information generated is stable over time, changing if there are fundamental changes in the nature of the work done by the learner group. We will, however, continue to enhance our understanding of learners through an ongoing needs assessment process.

- A. One or two CJER professional staff participate in the process with the committee members and invited stakeholders. Participants begin the process by identifying the tasks and roles of the learner group. (They have been prompted to think about their tasks/roles and to gather information from colleagues prior to the meeting.) The tasks are stated with an action verb and object. (For judges who hear criminal cases, tasks might include, in no particular order: control the courtroom, conduct initial appearances, determine sentences, rule on motions, etc.) Participants continue identifying tasks until they have exhausted their ideas. Participants can then organize the tasks into similar categories. (For judges who hear criminal cases, groupings might be pre-trial, during trial, post trial – or working with the defendant, working with the prosecution, working with the jury, working with staff, etc.) There are many ways in which the tasks can be organized. Any approach is acceptable at this stage. The number of groupings becomes a factor later in the day.
- B. Participants then identify the skills and abilities required to perform the identified tasks effectively. These are recorded and posted in the same manner. (For judges who hear criminal cases, skills and abilities might include: listening skills, writing skills, negotiation skills, etc.
- C. Participants then identify any values or beliefs learners may need to consider when performing the identified tasks. (For judges who hear criminal cases, controlling the courtroom might involve a value of

maintaining the integrity of the court or the belief that the role of the judge is to maintain order).

- D. Participants finally identify any bodies of knowledge or information that learners need in order to perform the tasks identified (for judges who hear criminal cases, certain statutes and/or sentencing guidelines would be appropriate).
- E. Once the committee members (and any invited stakeholders) have completed these steps, they break into small groups. Each group reviews one or more of the groupings created from the tasks and associated skills/abilities, beliefs/values, and knowledge/information. During their review, they discuss the identified tasks, skills/abilities, values/beliefs and bodies of knowledge/information, adding or changing information if necessary to assure completeness and accuracy. They commit the finalized information to a template and their Phase One work is done. The information they have documented will be used by workgroups to further develop the category in Phase Two.
- F. After the meeting, professional staff review all groupings of information (tasks, skills/abilities, beliefs/values and knowledge/information) and contribute to the final version of the template.
- G. A staff member enters all of the data on each template into a word processing document for final review by staff and the committee.

The product of the Phase One work serves as the basis of further work and refinement of a curriculum design.

#### Phase Two: Education Plans

This step builds upon the work in Phase One. The curriculum development committee forms workgroups composed of a few committee members and other identified individuals from the target audience. The number of workgroups is determined by the number of categories identified for the learner group in Phase One; there is one workgroup for each category. The tasks of the workgroups can be done during a full-day meeting or accomplished in smaller meetings over a period of time.

- A. Workgroup members review the template created in Phase One for their assigned category. They add any tasks, skills/abilities, beliefs/values, and knowledge/information they believe to be relevant to their learner group.
- B. Workgroup members then review the template for entry-level learners, documenting what is needed for a learner to begin work. They discuss and document: learning objectives, subtopics, activities for participants, how faculty could evaluate participant learning, and more. This information becomes the guide for faculty to develop further in Phase Three.
- C. Workgroup members repeat the review and documentation process for experienced learners.
- D. Workgroup members repeat the review and documentation process for advanced learners.
- E. Again, CJER professional staff review and revise the documentation.
- F. A staff member enters all of the data into word processing documents for each of the three levels of learners.

- G. The resulting documents are submitted to the curriculum development committee for final approval.

The products of the Phase Two serve as a connection between what the learners do and the education that is relevant to the learners.

#### Phase Three: Lesson Plans

This final step involves faculty and is built upon the work done in Phase Two. Faculty will build upon either entry-level, continuing or advanced level documentation to develop a lesson plan for a specific group of learners.

- A. Faculty review the appropriate (entry-level, experienced or advanced) Education Plan for the group of learners he/she will teach and use it as the basis for their planning.
- B. Faculty may add tasks, skills/abilities, subtopics, learning objectives, participant activities, evaluation methods, and other components into the Lesson Plan, but everything on the Education Plan should be included, unless inappropriate for the specific learners. Staff will assure that in adding to the Education Plan faculty does not replicate other education plans, which will be taught by other faculty.
- C. Faculty design the order of presentation, determine the teaching methodology, and create handouts, teaching aids, and other teaching/learning tools.
- D. CJER will keep faculty lesson plans on file, and with permission make them part of the overall curriculum design for reference and possible use by other faculty.

The documentation produced in Phase Three is subject to change from one faculty member to another and can be tailored for specific groups of learners.

#### Communication Links

In order to assure continuity and consistency we have trained committee chairs and staff in the agreed-upon curriculum development process.

In order to assure that staff members are prepared for the potential variables the process can yield, we have regular meetings so staff who have facilitated the process with one or more of their committees can share tips with those who have meetings in the near future.

In order to keep the key individuals aware of the status of the process (and to generate some healthy competition) we have implemented a monthly "curriculum development update newsletter. It describes recent meetings and products and is distributed to division staff, committee chairs and vice chairs, and other AOC division directors.

In order to assure consistency in formatting, we have hired a temporary staff member to enter all data generated by committees and workgroups into word processing templates.

#### CJER's progress to date

We are in the midst of Phase One, with some committees ready to enter

Phase Two. So far, the results have been very rewarding. Our final curriculum design will include

1. An initial curriculum design for each identifiable group of learners (tasks, skills/abilities, beliefs/values, knowledge/information) grouped into manageable categories;
2. Education designs for entry-level, experienced and advanced learners for each category or topic of education for each learner group.
3. Lesson plans for each category or topic for entry-level, experienced and advanced learners in each identified learner group.

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President's Column

## A New Beginning

by Denise Kilwein

As I begin my term as NASJE president, I want to express my appreciation to Franny Haney for her service and leadership as president this past year. Under her leadership, NASJE continued to foster its partnership efforts with other court associations and national judicial education providers. I will call on Franny for advice and assistance as she serves on the Board of Directors as past president. Blan Teagle will leave the Board, and we appreciate his many years of service to NASJE. Blan has joined our NASJE News Editorial Board and will continue his excellent contributions to our organization.

I offer my congratulations to the new officers and regional directors elected at our Annual Conference in San Antonio: Tom Langhorne, Vice-President; Kevin Bowling, Secretary; and Sherry Carson, elected for another term as our Treasurer. Two new regional directors were elected: Susan Cox Leseman, director, Southeastern Region; and Dan Schenk, director, Midwestern Region. They join fellow directors Martha Kilbourn who continues as director of the Western Region and Richard Saks, who is director of the Northeastern Region. My term as President is just a short ten months and I will work closely with your President-Elect Paul Biderman. I had the privilege of working with Paul on the Newsletter Committee and am pleased to be serving on the Board with him. You have an outstanding board, and I look forward to working with this devoted team.

During our last conference call, the Board of Directors approved renewing our secretariat contract with the National Center for State Courts for 2001. Board members agreed the Center had provided excellent services in 2001 and it would be beneficial for NASJE to continue the contract. Kim Swanson is our primary contact at the Center. She has been enthusiastic and well organized, and I have appreciated her assistance.

The Board will hold its annual meeting February 9-10 in Savannah, Georgia. Please contact me or any other member of the Board if you have issues you would like the Board to discuss. Agenda items include approving the NASJE 2001 budget, and reviewing the program for the 2001 Annual Conference. I will provide you a report of the results of the board meeting in my next column.

The 2000 Annual Conference was outstanding! Thank you Kevin Bowling and the Education Committee for planning and coordinating an excellent

annual conference. And, thank you to the Texas delegation for all that you did to make the conference a success. "Y'all" were great hosts, and I had a wonderful time in San Antonio, although I did have a difficult time during our annual banquet at the Buckhorn when Leslie Johnson kept stepping on my feet! Can we get that guy some private line dance lessons?

Kevin and the Education Committee have started planning the 2001 Annual Conference which will be held in Williamsburg August 22-26. Watch the NASJE website for further updates regarding the conference plans. As you may recall, the Board of Directors chose an August annual meeting date, rather than a date in the traditional month of October, because some members indicated they had in-state training programs in October. In addition, members expressed a desire to meet in the summer in order to combine family vacations with our annual conference.

During the next year, I plan to continue the excellent efforts made by our past presidents to foster and improve the cooperation between NASJE and other court associations and national judicial education providers. Paul Biderman represented the NASJE Board, along with NASJE liaison Karen Thorson, at the recent Conference of State Court Administrators' Midyear meeting in Phoenix. Paul reported the opportunity was beneficial for NASJE.

Franny Haney will represent NASJE at the Conference of Chief Justices' Midyear Meeting in Baltimore in January. In March, Paul and I will attend the Court Associations' Assembly meeting sponsored by the National Center for State Courts. The meeting will be held in Washington, D.C. March 9-10. The agenda will include follow-up discussions on the two priority issues the Assembly identified at the 2000 meeting: 1) Development of diversity curriculum, and 2) Examining the changing role of the courts. The National Center has submitted proposals to the State Justice Institute regarding these two priority issues. The "Judicial Education Diversity" proposal is a twelve-month project providing for the development, demonstration and evaluation of diversity education curriculum. The "Role of the Courts" proposal will provide support for state judicial leaders to develop policies and programs that meet the changing needs of courts in light of their changing roles. Members of the Court Assembly will be asked to help with these two projects. I'll continue to keep you updated on these projects, and the work of the Assembly.

The updated NASJE [committee list](#) is included in NASJE News. I thank all of you for serving NASJE. I know you are extremely busy and have challenging jobs. The additional time you give to NASJE is much appreciated.

Thank you for giving me the opportunity to represent you as the President of NASJE. While we celebrated our 25<sup>th</sup> Anniversary in San Antonio, I was proud to take part in cutting the anniversary cake with the past presidents in attendance. I am honored to represent NASJE, and look forward to working with all of you in 2001. I am open to your suggestions of how we can improve NASJE and be of greater service to you. If you have comments regarding current NASJE activities or projects you believe we should initiate, please give me a call. I want NASJE to address your interests and concerns.

Best wishes for a successful 2001 year in judicial education.



## Point/Counterpoint

## Should NASJE Extend Voting Privileges to All Dues-Paying Members?

At its meeting during the annual conference in San Antonio, the NASJE board was presented with the report of a special committee on membership. That report asked the board to consider whether NASJE should extend full voting membership, including the right to seek elected office, to any dues-paying member. Currently, NASJE's bylaws extend voting membership privileges only to those who have full or associate membership, and office holding privileges only to full members. Both full and associate members must have judicial education duties for state or local courts included among their primary responsibilities.

Since any change in the bylaws would have to be approved by a vote of the full and associate membership, the board decided to put this issue, with arguments on both sides, before the members through the NASJE web site. After reading these arguments, all NASJE members (in any membership category) and potential members are invited to respond or offer their own thoughts in our online discussion group. After everyone has had an opportunity to comment, the board may then send out proposed revisions to the bylaws for a formal vote by the membership, or may decide to suggest no change. Your participation in that discussion is therefore important, as it may influence whether any change may be proposed, what form any such proposal may take, and, most important, how your colleagues may vote on that proposal. NASJE News looks forward to hearing from you.

If at all possible, please get your comments to us by February 7, to allow the NASJE board to consider your thoughts at the mid-year board meeting.

## Point

## Time to Reach Out

NASJE should extend its voting membership, and the right to run for office, to all dues-paying members. This is more than a professional courtesy that we owe to our colleagues who are interested and supportive enough to pay dues to associate with us. It will also enhance our ability to educate our members, network with sister organizations, and improve the quality of judicial branch education programs nationally.

NASJE is no longer primarily an advocacy organization

Although in the past NASJE has been needed as an advocacy organization to support the interests of state judicial educators, that is no longer our primary purpose. State judicial educators around the country are now afforded substantial recognition and support by judges, court administrators, national providers and other governmental agencies. This is in large part the result of the work of NASJE over the years in demonstrating the need for our skills, strengthening the quality of our programs, and providing mutual support for our members. It is also the result of the national consensus that has taken root among the judiciary acknowledging the integral role of judicial education in the evolution of the courts. NASJE has succeeded in its advocate role—so much so, in fact, that it is time for us to ask whether the primacy of that purpose should be reconsidered. In particular, we must ask whether we now have an even

more important organizational purpose, one whose fulfillment may even be hindered if we continue to project the attitude of advocacy.

If we stop to look at how we have evolved, it is plain that NASJE has assumed a new primary organizational purpose. It is to prepare and support judicial branch educators and education programs around the country with training, resources, and extensive networking with like-minded groups. And when we look at whom we are supporting and with whom we are networking, we see that judicial branch education is not an isolated function performed by a single office or two within each state. It is a complex set of functions in which many contributors from the judicial, legal, academic and social services communities, on both the state and national levels, play increasingly vital roles. To open NASJE voting membership to this wide range of participants does no more than acknowledge the contributions these colleagues already provide to help state judicial branch educators fulfill their responsibilities. To keep our voting membership closed to them signals a limitation to our desire for collaboration.

### Networking

One of NASJE's most important services to state judicial branch education programs is to afford opportunities for networking with sister associations. As judicial education has been called upon to tackle increasingly complex issues, we find ourselves seeking expertise developed in other jurisdictions and in national organizations. With the explosion of technological advances and movement toward therapeutic judicial models that were unthinkable until very recently, we desperately need a rapid and comprehensive flow of information about the experiments and experiences of others. We also need collaborations to keep up with this constantly evolving environment. State and national organizations of judges, court administrators and other professionals stand ready to work with us toward that end, and some progress has already begun. There is no better way for us to expedite and strengthen such collaborations than by providing full membership privileges to representatives of such organizations, so that they, too, become stakeholders in our association and identify more closely as our colleagues.

### Practical realities about hostile takeovers and definitions of membership

A few practical considerations also come into play. First, we can dismiss concerns that some group or large national provider would have its staff join in large numbers to seize control of NASJE. That scenario assumes that one or a few organizations, say of national judicial education providers or commercial vendors, would be so motivated and so coordinated that they would individually or jointly invest thousands of dollars in membership dues and conference registration fees just to control the policy pronouncements and agenda of our association. Given that NASJE's predominant purpose has become one of fostering education and communication, such a scenario is silly. Moreover, it would be self-defeating, since the very organizations that might attempt such a hostile takeover would stand to lose the most by alienating the very people whose goodwill they are trying to cultivate.

Second, we should acknowledge the reality that we have long opened voting membership in NASJE to people who are technically ineligible even under our existing bylaws. Given the multiple and changing responsibilities of many state judicial educators, there have undoubtedly been quite a few of us who have not had judicial education as one of our primary

responsibilities, at least at times, and yet whom NASJE would not think of cutting off from full membership. Others have moved on to other jobs, some in related fields, or retired, but have lost their voting rights and opportunity to serve as officers. Yet such experienced people may have as much to offer as any of us. The line between the judicial educator and many other roles in the state court administrator's office is frequently fuzzy. Similarly, if we assume our purpose is to promote dialogue, education and planning, then the line between the judge or court staff member who actively supports the state judicial education program and the judicial education staff member becomes insignificant. It is time we recognize that reality and open full membership to all who identify sufficiently with us and our field to want to join our association.

Opening up membership may enhance revenues and increase services

Finally, we should not forget that if voting membership for all dues-paying members serves as an incentive for more people to join, our annual revenues would increase substantially. This will enable us to increase our services – including improved educational programming and resources, more opportunities to collaborate with sister associations, and more scholarships for educators from cash-strapped states, to name just a few.

Opening NASJE voting membership will help us reach out to friends and colleagues as never before. It will signal our maturation as an organization that welcomes new perspectives and new collaborations. As one prospective member asked when this issue arose during the board meeting in San Antonio, "What are you afraid of?" In fact, there is something to be afraid of if we remain static: that by failing to reach out, we will lose the opportunities we could have had; and that those who recognize that judicial branch education requires a larger, more inclusive group of partners may look elsewhere for this form of community.

Counterpoint

### Preserve Our Identity

Although it has undergone many changes since its formation 25 years ago, NASJE has throughout its history adhered to one solid tradition: our voting membership and our leadership have always come from state and local judicial branch education organizations. This tradition is what makes us unique; it is what forms our identity. Before we open our full membership to people outside the group of state judicial branch educators, we should consider carefully what we might lose.

We already reach out

First, though, let's consider how much reaching out we already do. We welcome judicial branch education leaders to the leadership convocation that begins each annual conference. We offer several educational tracks at our annual conference to encourage membership and attendance not only by office directors, as once was the case, but also by many other staff members. We offer general memberships to our colleagues outside of state judicial branch education offices, including national providers, consultants and presenters, judges, members of other organizations, and many others interested in our work. We send liaisons to many collegial organizations, and our president is either attending or delegating our past or future presidents to represent us at the conferences and midyear meetings of a number of those organizations. And we have recently created section memberships to provide a focus for those who do not qualify for full

memberships but who can still gain from our programs and resources.

With all this outreach, we can hardly be accused of circling the wagons. The movement toward opening full voting membership to all who pay their dues may even appear harmless because, arguably, we have gone so far already that we might as well take that last small step. But there is something important to be lost by opening membership beyond state and local judicial branch educators: our fundamental identity.

We still need a voice for State and local judicial branch educators. State judicial branch educators need our own association; that is, we need an organization that restricts its leadership and voting membership to state and local judicial branch education directors and staff. While our educational and collaborative programs require us to communicate and relate with other groups and individuals, that does not mean that we must invite them to join us, vote in our elections, serve as our officers. To do so means to dissolve the only voice that will ever exist for state and local judicial branch educators. Before very long, NASJE (although it would have to be renamed) could end up with leadership drawn from among national providers of judicial branch education, judges, court administrators, academics, and even consultants and vendors, since any of them could pay their dues, vote, and run for office. Certainly, these are all the kinds of people we want to work with, socialize with, collaborate with, learn from, and welcome as non-voting members of our association. But can we rely upon them to lead NASJE, to represent our interests fairly with other groups and individuals, to set conference training agendas focused on our educational needs, to support principles and standards that are appropriate for our work, to vote on bylaws and amendments, to prioritize fundraising and spending on publications and projects appropriately?

We may question whether any non-state judicial branch educators would pay their dues with the intention of influencing our organization's policies in these ways, and perhaps none will. But why then do they need full membership? After all, the only practical difference between voting (full or associate) and non-voting (general or section) membership is the ability to shape the organization's direction by electing officers and adopting resolutions, budgets and by-law changes. If the organization's directions and priorities are to reflect the needs and interests of state judicial branch education organizations, then is it illogical to ask that only employees of those organizations get to decide on those directions and priorities? And if we are willing to offer that privilege to anyone who pays dues, what will make us different from any other organization?

All of us who are in NASJE would probably agree that there are some things about what state judicial branch educators do that make us unique. We all work for publicly funded entities, committed by law or court directives to provide educational services to state and/or local courts, and we all are responsive to those courts. Anyone else who may join our association, however valuable and welcome their presence might be, will not share in those unique attributes. Whatever else such people may bring to our association, they cannot share in our perspective or be counted upon to lead us in directions compatible with our interests. Even if they are able to contribute substantially to our funding base by paying dues, the additional resources will do us little good if they are not spent according to our needs.

Expansion is unfair to the core membership

NASJE has already opened our membership to everyone interested enough to join us; and we have already offered all the benefits of membership to them, except for the right to formally shape our organization's policies and directions by voting and holding office. Extending that right to all who pay their dues is neither necessary nor fair to us. There are other organizations that represent almost every spectrum of the judicial branch and those who serve it: just as they have a voice through those associations, we need a voice of our own. We should not jeopardize our identity by opening voting membership to non-state or local judicial branch educators. We never know when we may need to turn to our closest colleagues for support; NASJE – the National Association of State Judicial Educators – should always be there, as we know it now, when we need it.

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## State and National Programs Awarded SJI Education Funds

Submitted by Kathy Schwartz, SJI Deputy Director

At its meeting on November 10, 2000, the State Justice Institute Board of Directors considered 13 applications deferred from the July meeting, along with 2 new applications and 6 renewal applications.

The Board approved the following four new education projects:

- A judicial ethics curriculum utilizing PowerPoint (American Judicature Society);
- An Internet course on court-initiated alternative dispute resolution for New Mexico communities (New Mexico Judicial Education Center at the University of New Mexico);
- A curriculum on mass tort litigation for the State and Federal judiciaries (Conference of Chief Justices); and
- An educational program addressing the obstacles to justice that immigrant women and their families face (National Association of Women Judges).

In addition, the Board approved ongoing support for the Leadership Institute in Judicial Education at the University of Memphis, and one year of additional support for the Appellate Judges Seminar Series sponsored by the American Bar Association.

The Board also approved awards to continue support for the JERITT program, the University of Virginia's Graduate Program for Judges, and the University of Nevada-Reno's Master of Judicial Studies Degree Program in 2001.

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## Transitions

NASJE News is pleased to have five more new members to welcome to NASJE. New full members of our Association are Anne Jordan, Program Attorney for Education with the Indiana Judicial Center, Marie Holck, Program Manager with the Arizona Supreme Court's Education Services Division, and Jan C. Bouch, Senior Education Specialist with the California Administrative Office of the Courts. Ryan Kellus Turner, Program Attorney and Deputy Counsel to the Texas

Municipal Courts Education Center, has joined as an Associate Member. Nancy Lubiani, Research Associate to the Leadership Institute in Judicial Education at the University of Memphis, has joined NASJE as a General Member. Welcome to all of you, and let any of us know how we can make your membership in our association as beneficial as we can.

Long-time NASJE member and former Western Regional Director Nori Cross has received a promotion from the Oregon Supreme Court, whom she will now serve as Special Counsel, Court Governance and Outreach. CJER's Krista Johns, always a fruitful source for this column, has been admitted to the California Bar after passing the out-of-state attorney's exam on her first attempt. Congratulations to both of our colleagues on their achievements.

Please forward news about you and your colleagues for this transitions column to Paul Biderman, [biderman@unm.edu](mailto:biderman@unm.edu).

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Where Are They Now?

June Cicero: Judge, Consultant, Grandma  
by William Brunson

"I love what I do, and I like being connected to the judiciary and the court system." June Cicero loves being a judge, a legal and medical consultant, a mother, a wife, and a grandmother to her first grandson, Jacob. Formerly the Director of Continuing Education for the Minnesota Judicial Center and a long-time member and office-holder in NASJE, June now serves as part-time municipal court judge in River Falls, Wisconsin. After having served for 16 years as municipal judge, she currently takes the bench two days each week. June is also a principal with her physician husband Jim in Cicero Enterprises, LLC, a medical-legal consulting firm.

The clients of Cicero Enterprises are lawyers, whom June and Jim advise on the merits of their cases. In addition to providing information about the strengths and weaknesses of the cases, they often provide a timeline of when the different events in the case took place. This assists counsel in identifying potential legal and medical issues that they should address. Last year, Cicero Enterprises consulted on 93 different cases.

Jim is currently on medical disability, having contracted Hepatitis C through his work as a physician. This, however, does not slow him down in his work for Cicero Enterprises.

Their 33-year old daughter Jill, an attorney with Cargill Inc., also works with the business on a part-time basis, assisting with cost analysis of the cases.

Away from work, June's favorite pastime is spending time with her family, especially her ten-month old grandson, Jill's son Jacob. Her oldest son, Jim is 35 and is currently on full disability after falling from a roof while working as a chimney sweep. Her youngest son, David is 20 and is a full-time student at Grand Canyon University in Phoenix, Arizona. June and her husband also like to travel both for business and pleasure. Her favorite trip in 2000 was to Kauai, Hawaii, in which she and her husband enjoyed some much-deserved rest and relaxation.

June is able to keep her connection with NASJE alive through her close friend, Maureen Conner, executive director of the JERITT project. June offers this advice to judicial educators: "You have a huge impact on the judicial system. You may not be aware of this because it is not often communicated to you. You make an incredible difference, and I know that it can be tough because you often don't receive that feedback. As a judge going to programs, I always learn something new, and I am excited about the learning experience. The Wisconsin programs are always outstanding."

Despite her work as a judge and principal at Cicero Enterprises, June's

involvement with education has not ended. Indeed, she still devotes a portion of her time to education. She develops educational and life-based programs now for a different audience. Her current audience consists of juvenile offenders, teachers, parents, and representatives of the public such as city council members. Because of these various stakeholders, her new role is much more visible. "The measurement of success has changed for me. It used to be that I relied on the student judges to inform me whether the program was a success or not. Now, my measurement of success may come from the juvenile involved in a case, the parents, the city council member, etc. I have various audiences who all expect different things."

June would love to hear from some of her old friends at NASJE. You can reach her at:

321 North Seventh Street  
River Falls, Wisconsin 54022  
(715) 425-5498  
[cicero@presenter.com](mailto:cicero@presenter.com)

The editors would like to know whom you would like to read about in future editions. Please email your response to William Brunson at [brunson@judges.org](mailto:brunson@judges.org). Thank you.

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NASJE Representatives Attend COSCA Midyear Meeting in Phoenix  
NASJE President-elect Paul Biderman and NASJE's official liaison, Karen Thorson were invited guests at the midyear meeting of the Conference of State Court Administrators (COSCA) (<http://cosca.ncsc.dni.us/>) in Phoenix in December. Our participation enabled us to stay abreast of the issues and initiatives that state court administrators are working on and for which they will be looking to judicial educators for educational programming.

Among the topics discussed were: developments in technology in court administration, initiatives in children and family court, therapeutic justice, and the Interstate Compact for the Supervision of Adult Offenders. Because the Compact will become an important educational priority for state judiciaries as it gets ratified by legislatures in the coming few years, we have linked to the [PowerPoint presentation](#) given at the COSCA conference for state judicial educators to use as a training resource. No permission is necessary for you to use this presentation.

For a more detailed report on the COSCA meeting and the networking our representatives did on behalf of NASJE, click on [COSCA 2000 mid-year conference](#).

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#### New Judicial Studies Degree

The Board of Regents at the University of Nevada, Reno approved last December the offering of a Ph.D. in Judicial Studies, to complement the Master's in Judicial Studies that has been offered since 1986. The new degree, open to graduates of the Master's program, will also be offered in conjunction with The National Judicial College and the National Council of Juvenile and Family Court Judges. There have been over 80 graduates of the Master's program, with two-thirds of those publishing their theses in law reviews of academic journals. For more information about the Judicial Studies offerings, please contact [mjs@scs.unr.edu](mailto:mjs@scs.unr.edu).

Ellen Marshall reports that she worked in the Philippine Islands last April under a grant to their Supreme Court from the United Nations. Her

consultation involved facilitating six change management workshops to judge/bar/court administrator teams and an instructor development workshop.

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**National Center Publication Focuses on Appellate Court Staff**  
A new publication from the National Center for State Courts offers the results of a nationwide survey on the work of appellate court staff.

Produced with support from the State Justice Institute, the publication analyzes the allocation of work among law clerks, central staff attorneys, and clerks of court. In particular, it reviews the varying circumstances in which various tasks are assigned to each kind of staff member in different states. It should prove particularly valuable to appellate courts reviewing their office structures.

Read the [National Center's press release](#), which provides further information about the publication and how to order a copy.

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Press Release

### The Work of Appellate Court Legal Staff

The National Center for State Courts (The National Center), with the support of the State Justice Institute (SJI), recently published the first truly national account of the work of appellate court legal staff. On the basis of a systematic survey of every appellate court in the United States, The National Center has documented the basic work areas, and specific tasks within those areas, that occupy the time of law clerks, central staff attorneys, and clerks of court.

The essential research findings are threefold. First, each type of legal staff tends to have distinctive work responsibilities. Clerks of court help manage the court, law clerks assist in the preparation of opinions, and central staff attorneys prepare legal memoranda on cases. Second, the work of each position tends to be consistent from one court to another. As a result, a law clerk in New Jersey tends to resemble a law clerk in Virginia or California. Third, central staff attorneys, lawyers hired to work for the court as a whole, tend to have responsibilities that vary by type of court (e.g., a court of last resort versus an intermediate appellate court) and state-to-state, depending on the court's caseload composition. For example, central staff attorneys might be assigned to researching applications for writs and bar disciplinary cases but only in those courts where those types of cases are filed in large numbers. In other courts, central staff attorneys might be assigned to research discretionary petitions because that is the single most frequent type of case.

This survey information is bolstered by the report's description of exactly how many legal staff are employed in each court, their titles, and what they are paid. Individual courts can use this information in preparing budgetary requests, as well as in the recruitment and training of legal staff. This report is essential reading for anyone interested in knowing what legal staff do, and provides a basis for discussions on what legal staff should know and what competencies they need to possess.

To receive a copy, please contact Melissa Cantrell (757-259-1526) at The National Center for State Courts. The publication is available at no



charge, other than a \$5.00 shipping and handling fee.

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Series (Second of Two)

Getting Started with this “Distance Education” Thing  
or “It depends on what the meaning of ‘I.S.’ is”  
by Thomas N. Langhome, III

(This is the second of NASJE NEWS series of articles addressing the development of JEB distance learning capabilities. Please reference related articles in the box at right.)

<p>Series (First of Two) <a href="#">Developing JEB Distance Learning Capacities</a> by Thomas N. Langhome, III</p>
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It was in remote, rural Campbell County, Virginia, during the ‘60’s, that I first learned the benefits of distance learning. I was hardly the best-behaved child on our extended family farm. Accordingly, I soon learned to appreciate the benefits of my mother’s back porch broadcast holler forewarning me of my father’s angst and intentions with switch in hand. Fortune 500 CEO’s advance notice of hostile takeover attempts pale in comparison to the value I attached to her broadcasted information. Today, distance learning holds the potential for achieving equally noble intentions.

Airing your dirty laundry can result in one of two things. If you’re not at ease with your community, your clothesline might embarrass you. Alternatively, if you enjoy a comforting acceptance among your community of peers, at worst, you will remain open to their suggestions for improvement. At best, you will discover you are not as “unlearn’t” as you may have otherwise suspected. Well my friends, with this article, I am hanging my laundry out to dry before your very eyes. Specifically, accompanying this article, NASJE News is publishing Research Dimensions Inc.’s (RDI’s) external evaluation of Virginia’s court system’s existing distance learning infrastructure and recommendations for strategic development. RDI’s analysis is Virginia-specific, focusing on our warts and blemishes. Nevertheless, NASJE News attaches their report because RDIs systematic approach to analyzing any court’s existing resources is generally instructive to JEB educators. [Click here to link to RDI’s distance learning strategic plan report for Virginia](#) (this page may take a couple of minutes to load!).

#### Matching Organizational Technologies with DL Goals

Before embarking on any D.L. initiative, educators should inventory their organization’s information system’s (I.S.) capabilities. This does not require you to acquire a commanding working knowledge of your I.S. technical specifications or “technospeak” jargon. Instead, as a manager of organizational systems, you need merely to understand the basic capabilities and potential D.L. opportunities your I.S. presents. This must be a first step if you are to avoid one of the most common mistakes encountered when developing D.L. opportunities: mismatching of plans with resources.

Specifically, many organizations make a fatal error when they fail to match their I.S. capabilities with their JEB D.L. goals. No two organizations’ information systems are the same. Accordingly, no two organizations’ ability to deliver myriad D.L. applications are equal. If you do not possess a basic understanding of what your I.S. system can and cannot deliver, all energies devoted toward developing D.L. goals are for naught. In fact, your D.L. goals, of necessity, are inextricably tied to and dependent upon your

I.S. capabilities. By way of example, if few of your courts are on a shared intranet or Internet system (thereby precluding them from e-mailing or passing on information digitally) you would clearly not want to develop a D.L. strategy which would otherwise rely on those unavailable technologies. Additionally, if your organization does not have an interactive-capable Web page, you would hardly consider broadcasting interactive information using that medium.

Your system's capabilities can dictate your D.L. goals. After inventorying your I.S. potential, begin evaluating realistic, realizable D.L. goals. As we suggested in the fall edition of NASJE News start small. Consult your organization's leadership and I.S. directors to construct a win-win D.L. strategy. Success breeds success. Success breeds momentum. Momentum breeds demand for more D.L. learning opportunities. The Virginia experience bears this out. When we published our fall edition of NASJE News, Virginia had just finished its preliminary strategic planning to develop a D.L. capability. We had no on-line learning capability. We had virtually no information broadcast capability via our Web page. But, since publishing that fall article, we embarked on small but successful D.L. projects. With each successive installment, excitement grew. Judicial branch participation increased. Overnight, demand for more D.L. opportunities sprang forth. But none of those exciting albeit small, D.L. goals could have been realized without various department managers' understanding of our I.S. capabilities.

#### Broadcasting Information May Be a Good First Step

As all of you know, a continuum of D.L. strategies exists. Ultimately, most observers agree that technology will literally provide our learners on-demand learning opportunities at their own desktop. I'm not the sharpest technological tool in the shed, yet it is hardly a stretch to predict that within ten years such D.L. opportunities will soon be in the palm of our hands--literally. Wireless technologies are now becoming commercially available to afford us Internet access.

Yet I believe, today, most judicial branch learners yearn most for generalized, broadcasted information affecting their professional and personal lives. Certainly, more advanced interactive learning opportunities are greatly appealing to our learners. But, don't be intimidated by the overwhelming abundance of emerging interactive learning technologies. Specifically, consider how you can simply broadcast pertinent information to your learners. For example, create simple educational links to your court system's home page. Those links can contain updated general information such as speakers' outlines or presentations (such as Supreme Court decisions, criminal or civil case law updates) manuals, training schedules and new court forms. Similar strategies could employ videoconferencing, teleconferencing, mailing CD-ROM's, etc.

If posting generalized information proves successful and is well received, consider as your next move providing on-line non-interactive training materials. For example, using Adobe Acrobat, Virginia is now converting our Word-based "New Clerks" training manuals into a Web compatible, on-line, non-interactive course. Self-paced and self-scoring quizzes will be included at the end of each chapter. Newly employed clerks can log onto our Supreme Court's home page and link onto the course. In time, with added D.L. experience under our belts, we will begin converting that course into a more interactive learning opportunity. Ultimately, this on-line course will replace several weeks of "in-person" training thereby resulting in over

\$100,000.00 in cost savings.

In summary, begin by learning your system's capabilities and D.L. potential. Start small, perhaps by merely posting general, non-interactive information. Migrate towards providing topic or course-specific information via any D.L. medium your system deems most compatible (e.g., via your home page, one-way or two-way videoconferencing, teleconferencing, CD-ROM or even videotapes). With each successive D.L. experience, try to integrate increased interactivity. You may find your learners appreciate your broadcasted information as much as I appreciated my mother's, over thirty-five years ago.

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## Preparing a National Speaker for a Local Presentation by Robert Lowney, CJER

As the California Center for Judicial Education and Research (CJER) (<http://www.courtinfo.ca.gov/courtadmin/aoc/>) undertook to develop its annual strategic plan for the year 2000, it decided to take a different approach from those of prior years. CJER scheduled a one-day conference during the summer on the Future of Judicial Education in California, and hired a nationally known futurist to lead us through the day. While this consultant added a great deal to the program, his experience as a national speaker, focused on the commercial and private sector, would not necessarily have assisted the planning process of CJER, an agency of state government. We believe that the success of our program resulted from our time and effort in preparing this consultant to adapt his presentation to the needs of our program. This article will outline the process we used.

As the education division of the Administrative Office of the Courts for California, CJER is responsible for providing education to the entire California judicial branch and must submit annually to the California Judicial Council a strategic plan outlining its educational goals. We were in the early stages of the strategic planning cycle when our new Director suggested that we insert futuring<sup>[1]</sup> into the process. This added portion was to prevent the strategic planning process from becoming stale.

We also decided to invite more stakeholders than our existing circle of legal and judicial educators into the futures conference, to invigorate our strategic planning process with other perspectives. We felt that the input of other stakeholders would contribute to a richer product (i.e., CJER's strategic plan; to access the summary report, [click here](#)). To do this effectively, we worked with our futurist to outline the goals of the conference and develop an agenda.

Our futures conference went off beautifully. The attendees, mostly judges and court executive officers, were entranced by the speaker's presentation, engaged in the discussions and breakout sessions, and felt that the entire process was well worth their time. The significant amount of time we invested with the speaker prior to the program was well worth it.

There were several challenges in getting the futures conference to the point where we wanted it. One of those was the unexpected amount of time in working with the outside expert, the futurist. In preparing the speaker, we had to educate him on who and what CJER are about, who our constituents

were, the goals of the conference, and how best for us to use his expertise and perspective. Our charge was to have a program that was relevant for our constituency, while it drew insights and perspectives from someone with a global perspective primarily directed to the private sector (banks, technology, industry, etc.).

As you probably know, nationally recognized folks in any field are very, very busy and our futurist was no exception. He spends most of his time flying all around the country speaking to various organizations and businesses. Connecting with him was akin to playing *Where in the World is Carmen SanDiego?*<sup>[2]</sup> Fortunately, he has a crackerjack staff that is very good at getting messages to him and conveying his replies to others.

The reason I mention this is that one of the difficulties in working with a nationally focused speaker is that you need to spend a good deal of time with him/her so that he/she can understand and appreciate that your state education agency is not the Bank of Chicago or Petz.com. You need to carefully and clearly outline what your organization is, its mission, constituency, and the scale of its resources. Otherwise, the speaker might present, unchanged, his standard presentation rather than design something specifically for your audience.

We asked our speaker to walk through one of his recent presentations so that we could see what he normally does at a futures conference. As we went through his presentation, we were able to pinpoint specific areas and sections that would need to be changed for our conference and identify areas that needed to include material from our strategic planning. This process had the additional benefit of educating the futurist on who we were and what we were about.

Follow up is essential. Our futurist was juggling several balls at once and it was therefore up to us to make sure that he fully understood CJER's goals for the conference. We met twice with him prior to the conference (I would recommend more than that) and requested regular updates on his tailored presentation. We required final approval on all content, including small group exercises and discussion topics. Because most of the participants were judicial officers, it was essential that we be able to tie the futurist's materials and presentation back to what the judicial officers believed was important for judicial education.

Thus we discovered that the key to using a futurist for a state judicial education planning conference was to connect the consultant's message to the priorities and concerns of our constituents. This was accomplished by focusing the message on a few basic themes, such as technology, demographics, the public, quality of life, and local courts.<sup>[3]</sup> The result was that we were able to energize the conference participants by gently nudging them to think outside the box, and gradually melting away the small pockets of resistance we had encountered. In the end, we had a successful conference and expanded the horizon of CJER's strategic planning process with the benefit of a national expert.

<sup>[1]</sup> For the uninitiated, strategic planning comprises three stages of setting goals and policies: Operational (1 – 2 years out), Strategic (3 – 5 years out), and Futuring (5+ years out). Up until this year, CJER had really only done the strategic segment.

<sup>[2]</sup> This is a video/computer game where the players are given clues and have to figure out where the person is located.

<sup>[3]</sup> These were the overarching themes that emerged during our process. Your organization may have quite different ones.

## ICM Enlarges Its Offerings by Marilyn Wellington

As some court administrators have learned to their dismay, software enhancements are only effective when people can apply them. Yet training court personnel in how to use computer software can be an expensive proposition, especially when staff must take time away from work and travel to attend training programs. The Institute for Court Management (ICM) at the National Center for State Courts has provided us with a cost-effective method for teaching computer skills to court staff, as convenient as their own work stations.

As part of its innovative Distance Learning Center, featured in the fall 2000 issue of NASJE News, ICM is offering state judicial systems an interactive online computer skills and job performance course called Learn2. Thanks to a partnership between ICM and the Arizona-based company Learn2.com, state courts now have access to Learn2's multimedia courseware, offering a multitude of high quality, low-cost education and training courses to court employees. For an affordable \$11 per employee per year, for example, states can sign up court staff for interactive training in a good selection of popular software programs, including Windows, Excel, Access, WORD, and WordPerfect. The training includes audio instruction that guides the learner through on-screen exercises in the software.

Learn2 also offers soft skills courses on topics such as leadership, teamwork, time management, sexual harassment, and interviewing techniques at the same rate. Click into [www.tutorials.com](http://www.tutorials.com) to see a complete list of available courses. The company will also work with state courts to develop online courses customized to meet the specific needs of the state, adding their online education and technology support to the substantive material you develop and wish to offer over the Internet. For more information or to arrange for your state court's access to these courses, contact Clay Pedersen, Learn2.com's Account Manager for the partnership with ICM, by e-mail at [cpedersen@learn2.com](mailto:cpedersen@learn2.com) or call him at (800) 214-8000.

In addition to these basic skills courses provided through Learn2, ICM's Distance Learning Center now offers its own on-line interactive courses to court professionals on topics of importance to the administration of our courts. These courses, developed by ICM's impressive staff of court administration and education professionals, gives court professionals access to educational opportunities that in the past were only available in face-to-face course format. The project was rolled out with a mini course introducing the Court Performance Standards. This hour-long course was developed by Ingo Keilitz, Ph.D., former director of the National Center for State Courts, ICM, and the Trial Court Performance Standards Project. The course is offered free of charge and is available online 24 hours a day, 7 days a week.

The Court Performance Standards program is just the beginning of a series of courses that will be available online through the ICM Distance Learning Center. A program on court interpretation, soon to be released, will outline the value of managing language problems in the courts through court interpreting. You can access these courses and try the Court Performance Standards mini course at

[http://www.ncsc.dni.us/icm/distance/tcps\\_online.html](http://www.ncsc.dni.us/icm/distance/tcps_online.html). While these programs are not intended to replace the face-to-face ICM National Programs and are not available for CEDP or CMP credit, they provide a valuable opportunity for court professionals to access the resources of ICM from their own office.

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## Journal Writing: An Online Mini-Workshop for Judicial Educators by Krista Johns and Verita Black Prothro

This online mini-workshop on journal writing for judicial educators is presented by Verita Black Prothro and Krista Johns. During the coming months, the agenda for this workshop will include:

1. Introduction
2. Benefits of Journal Writing for Judicial Branch Educators
3. Getting Started: The Tools, the Place, the Time
4. The Method of Journal Writing
5. The Content
6. Writing Beyond Your Journal

Participants in the mini-workshop are encouraged to “write along” where prompted, and to communicate their comments, questions, and writing to the authors. At specified points in the workshop, participants will be invited to share journal pieces via the NASJE News discussion page if they wish.

### About the instructors:

Verita Black Prothro has served as public information officer and publications manager for the National Council of Juvenile and Family Court Judges and the National Judicial College. She is currently entering a new role as director of the Northern Nevada office of U.S. Senator John Ensign. She is a published author and award-winning poet. She has taught journal writing for judges and other audiences.

Krista Johns is managing attorney for education development at CJER, the California Center for Judicial Education and Research. She has written numerous articles, monographs, and guidebooks. Of the many projects she has managed, the Institute for Faculty Excellence in Judicial Education is among her most cherished.

## Journal Writing Mini-Workshop

### Introduction

From Krista Johns:

In this age of performance measurement and impact studies, record keeping has taken on a new significance in our lives. Constituents, funders, governing boards, and court leaders demand written evidence of activities and progress, each with varying expectations about content and methodology. The results are studies and surveys too numerous to track, followed by many pages of reports too numerous to read, all adding very little to our understanding of how what we do connects to favorable outcomes thrice removed, let alone to our reason for being.

The danger in this “public accountability” boom, of course, is that we begin to accept the swirl of numbers and beautifully processed commentary as a legitimate assessment of our worth. We begin to doubt our own sense of what is meaningful if it conflicts with that summary chart drawn from the dense sheaf of papers. Worst of all, we begin to see writing as a tool for masking and self-promotion, rather than for clarity and direction. Modernity’s poison pen is all the more lethal because we partake of it willingly.

Thankfully, there is an antidote. It is as old as cave drawings, and as current as genetic mapping. The cure is a proverbial “hair of the dog that bit you,” a dose of record keeping and writing itself. It is the return to a simpler form of writing where fancy format gains no advantage and stumbling honesty receives high praise. What is it? Journal writing.

A journal lesson and exercises:

In the State Justice Institute-supported Institute for Faculty Excellence in Judicial Education, participants are encouraged to rediscover their passion, and to harness the energy from that passion for their contribution to the administration of justice. Journal writing is one of the methods used in this process.

Identifying the source of one’s drive is the first step in making sure that activities are undertaken to feed and develop it. Passion will sustain a lifetime of good work, if ways are found to sustain the passion. Ironically, this may include saying “no” to opportunities for other good and important work, so that energy can be committed to the work that is uniquely one’s own to do.

Bertrand Russell wrote that “the longing for love, the search for knowledge, and the unbearable pity for the suffering of mankind” were the three passions that governed his life. [\[1\]](#)

Dear Reader: What is your passion? What drives your energy? Take up to 10 minutes to write about it. When the time is up, quit writing even if what you wrote is not perfect, or even finished. You can revisit your thoughts and writing later.

Writing about thoughts or feelings can clarify them for us. When thoughts and feelings are put into words, various analytical approaches can be used to acknowledge, question, and refine them. The words can also be left unreviewed, letting the mere expression of them suffice. Going back later to read what one has written can provide valuable perspectives on lasting values and changing views.

While it may be uncommon to write about one’s passion, it is quite common to develop a “to-do list” for oneself. To-do lists may be long-term (10 things I want to do before I die), or short term (what I need to get done today).

Dear Reader: What is your to-do list for the next 18 months? What do you want to finally do? What new habits do you want to have? What goals have you set for yourself? Take up to 10 minutes to write about your 18-month to-do list. You may want to keep writing longer, but limit the writing time for now. You can revisit the list later.

An 18-month to-do list can be quite helpful in reviewing priorities, and in thinking about the important as well as the urgent on our calendars. The list can remind us how valuable time is, so that we don't confuse "more money" or "working more" with what is important in the big picture. There is another step, though, that makes the to-do list relevant for long-term and continued personal and professional development. That step is relating the list to what we have identified as our passion.

Dear Reader: Compare your to-do list with the description of your passion. What on your list will nurture and build on the passion? What on the list should go, so that you can add things to use and sustain your passion?

Amend your to-do list. Your list does not need to be long. Then, make a bold move: plot the steps necessary to accomplish your to-do list onto your calendar. Make a commitment to preserve time for activities that build on your passion, eliminating other "worthy" activities if necessary.

As we move into later sessions in our journal writing workshop, you may determine that time for writing needs to be specifically set aside on your calendar. Your passions and your to-dos will inevitably influence your writing, as they do (and should do) the other aspects of life.

The small writing exercises we have done as part of the workshop introduction are examples of assigned writing for the purpose of insight or understanding. In the next session, we will consider other benefits of journal writing for judicial branch educators and how it can assist us in project-management, learning, idea development, problem solving, and evaluation.

Contact faculty: [Krista.johns@jud.ca.gov](mailto:Krista.johns@jud.ca.gov)

[1] Santi Buscemi, A Reader for Developing Writers, 2<sup>nd</sup> Edition, 1993. McGraw-Hill, Inc.

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## Programs to Help Your Judges

by Hon. Robert K. Pirraglia, Rhode Island District Court Judge

Among the challenges of judging in the 21st Century are enhancement of public confidence in the judiciary and understanding emerging law enforcement technology. Several new programs are available as live presentations that can help the members of your judiciary meet these challenges.

The first program has been tested in a number of states with good results. Entitled Courts Under Attack: The Causes and What Can Be Done About It, this program gets the judges in attendance to focus on the twin causes of popular discontent with the courts: namely, poor performance on the part of a small number of judges in courts across the nation, but mostly misperception on the part of the American people as to how courts function and why. But more important, the program challenges attendees to fashion a winning strategy to deal effectively with each of these problems.

- Specifically, the program presenters provide suggestions on how judges can improve their own performance, help colleagues improve their performance and even more important, how judges can improve public understanding, trust and confidence of and in their courts



through effective court outreach and interaction with the media. A judicial ethics component has been added to the program to help judges decide what activities in this regard are and are not permitted.

- The second program is a more specialized one, designed to assist those judges who handle traffic-related offenses. Specifically, this program presents information on the gamut of new technology used by law enforcement in patrolling the nation's roads and highways.
- From laser radar to video monitoring of intersections to passive alcohol sensors, this program exposes participants to the new law enforcement technology and the way it works. It also assists judges in deciding the evidentiary issues that these devices give rise to.
- Each of the above programs is available as a separate presentation or as a portion of your regular judicial education offerings each year.

For more information on either program, contact Judge Robert K. Pirraglia at 401-458-5201, [rjjudge@home.com](mailto:rjjudge@home.com), Monday through Friday between 9:00 am and 4:00 p.m. Eastern time.

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#### Reflections on a "Non-Traditional" Conference Session by Sherry Carson

NASJE News has asked me for my thoughts on the session on Negotiation and Management of Hotel/Facility Contracts at the annual conference in San Antonio in October. I must say that when I saw this session on the registration materials I was quite excited, and wondered why we had not had such a session at prior conferences. While this has not been a traditional kind of session for NASJE, addressing this topic is a valuable service to all judicial education programs.

A lot of us deal with facilities every day, and the task of negotiating a contract with these sites can sometimes be difficult. This part of the judicial educator's job is an important one. The hotel will draft its standard contract to protect its interests. To protect the judicial education budget, the judicial education meeting planner must be able to understand the contract terms and what they will mean if various circumstances arise, such as cancellations or less attendance than expected.

While only a handful of people attended this session, since it was scheduled concurrently with three other "heavy duty" topics, the small group setting made for a very informal, but productive, session. The presenter came from behind her podium and sat with us as we discussed many aspects of negotiating facilities contracts. We all shared "horror" stories along with exchanging great ideas and tips.

As NASJE membership has grown more inclusive, one of the goals of our conferences has become to offer something for everyone. Even though only ten people attended this session, those ten were there because they and their judicial education organizations needed the information to help them negotiate better contracts with the hotels/facilities they work with. I came out of the session with about 18 tips on how to better negotiate with these sites and to incorporate these tips into my contracts. My thanks to NASJE's education committee for offering presentations in this non-traditional subject area.

I truly enjoyed the conference and renewing friendships. The Education Committee did a wonderful job in putting the entire educational portion of the program together. And what can I say about Texas? Kudos to all the Texans for being such great hosts and providing us all with fun, food and a good time. See you next year.

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## Connecting Personal and Professional Growth to Create Our Future: NASJE Keynote by Blan Teagel

In this first of 2 parts, we review and summarize Professor Brad Mitchell's Theories on the subject as presented at the 25<sup>th</sup> Anniversary NASJE conference. In the next issue we consider practical applications.

On October 20, 2000, Professor Brad Mitchell of Ohio State University presented to the NASJE annual conference a keynote address entitled, Connecting Personal and Professional Growth to Create our Future. The presentation had a two-fold application: first, to our life together as an association of judicial branch educators; and second, regarding our responsibilities to individual state judicial branches and to the future of judicial branch development nationally. Professor Mitchell divided his presentation loosely into four sections: (1) The suggestion that NASJE is undergoing its own identity crisis; (2) A suggestion that there are some concrete steps we can take to resolve that crisis; (3) An exposition on two ethics that adults apply to their development, both of which are relevant to NASJE's immediate identity crisis and to our work in adapting judicial branches at large to a changing identity; and (4) A recommended description of our job as judicial branch educators and three specific, concrete applications of that approach to the work we do. The following article summarizes in a somewhat abbreviated fashion this writer's take on Professor Mitchell's first three main points; a follow-up piece will explore the fourth.

### 1. NASJE's Identity Crisis

Professor Mitchell grabbed our attention by opening with a provocative suggestion that our association itself is suffering an identity crisis in three main areas: (1) The source of our authority (he asked specifically, "Where do we [NASJE that is] purchase our legitimacy?"); (2) The nature of our enterprise (he asked specifically, "Are we educators and/or legal scholars and practitioners?"); (3) Authenticity (he asked specifically, "To what extent are we change agents and at the same time managers of fairly bureaucratic systems?").

It was clear from the discussion that NASJE has two distinct purposes: one as a service and support function; and the other as an agent of growth, development and change. The ensuing discussion challenged us to look at these two terms and decide whether they were polarities, irreconcilable dualistic notions, or distinctive aspects existing along a harmonious continuum. Professor Mitchell suggested that we needed to look at the identity of judicial branch educators, the identity of NASJE as an organization, and the identity of justices, judges, and court staff, whom we serve and support through education and training initiatives.

### 2. Some Concrete Steps

Professor Mitchell noted that NASJE is not unique, in that many

organizations go through constant formation and reformation of professional identity. He asked us to consider what qualifications, skills and abilities we need in the current changing environment. He warned that the question of identity is different today than it was 25 years ago, or even three years ago.

This question of identity is important to any adult education supporting organization, because, as Professor Mitchell puts it, "professional development is a function of connection to identity formation." We are in the business of crafting and reshaping adult learners. Clear identity is a fundamental motivator for all adult learners.

Professor Mitchell obviously did his homework on some of NASJE's current issues and on issues in judicial branch education generally. In essence, as is reflected in the discussion in the Point-Counter Point column elsewhere in this issue, NASJE is at a crossroads, where it must decide whether it exists primarily to promote the prestige of the Judicial Branch Education Profession, to educate judicial branch educators, to promote state judicial branch improvement, or to try to do all three.

Dr. Mitchell went on to explain that as children we do not question the identity we are given. In the area of professional development, however, "we learn from the company we keep," and from that company we form our identity. Within that company that we keep there are two thrusts: the personal experience we bring and the competencies we bring. What Dr. Mitchell is talking about when he refers first to competencies, is the craft and the knowledge we need to be recognized as competent in our field. We are a community of competence and all learning is social, but with regard to the second thrust, the personal experience we bring, we all have individual personal experiences that are transformative. We have what Dr. Mitchell referred to as "daily personal epiphanies." At all times, we are balancing between, on the one hand, group competencies as identified through the company we keep, and, on the other hand, our own personal experience as it is supported by competencies and informs them. Dr. Mitchell suggests that we tend to think that things are going well when our personal experiences and our competencies complement each other. We tend to see things as going badly when they don't merge. Dr. Mitchell explained that Goldman's research on emotional intelligence has shown that a competency will not last if we cannot connect it to personal experience. By the same token, he cautions that personal experience, untempered by competency-based learning, can result in no connection to competent practice whatever. Vision quests are important, but not every personal epiphany is ultimately work-related. So, depending on how we structure our dialogues, our conferences, our literature, and even how we decide who shall have what voting rights in our organization, we are engaging in identity formation or reformation.

### 3. Two Ethics that Apply to Development

Dr. Mitchell recommended to us that the key to a judicial branch educator's success in this balancing act between service to profession and service to the broader judicial branch lies in designing learning opportunities for ourselves and our constituents that include experience and competence. He referred to adult learners having two ethics: (A) the practicality ethic and (B) the creativity ethic. He then proceeded to use these two terms to define his recommended approach.

#### A. Practicality Ethic

With regard to the practicality ethic, he warns that if education and training events are not practicably applicable to real circumstances that our constituency will face in the work world, our learners will likely shut down during education and training events. We work with legal and judicial personnel in the realm of the practicality ethic. We structure learning situations around identity formation that focuses on maintaining and enhancing competencies. Dr. Mitchell reminds us that the practicality ethic is an extremely important one within which to operate. He then identifies five central design features of an education or training event built around the practicality ethic. A learner might state her needed design features as, "I will participate in this learning experience if. . . "

(1) you will protect me from undesirable external disturbances and influences.

(2) you give me competency problems to solve and I can see how they relate to my "on-the-job" life.

(3) what you offer fits my personal beliefs and values.

(4) you fully support my needs.

(5) there are certain guarantees of success and satisfaction and benchmarks and best practices I can identify to do my own self-assessment.

After having reviewed NASJE's principles and standards, Dr. Mitchell suggests that we have embedded the practicality ethic in those principles and standards, which we recommend applying to our constituencies back home. We have to ask ourselves those same hard questions about our own NASJE membership.

## B. Creativity Ethic

In Mitchell's constructivist model, there is also the creativity ethic. Like the practicality ethic, it has several design features:

(1) Provoke positive turbulence. Mitchell says that art comes from turbulence. This seems to be a positive reframing of "problem" as "opportunity" to look at a multi-perspective situation in a different light. Mitchell says that this turbulence gives us the opportunity to open ourselves to say, "I never thought of it that way." Obviously, turbulence can create discomfort. Negative turbulence says Mitchell is called suffering – which has its place, if only to jar us out of complacency. Thus, we want to provoke positive turbulence in training we design and in our dialogue as a NASJE community.

(2) Engage seemingly irrelevant problems. The creativity ethic can take you totally away from what you do every day. We are most creative when we grab irrelevant problems and wrestle with them. What often results is a connection to our everyday responsibilities that we might not otherwise have seen. Finding connections assists transfer of learning.

(3) Encourage suspension of belief and assumptions. We are, says Mitchell, assumptive animals. We believe that the sun will come up tomorrow. To suspend disbelief as Coleridge said, means literally to look at our beliefs and assumptions from a different perspective and to run for a while with the beliefs and assumptions of someone else. Mitchell asks us to suspend our "helium balloons of belief and assumptions." He says that

for positive turbulence to work, for the engagement of seemingly irrelevant problems to be allowed, we must willingly suspend disbelief and we must bring forward those ideas that emerge from turbulence. Two examples that Mitchell gave us were the restorative justice movement and therapeutic jurisprudence. As the third, co-equal branch of government, state judiciaries have spent hundreds of years adjudicating disputes, declaring a winner and a loser in each. Society is now saying to courts, "We want you to take on the social worker model. We want you to create summits and retreats. We want you to become good mediators. We want you to become good problem solvers. We want you to look for win-win opportunities for all parties." Laying this societal expectation over the historical adjudicative role creates turbulence in the staid judicial branch, but offers an opportunity for taking up the creativity ethic in the practical mode.

Recalling his tie-in to art –his assertion that art comes from turbulence -- Mitchell submits that learning from failure is artistic and provides opportunities for stretching and growth. As an organization, NASJE should not fear the turbulence that is a part of organizational growth. We should not fear suspending our disbelief and considering both sides of, for example, the Point-Counter Point piece on voting rights in this issue.

(4) Expect sacrifice and failure. The creativity ethic demands a willingness to make sacrifices, to do the difficult, critical reflection, and to be prepared for occasional failure. Just as in the area of technological research and development, those who want to push the envelope must be willing to experiment and get messy. So must those with a commitment to the creativity ethic, who pursue any endeavor in a world of change.

(5) Evoke dissatisfaction. Related to sacrifice and failure is the notion that those who engage in the creativity ethic may not be fully satisfied with their solutions to a variety of problems. This is to be expected and embraced. In some sense, the creativity ethic involves a vision quest and stirring things up. This is why an education and training initiative guided solely by the creativity ethic and uninformed by the practicality ethic is destined for failure. Conversely, to jettison the creativity ethic in favor of the practicality ethic necessarily results in settling for unchallenging mediocrity at best, and outmoded solutions to apply to future problems at worst. We must not fear adaptation simply because we are afraid that our attempt at adaptation will not work as well as it should. The whole notion of continuous quality improvement, once embraced, sometimes results in two steps forward and one step back. I think that Mitchell would say that as long as there is mostly forward momentum toward positive change, pushing the creativity envelope within a practical framework is worth the effort, as well as the occasional setback.

Given these two ethics and the dialectic between them, Mitchell remains acutely aware that we are practitioners more than theorists. While creativity is appreciated, we are expected at all times to implement education programming. If we are going to "future our creation," i.e. take it to market, how do we use these fairly abstract concepts of the practicality ethic and the creativity ethic to craft meaningful and down-to-earth judicial branch education programs? Mitchell's approach to this problem will be addressed in part two of this article, to be included in the next issue of the NASJE News. In that issue, we will discuss the language Mitchell suggests we can use to think about judicial pedagogy and the three fundamental aspects of our work: design, dialogue, and desire. Our job, as Mitchell correctly identified it, is to design learning that allows dialogues that invite desire for change and growth. That is the foundation and the scaffolding.

In the next issue, we will discuss four concrete applications of Mitchell's theories suggested to the NASJE attendees in October. We will build practice opportunities around this foundation and scaffolding, and we will see how following Mitchell's suggestions may improve our practice back in our own states and accelerate our identity reformation as a National Association.

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Report to NASJE on COSCA Midyear Meeting  
Phoenix, AZ  
December 7 – 9, 2000  
Paul Biderman, President-Elect

I appreciate the opportunity to attend the mid-year conference of the [Council of State Court Administrators \(COSCA\)](#) on behalf of NASJE. The meeting produced several initiatives that are of interest to our members. More importantly, I met and discussed ideas with several people who are eager to collaborate with our organization. I should note that Karen Thorson of CJER also attended this conference, and may have information to add to this report.

The meeting itself centered on the development of policy statements and resolutions. Committees met from early on the first morning of the conference to discuss and draft such statements for submission to the board and membership. Of likely interest to NASJE were the Public Trust and Confidence Committee, the Task Force on Problem-Solving Courts, the Courts, Children and the Family Committee (which I attended) and the Education Committee (which Karen attended). I have the names of the chairs of these committees and the reports of those that printed them. In the meeting that I attended, the committee reported that they were participating actively in the Assembly of State Court Representatives on Children and Family Issues. I suggested that they consider involving judicial educators as well to help develop training ideas at an early stage.

Resolutions that emerged from these committees were discussed at the board meeting and general membership meeting. The resolutions I felt to be of interest to us included:

- Support for Congressional funding of the State Justice Institute
- Appropriate treatment of domestic violence cases in the courts
- Information sharing within the justice system (emphasizing improved exchanges of data in criminal cases using technology)
- Improved handling of child welfare cases in the courts, including expedited treatment of appropriate cases, a problem-solving approach, and less emphasis on adversarial proceedings.

They also supported an initiative to seek creation of a postage stamp to honor the service of jurors in the American system of justice, as suggested by California Court Administrator Bill Vickery.

Much of the conference focused on integration of technologies in a variety of ways, including XML, and the final day's panels addressed privacy issues arising from electronic filing systems. The National Center staff offered a legislative report, which I have in writing. Considerable written information on the emerging Interstate Compact for the Supervision of Adult Offenders was provided. ([Click here to see the PowerPoint presentation on this subject.](#)) All of these topics appeared to give rise to high priority educational subjects.

The board also devoted a significant amount of time to discussing the appropriate relationship of COSCA with potential affiliate groups, some of whom seemed to be emerging from among court administrative staff. The debate was over whether to seek affiliation with groups that might emerge, offer them section status within COSCA, or do nothing. The consensus seemed to be to take each case as it comes. NASJE was barely mentioned in this discussion and no one expressed any concerns over the state of that relationship.

Perhaps the greatest benefit to NASJE from Karen's and my attendance were the connections we made with possible collaborators. COSCA President David Byers and AJA President Chris Williams both showed considerable interest in meeting and working with us. Both of their organizations are placing great emphasis on initiatives that will require educational programming to succeed. They particularly want to work with our organization to help us develop educational content and to obtain guidance from us on how to produce formats, but seemed eager for any kind of collaboration. We agreed that the National Center Assembly in March seems our best opportunity to pursue these ideas.

In addition, I spent a few minutes with Tom Henderson of the National Center to explore what other kinds of services their staff might be able to provide if our board were interested. I was prompted to ask this because it occurred to me that if we were to undertake more extensive collaborations with these and other organizations, we find ourselves with time commitments that exceed the abilities of our volunteer members. I made clear to him that I was only inquiring on my own initiative, not on behalf of the board.

Overall, I believe that the trip was worthwhile, if only because it introduced me to this very capable and progressive group. (I also found their process for identifying, defining and prioritizing their resolutions to be very creative, although time-consuming, and I took detailed notes in case we want to adapt it.) I believe that COSCA is pursuing more issues of national scope and that they increasingly recognize a critical role for judicial education to achieve that agenda. They also recognize the contribution that NASJE can make toward providing that education, and are emerging as willing and natural partners for us in those efforts. Both of our groups can benefit from this partnership.

By the way, they scheduled the 2002 midyear conference for December in San Juan, Puerto Rico.

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### Making New Friends for NASJE by Cathy Lowe

Some time ago, my friend Maureen Conner, before blazing her trail to become Doctor Conner, published an article in NASJE News. It was, admittedly, an unscientific article, based solely on anecdotal research. It explored the social reaction of a randomly-selected male party-goer to the news that Maureen was a "Judicial Educator."

As one might expect, the randomly-selected respondent was mesmerized by the title, and rather than moving briskly to an easier topic, such as "What's your sign?" he pressed for details about professional core competencies. A deeply meaningful conversation ensued, blurring time and place for the pair, and there were hints that a lasting relationship was

forged from that simple beginning.

We are still debating the virtues of core competencies, but have made some substantial progress in defining the field. For one thing, we are no longer “Judicial Educators.” We are now “Judicial Branch Educators!” This means that we have taken on substantially greater responsibility in most states, and are charged with providing a continuum of educational opportunities to everyone in the trial and appellate courts, and in some states, to AOC staff and line operating agencies that serve the courts as well.

As a recently-retired Judicial Branch Educator and newly-approved General Member of NASJE, I thought it would be timely to update Maureen’s research on public recognition of the profession through casual pre-flight conversation with members of the general public queued up before the Southwest Airlines ticket counter in San Antonio. I was departing from NASJE’s Annual Conference, and awaiting Southwest’s \$99 Internet special from San Antonio to Beaumont to El Paso to Las Vegas to Reno.

“Hi!” I ventured to the couple standing just ahead of me, clutching Boarding Passes #153 and #154. We would be assigned to Boarding Group Five (if there was one), and I figured we’d be exchanging wallet shots of the grandchildren by the time we got aboard.

They were carrying matching bowling bags.>

“Going through to Reno?” I asked, knowing that the National Bowling League regularly frequents my hometown to compete in one of the most spectacular facilities in the country, shaped of course, like a giant bowling ball, nestled among the otherwise angular buildings that light up the skyline. “Are you professional bowlers?”

“No, we own a bowling alley just outside of San Antonio,” they replied warmly. “So we’re actually ‘vendors’ to the profession. We provide a great venue for our customers, and training for professionals, amateurs and recreational bowlers of all ages. How about you?”

“I’m a Judicial Branch Educator,” I said, pausing for that spark of recognition. The entire 155-person line went silent.

“A what?” they asked politely.

“A Judicial Branch Educator! I used to be a Judicial Educator, but before I retired, we branched out. Now we offer continuing professional education programs to judges and to all their staff members. We’re the connecting link between Administrative Offices of the Courts and local courts all over the states. Our services are either provided by our own staff or through contractors and are, generally, very well received. We believe that what we do helps people working anywhere in the court system to grow and change, both personally and professionally. It’s a very rewarding field!”

“But didn’t you say you retired?” they asked. “What do you do now?” The queue waited.

“I guess I’m a vendor to the profession, just like you.” There was a collective sigh of relief, and a hundred conversations resumed in the San Antonio Airport. It’s good to know who you are, and to take pride in your work.



None of us carried business cards, but I'm confident we'll stay in touch. In addition to exchanging baby pictures, we traded phone numbers on cocktail napkins between El Paso and Las Vegas.

Editor's note: Stay tuned for the next article in this series, entitled: "Should Vendors Vote?"

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