

Spring 2002

### **NASJE Announces Major Collaborative Effort with The Century Council**

The NASJE Board of Directors and NASJE News' Editorial Board are delighted to announce it has received financial support from The Century Council, a not-for-profit organization headquartered in Washington, DC that is dedicated to fighting drunk driving and underage drinking. The Century Council is an independent organization, funded by America's leading distillers, that develops various curricula and programs specifically aimed at eliminating alcohol abuse. One such example is the Council's recent collaboration with the NCAA to develop effective initiatives on America's college campuses to address drinking issues. One of its long-standing priorities is to eliminate drunk driving, especially among "hardcore" drunk drivers, and as a result developed the National Hardcore Drunk Driver Project.

Tom Langhorne, President-Elect of NASJE, announced during the February NASJE Board meeting that the Century Council had made a financial commitment to NASJE to help support NASJE News operations costs. SJI's grant support to NASJE News recently concluded after NASJE News successfully made the transition to a completely Web-based quarterly journal. Accordingly, NASJE News sought to develop mutually beneficial collaborations with other funding sources in order to realize parallel goals of improving the administration of justice in America's state courts. Mr. Langhorne indicated that he anticipates a long-standing relationship with potential additional financial support from the Century Council.



Tom Langhorne,  
President-Elect of  
NASJE

Perhaps more exciting and generous is the Century Council's ambitious goal to help NASJE develop adaptable state court curricula which promotes effective judicial interventions and strategies for handling drunk driving offenders, especially in those court cases dealing with repeat or "hard core" drunk driving. Specifically, The Century Council is funding the creation of a curriculum development team, comprised of approximately one dozen judges and judicial educators from around the country. The Council is giving NASJE complete autonomy in selecting the curriculum development committee members as well as the curriculum content. This committee will travel to Washington, DC in May, at The Century Council's expense, to begin the curriculum design process. Ultimately, the curriculum and instructional materials will be posted on NASJE's Website and can be downloaded by judges and judicial educators. Hard copy of these materials will be distributed to judicial educators at a future NASJE conference. The Century Council's in-house curriculum designers will assist NASJE as requested by the curriculum development committee.

This exciting project will culminate in an effective tool that will serve as a valuable resource for our members. Look for additional information and updates in the near future.

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The first quarter of 2002 has been a busy period for your NASJE officers. Let me briefly summarize some of the highlights.

NASJE President  
Paul Biderman

**NASJE Board meeting:** On February 28 through March 2, the NASJE board met at the Hotel Santa Fe, site of the August 2002 annual conference. Our actions included renewing our contract with the National Center for State Courts to continue providing their outstanding secretariat services; reviewing plans for the annual conference, including the proposed agenda and taking a tour of the facility; discussing how to continue to provide the services NASJE members need and expect from us without raising membership dues; reviewing the status of SJI, JERITT, and the Leadership Institute, and what we can do to preserve them; and building our relationships with other organizations committed to improving and supporting the state judiciaries. Overall, I can report that despite a few inevitable problems, NASJE is a thriving and healthy organization that continues to earn the respect and attention of our colleagues throughout the judicial branch.

**Century Council:** The Century Council has generously and unconditionally made a donation to NASJE to support the costs of maintaining our Web site and newsletter. The Council, which draws its support from the distilled liquor industry, has also asked us to work with them to develop and disseminate a judicial education curriculum addressing the handling of hard-core drunk driving offenses. The NASJE Board has accepted the donation and looks forward to working with the Council to provide the judiciary with resources in this complex and significant area.

**SJI Campaign:** As of this writing, the campaign to save SJI is going strong. The National Center for State Courts, which is coordinating the campaign, reports favorable responses from numerous Congressional delegations to the calls to preserve this program. The Center is currently soliciting signatures from several dozen organizations that have thus far been taking action individually, to show the breadth of support from throughout the judicial branch. The National Center reminds us, however, that this campaign is far from won. It will be particularly important to continue emphasizing to Congress the importance of the \$13.5 million dollar figure that will enable SJI to fund the range of programs that are needed each year. If your judiciary still has not contacted your Congressional delegation to support SJI, please do everything appropriate to encourage that they do so. Contacts with members of the Senate and House Appropriations committees for the Judiciary are particularly vital. For more information about how your state can help this campaign, please contact Jose Dimas at the National Center for State Courts, [dimas@ncsc.dni.us](mailto:dimas@ncsc.dni.us). See the [resolution](#) adopted by our board (in MS Word).

**Expanding NASJE services and support:** NASJE continues to strive to offer additional services to our members. To do so requires us to identify new sources of support. During the last quarter we can report significant progress in both regards.

- We are nearing closure on a significant contract with the National Highway Traffic Safety Administration to develop a web-based resource library on impaired driving cases. We hope this will be the first of many online libraries we can provide our members, so that resources and programs developed in each jurisdiction can be shared with colleagues nationally. NHTSA has been very sensitive to our need to maintain objectivity and understands that our purpose is to help provide a single, comprehensive source of information and resources to judicial educators and judges working in this area.
- By the time you read this, we should have launched our on-line consultant page. This will enable judicial educators to identify presenters and other consultants who can assist in providing and

developing their programs. At the same time, the fees charged to the consultants for providing access to our membership will help defray the costs of providing NASJE News and our Web site.

- Finally, always cognizant of the need for fun and camaraderie, the board is approaching cooperating organizations to sponsor various social events at the August national conference, to offer conference participants opportunities to socialize while controlling conference costs and registration fees.

**Committee work:** Of course, the board is not the only NASJE committee. Each of the other committees of NASJE has undertaken important work and is following up on exciting plans.

**Relationships with sister organizations:** Finally, NASJE members continue to represent us at conferences and board meetings of other organizations involved with the judiciary. We have been or will be represented at meetings of the Conference of Chief Justices, the Conference of State Court Administrators, the National Association of Court Managers, the American Judges' Association, and others. Most recently, [President-elect Tom Langhorne and I represented NASJE at the Assembly of Court Associations](#) sponsored by the National Center for State Courts in Washington - a trip that also gave me the opportunity to discuss SJI with my Congressional delegation.

As you can see, a lot has been happening with NASJE. As the strength and value of our organization depends on each of us, and as we are now in a [nominating process for new regional directors and officers](#), I urge each of you to consider how much of your time and talent you can devote to our work. If you can't serve as an officer or director, consider which committees most interest you and provide a chance for you to contribute. The work that each of us offers to NASJE only increases the benefits that each of us can derive.

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## Civil Liberties v. Constitutional Law

**Editors' Note:** The following "Point Counterpoint" reflects a dialogue between two of America's leading scholars in the area of civil liberties and constitutional law. Professor Erwin Chemerinsky is the Sydney M. Irmas Professor of Public Interest Law, Legal Ethics and Political Science at the University of Southern California. He appears regularly on national television to offer his expertise and scholarly observations regarding diverse and complex legal issues. He is also a popular faculty member at many state judicial education conferences. Professor Clifford S. Fishman is a Professor of Law at The Catholic University of America, Columbus School of Law. He is widely recognized as one of America's leading legal scholars and is a noted lecturer and author regarding the legal impact September 11 has had upon search and seizure law and governmental surveillance policies.

NASJE greatly appreciates Professors Chimerinsky and Fishman lending their valuable insights in answering several questions posed to them by NASJE News' editorial staff.

***"...courts must balance security and liberty. Rights under the Constitution are not absolute."***

***Chemerinsky***

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***"The struggle to strike the right balance between effective law enforcement and the protection of individual freedoms***

***is constant.***  
*Fishman*

**NASJE News:** In response to September 11, our state courts are now grappling with compelling legal issues including suspension of probable cause, renewed racial profiling, Internet surveillance and a host of other challenges to traditional notions of individual liberties. To what degree is it appropriate for courts to balance security interests against individual freedoms?

**Prof. Chemerinsky:** Inevitably, courts must balance security and liberty. Rights under the Constitution are not absolute. The government may restrict freedom of speech, and even impose prior restraints, if strict scrutiny is met. The Fourth Amendment allows warrantless searches if the police behavior is "reasonable."

That said, history counsels great caution in compromising constitutional rights for the sake of security. Throughout American history, repression has been the response to threats to security and in hindsight we see that we gained little for the loss of rights. The Alien and Sedition Act in America's first decade, the suspension of the writ of habeas corpus during the Civil War, the suppression of dissent during World War I, the Japanese internment during World War II, and the persecutions during the McCarthy era, all illustrate loss of rights for no meaningful gain. Great care must be taken that this history not repeat itself again. Unfortunately, the events since September 11 show the same tragic pattern: rights being lost for little gain.

**Prof. Fishman:** The struggle to strike the right balance between effective law enforcement and the protection of individual freedoms is constant. As conditions change, the law has to change with it, to avoid giving too much deference to one of those values at the expense of the other.

Ideally the lead in striking the balance should come from the legislature. A court's primary responsibility is to determine whether law enforcement officials have complied with applicable legislation, although of course courts must also consider whether an overzealous legislature went too far in empowering law enforcement.

On the federal level, the "USA Patriot Act" has struck an appropriate balance between giving law enforcement additional investigative authority on a variety of fronts -- including Internet surveillance -- while protecting individual privacy. We will have to await developments to learn whether the Government will use these new powers wisely and discreetly, or will abuse them. (It is noteworthy that some, although not all, of the new powers contained in that statute are subject to an automatic "sunset" provision -- they will lapse automatically after five years unless renewed by Congress.)

But inevitably, federal and state courts will confront cases in which legislation provides little or no real guidance.

The issue of racial profiling is one such example. The phrase "racial profiling" has a stench to it, and rightfully so, given its most common manifestation. It is simply not acceptable for police to disproportionately stop African American motorists, or disproportionately pressure them to consent to auto searches, on the theory that an African American driver is more likely to have drugs in his car than a white driver. Even if this theory were statistically valid -- and it is not -- it could not justify singling out,

inconveniencing and embarrassing the vast majority of innocent African American drivers, simply because of their race.

But the fight against terrorism presents a very different situation, for two reasons.

First, there is, unfortunately, a factual basis for "profiling" Arabs and other Muslims. The vast majority of attempts at terrorism within the United States during the past 20 years have in fact been committed by Muslim men of Arab or Asian background, and we know that some Muslim organizations that have advocated Jihad against the West and have raised funds for terrorist organizations overseas have operated for years within the United States.

Please don't misunderstand me: terrorists and their supporters comprise only a minute fraction of Muslims within the United States, the vast majority of whom are good, decent, peaceful, law-abiding people. And not all terrorists fit the "profile" -- consider Richard Reid, the "shoe bomber," or John Walker Lindh, the "American Taliban"; or for that matter, the perpetrators of the most deadly act of terrorism ever committed in the United States prior to September 11 -- Terry Nichols and Timothy McVeigh, the two native-born white American men who blew up the federal building in Oklahoma City.

But September 11 was not the first attempt by Muslim extremists to kill Americans and destroy our institutions. In fact, September 11 was the third attack or attempted attack by Muslim extremists on the World Trade Center. Moreover, authorities have successfully prosecuted Muslim extremists for attempting to blow up the Statue of Liberty and other places and structures sacred to Americans and for the "Millennium Plot," a conspiracy to destroy airports and other institutions on December 31, 1999-January 1, 2000.

In sum, we have good reason to believe that, although only a minute fraction of the Muslims in this country support terrorism, a disproportionate percentage of those among us who seek to perpetrate acts of terror against us fit the "profile."

The second reason that the fight against terrorism justifies a degree of profiling is that the stakes are so high.

Even assuming "profiling" African American motorists was an effective drug interdiction policy (it isn't), the price we pay for forbidding such profiling is relatively small -- a few packages of drugs that might have been seized go undetected. By contrast, the price we paid because federal law enforcement officials failed to keep tabs on 19 Muslim men from the Middle East was -- September 11, 2001: thousands dead, many more lives devastated, major economic disruption. And unfortunately, we can be fairly sure our enemies will do even worse things to us if they can.

That a degree of racial profiling is necessary does not mean that courts should forfeit their responsibilities. If police search someone's home without a warrant or exigent circumstances, or if someone is unlawfully detained or frisked without reasonable suspicion, the evidence must be suppressed, regardless of the "profile" the victim of the search fits. It does mean, though, that courts should refuse to intervene when law enforcement officials profile Arab or Asian Muslims for the wide range of surveillance techniques that do not fall within the scope of Fourth Amendment protection, and should show reasonable deference to law enforcement if such men or organizations are targeted for subpoenas and the like.

We can only hope that law enforcement personnel who "profile" Muslims will act professionally and courteously. Inevitably, though, thousands of innocent, decent people will be singled out unfairly, and many will be harassed and humiliated; and that is an outrage, even though, lamentably, it appears to be necessary.

Let us pray that those who are singled out or mistreated will have the grace to understand, and to forgive us for the wrongs that will be done to them.

**NASJE News: How can our nation satisfy legitimate national security concerns without eroding our individual civil liberties?**

**Prof. Fishman:** The grim fact is that it may not be able to do so, or at least not perfectly. We have no choice but to give law enforcement and national security personnel greater authority and resources than, under other circumstances, we would be willing to do. (Reasonable people will disagree as to where the various lines should be drawn).

***"...consider the situation in Israel, where civilians have been effectively deprived of the ability to go shopping or ride a bus or celebrate a holiday meal in a hotel dining room without fear of being blown to bits."***

**Fishman**

But consider the situation in Israel, where civilians have been effectively deprived of the ability to go shopping or ride a bus or celebrate a holiday meal in a hotel dining room without fear of being blown to bits by a suicide bomber. Those are important "civil liberties" too, and their loss is far more devastating to a person's sense of well-being and dignity and morale (not to mention to a nation's economy) than the possibility that a few police officers might get overzealous in investigating possible wrongdoing.

I'm confident that our devotion to individual privacy and liberty will safeguard against serious erosion of our rights.

**Prof. Chemerinsky:** The key is for courts to insist that the government justify restrictions of liberty as being necessary for advancing security. All too often throughout history, courts have simply served as a rubber-stamp, approving the government's repressive choices in war times. The protection of liberty rests with the courts. The judiciary must insist that deprivations of constitutional rights are adequately justified. For example, police under the new federal law, the USA Patriot Act, and some comparable state laws, are claiming increased authority to engage in electronic surveillance of computer use, of roving wiretaps, and of sneak and peak warrants that allow the police to search a residence without ever disclosing their presence. Courts must be vigilant in applying Fourth Amendment principles to ensure that these infringements of privacy are justified.

Similarly, the government is using totally secret proceedings to an unprecedented extent. Courts must be very suspicious of total secrecy and be mindful that they risk abuses without the check of public accountability. Certainly, there are times when court proceedings need to be closed, most notably for national security. But that does not justify completely secret proceedings.

**"I fear that posterity will regard much of what has been done since September 11 as involving violation of rights for little gain."**

*Chemerinsky*

detained and there is little public information about why or where or for how long. Many bad law enforcement proposals that had been previously rejected -- such as for roving wiretaps -- were adopted after September 11. The government claims the authority to seize the financial assets of groups without any semblance of due process. The government has been holding hundreds of detainees in Guantanamo for months without providing them a hearing or any form of due process, in clear violation of international law.

**Prof. Fishman:** If Americans begin to suffer the kind of daily terror that Israelis have confronted (or, God forbid, even worse), posterity will conclude that every branch and level of government failed to do its most important job.

If effective work by law enforcement and national security personnel (and a bit of luck here and there) successfully protect us from such outrages, then attention will inevitably be focused on the few cases that emerge in which law enforcement officials have gone too far -- which is as it should be.

**NASJE News: Are we recreating a Korematsu v. U.S. environment with our Cuban internment camps? If so, does the current public context give us a different understanding about the Korematsu decision and how that case would fare today?**

**"...Korematsu case was properly decided by the Supreme Court..."**

*Fishman*

**Prof. Fishman:** First, let's remember that the Korematsu case was properly decided by the Supreme Court: when a true national emergency exists, the courts must defer to the Executive branch to do what is necessary to protect us. This in no way changes the fact that the internment of Japanese Americans and Japanese immigrants during World War II was disgraceful -- perhaps the third most shameful chapter in American history, after slavery and the treatment of Native Americans. Nevertheless the Court correctly held that when a clear and present danger exists to vital national interests, courts must defer to the Executive branch even though it is quite likely that excesses may occur.

But I do not think there is any real risk of another Korematsu. First of all, we have matured considerably as a nation since 1942 -- the very fact that we feel so uneasy about profiling Arabs and Muslims after September 11 is proof of that. Second, the media spotlight on the internment camp provides a powerful check against abuses. Third and most important, let's remember that, unlike the victims of the World War II internments, who were American citizens or immigrants lawfully in the United States, those interred in Cuba were members of armed forces, hostile to the United States, whose claim even to prisoner of war status is unclear. The situations are not analogous.

**Prof. Chemerinsky:** Korematsu v. United States was a tragically wrong decision. 120,000 Japanese-Americans, aliens and citizens -- and 70,000 were citizens -- were uprooted from their life-long homes

and placed in concentration camps. They were arrested without warrants and held without trials. Race alone was the sole factor that determined who would be free and who would be imprisoned.

Those being held in Guantanamo likely are being accorded no due process whatsoever. Perhaps those being held are dangerous terrorists; or perhaps mistakes were made in rounding people up in a foreign country during wartime. Unfortunately, the United States has provided no hearings of any kind. International law requires that all being held be given due process. International law also provides that those who fought for the Taliban are prisoners of war and entitled to rights that have not been accorded.

I am very proud to be one of the petitioners and one of the attorneys in a case brought on behalf of the detainees in Guantanamo seeking that the United States government follow the law in treating these detainees. The federal district court dismissed the case and it is now on appeal in the Ninth Circuit.

**NASJE News: In light of September 11, if you could design a week-long course for state judges that identifies the most critical issues and the means for resolving those issues, what would that curriculum look like?**

**Prof. Chemerinsky:** My ideal curriculum would include: a) A historical presentation and discussion on how America has dealt with threats previously; b) a presentation and discussion on the current threats to national security from terrorism; c) a consideration of surveillance and electronic eavesdropping issues; d) an examination of issues concerning the rights of detainees, both in the United States and Guantanamo; e) an examination of freedom of speech and freedom of press issues related to national security and the war on terrorism.

**Prof. Fishman:** The first day or two would be devoted to the study of terrorism against the United States during the last quarter century, both within the U.S. and against our personnel and institutions in foreign countries. To evaluate the propriety of countermeasures to terrorism, a judge should have a realistic appreciation of what we are up against. Where have attacks been made or attempted, by whom, and how? What (if anything) did we know about the perpetrators before the attacks? If the attack was prevented, how? If not, why not? If the perpetrators were apprehended, how; if not, why not?

The course should also educate judges on the nuts and bolts of electronic communications media -- e-mail, the Internet, and so on: knowing something about how these things work and how they are used will help judges understand the kind of information that law enforcement (or for that matter private industry) can collect about those who use e-mail, shop or conduct research on the Internet, etc.

There should also be a unit on the law governing various surveillance techniques (traditional as well as new), with an emphasis as to how they apply to the efforts to interdict terrorism. Instruction could come from academicians well versed in the law, and from government officials with hands-on experience in applying these techniques.

The curriculum should also include critical analyses of these techniques from the civil libertarian perspective, so judges are educated to the potentials for abuse of these techniques. Instruction on some of the practical evidentiary issues that could arise (for example, authenticating e-mails) should also be included.



**NASJE News: September 11 will require our judges to resolve novel, difficult issues of law? often without adequate resources and support. Which resources would you suggest our judges and state judicial educators consult in order to assist them in researching or better understanding these issues?**

**Prof. Fishman:** Well, certainly it would be useful to have ready access to a well-written treatise covering every aspect of the law governing surveillance technology. I particularly recommend: Clifford S. Fishman & Anne T. McKenna, *Wiretapping and Eavesdropping* (2d ed., West Group, 1995 & annual supplements). (False modesty has never been one of my character flaws.) Judge Carr's book, *The Law of Electronic Surveillance*, is also excellent.

There are also several very useful web sites that provide useful perspectives on these issues.

**Prof. Chemerinsky:** I do not believe that new constitutional rules are needed to deal with terrorism and the threats to national security. Rather, the issue is how to adapt existing principles to deal with the new dangers. I think that judges need to be familiar with the basic constitutional principles likely to be involved, such as those concerning electronic surveillance, the rights of detainees, and the circumstances under which speech can be restricted. The government will argue that threats justify deprivations of rights, but the courts must make sure that the government justifies these actions.

**NASJE News: What final advice would you offer judicial educators and judges in dealing with the many compelling legal issues arising from September 11?**

**"... the Constitution is not a suicide pact... But the late Justice Louis Brandeis reminded us that the greatest threat to liberty will come from people claiming to act for beneficent purposes..."**

**Chemerinsky**

courts must not simply let the government do whatever it wants in the name of national security and fighting terrorism. It is imperative that courts make sure that any loss of constitutional rights is truly necessary to protect our security.

**Prof. Chemerinsky:** The late Justice Robert Jackson said that the Constitution is not a suicide pact. But the late Justice Louis Brandeis reminded us that the greatest threat to liberty will come from people claiming to act for beneficent purposes; people born to liberty know to resist the tyranny of despots. The insidious threat to freedom comes from well-meaning people of zeal, with little understanding.

Brandeis was right. Those who want to take away our freedoms purport to do so for the noblest of reasons. But

**Prof. Fishman:** We do not yet know how grave the threat is, but we have to take seriously the possibility that those who hate us have the personnel and resources to renew their attacks. This means giving enforcement personnel greater leeway and discretion than we would permit under more placid circumstances. But leeway and discretion must not lead to abdication of the judge's role in protecting individual liberty and privacy.

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## **NASJE Representatives Attend 2002 Assembly of Court Association Conference**

The weekend of March 8, 2002 saw a uniquely diverse collection of judicial-based organizations convene in Washington, D.C. Thirty-five participants representing approximately twenty-five organizations joined to discuss compelling issues facing state courts. The two-day Assembly also provided the representatives of

these various organizations a rare opportunity to network and share creative solutions to challenges facing our state courts. The three primary policy issues addressed and debated were privacy and public access to court records, pro-se litigation, and judicial governance and accountability.

NASJE was represented by NASJE President, Paul Biderman and NASJE President-elect, Tom Langhorne. Not only did Biderman and Langhorne capitalize on the opportunity to educate other organizations about NASJE, they actively offered the perspectives of judicial branch educators regarding the understanding and resolution of various debated issues.

Click here to get a short summary of [issues discussed](#) and a listing of [organizations](#) and [attendees](#). (These are [Adobe Acrobat](#) documents). If you have questions about this year's Assembly or wish to have next year's NASJE representatives present issues of particular concern to you, please contact Tom Langhorne at 804-786-7589 or email him at [rightinfo@aol.com](mailto:rightinfo@aol.com).

## New Mexico Launches Web Course on ADR

The New Mexico Judicial Education Center has launched its first full web course for the judiciary. The four-week course, on Alternate Dispute Resolution, was developed under a grant from the State Justice Institute. During the week of April 22, 2002, judges and court mediation professionals accessed the first of four modules describing ADR in the courts, providing guidance on matching ADR techniques with various cases, and providing practical guidance on the development and implementation of plans. The web course provides access to many online resources provided by the presenters and links to other web sites.



*JEC's ADR online Web course*

It also employs interactive training techniques by having participants post assignments, comments and questions on a discussion group for each module. An independent evaluator will review the effectiveness of the course. Anyone interested in "auditing" the course may do so (but without participating in the interactive parts) by going to <http://jec.unm.edu/training/adr/course/index.asp>.

## What's New at NJC

### Racial Profiling Topic To Be Addressed By Judges at The National Judicial College

The National Judicial College (NJC) announces the first judicial education program on racial profiling and other pretext law enforcement traffic stops to be held in Reno, Nevada, the week of May 6-10, 2002. The course, "Traffic Court Issues in the 21st Century," funded by the National Highway Traffic Safety Administration, addresses cutting-edge traffic safety issues facing our nation's traffic courts. A segment of the course focuses on the topic of racial profiling - an issue that affects many minority communities. Judges from throughout the United States will attend the program to learn about the legal status of pretext stops, including those involving racial profiling, and how to deal with this important issue in our nation's traffic courts. NJC Program Attorney Mary Ann Aguirre has assembled leading national authorities to address the topic.

Keynote speaker is law professor David A. Harris of the University of Toledo College of Law. Professor Harris is a leading authority on racial profiling who has testified before Congress and has appeared on NBC's "Today Show," PBS's "News Hour with Jim Lehrer," and C-SPAN's "Washington Journal." His book, Profiles in Injustice: Why Racial Profiling Cannot Work, has just been released. Joining Professor

Harris on the panel is Oakland Police Captain Ronald L. Davis from Oakland, California, and Elena Condes, Esq., a practicing criminal defense attorney in Berkeley, California. California Judge David Krashna of the Alameda County Superior Court will be the moderator. A "solutions" session will conclude the program and will be conducted by NJC faculty member Michael Roosevelt, an education specialist with the California Center for Judicial Education and Research.

For information about this program and other traffic safety judicial education courses available at NJC, please contact Mary Ann Aguirre at 800-25-JUDGE (800-255-8343) or (775) 784-6747.

To register for any of the Traffic Safety courses listed here, or to discuss having a course scheduled in your jurisdiction, please contact The National Judicial College at 800-25-JUDGE (800-255-8343) or (775) 784-6747.

### **Traffic Issues in the 21st Century**

**When:** May 5-9, 2003

**Where:** Reno, Nevada

**Cost:** \$795 (early registration)\* \$895 (late registration)

This course provides an overview of legal and evidentiary issues related to plea taking, searches, seizures, arrests and confessions. The course also provides information on the role of the traffic court judge in the community; ethical judicial outreach and bridge building; new approaches to aggressive driving offenses; techniques in dealing with the aging driving population; racial profiling issues; pretextual traffic stops, and new challenges in commercial motor vehicle cases. Participants will analyze and discuss current and emerging issues in blood alcohol pharmacology and sobriety testing; scientific evidence in motor vehicle cases; effective sentences, sanctions and dispositions; and addictive behavior. Pedestrian, motorcycle and bicyclist safety issues are examined, and discussion groups combine with an interactive mock trial to provide proactive study. In addition, participants are encouraged to develop ideas for implementing successful partnerships with national, state, and community-based traffic safety entities.

*\*Early registration is considered registration 60 days prior to the course start date.*

### **Sentencing Motor Vehicle Law Offenders**

**When:** August 25-28, 2003

**Where:** Reno, Nevada

**Cost:** \$675 (early registration), \$775 (late registration)

This course focuses on the objectives and philosophies of sentencing, such as basic due process law, and rehabilitation, restitution, retribution and deterrence. The history of probation is evaluated, as are innovative probation conditions such as mandated evaluation, treatment, community service, and the use of bumper stickers and zebra license tags. Participants analyze the right to counsel, double jeopardy, the use of prior convictions for enhancement and judicial liability and immunity. The course also provides information on the appropriateness of sentencing options for older drivers, young drivers, and addicted drivers. Communication styles, personality types and methods of dealing with the media in high-profile cases are explored and evaluated.

### **DUI Primer for New Judges: Impaired Driving Case Fundamentals**

**When:** November 3-4, 2003

**Where:** Reno, Nevada

**Cost:** \$450 (early registration), \$550 (late registration)

Participants in this course are new traffic court judges who handle impaired driving cases. Of all types of criminal cases, impaired driving cases are among the most complicated in terms of the legal and evidentiary issues that they present to judges. The course addresses substantive Fourth and Fourteenth Amendment questions; search, seizure and arrest issues; and methods of dealing with drug and alcohol addicted defendants. Case management techniques are examined, and participants are introduced to the use of mass arraignment techniques, written plea forms, bar coding, pre-printed probation and disposition forms; and areas of congestion and sources of delay are identified. Participants evaluate the results of field sobriety tests and motions directed to exclude them, the application of the Miranda doctrine to traffic stops, and the distinction between custodial and non-custodial interrogation. Also discussed are some of the scientific principles that serve as foundations for the admissibility of evidence in impaired driving cases, such as: horizontal gaze nystagmus, retrograde extrapolation, Widmark's formula, blood/breath partition rates and infrared spectrometry. In a sentencing workshop, participants review sentencing parameters and options, including fines, incarceration, license revocation and probation conditions such as evaluation, treatment, abstinence and restitution.

For more information, contact:

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## Transitions

There have been two recent transitions at the National Judicial College involving two of our members there: Mary Fran Edwards and William Brunson.

Mary Fran, who had served as Academic Director of the College for nearly seven years, was appointed in October of 2001 as the first NJC Director of the Office of the Future/Special Projects. Our congratulations to her on this forward looking appointment. She is eminently qualified to be contemplating that which is imminent!

We also extend our congratulations to NASJE News Editorial Board member William Brunson who, in his spare time away from the NASJE News, now serves as the Academic Director of the National Judicial College. William was a program attorney for several years before becoming Assistant Academic Director in 1997. In October of 2001 he took the helm of the academic department as Mary Fran made the transition into her new post.

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## Welcome

Please join us in welcoming the following new NASJE members:

- Lynda Hanscome  
Education Specialist, Institute of Continuing Judicial Education, Georgia
  - Shannon Johnson  
Education Manager, Administrative Office of the Courts, Tennessee
  - Caroline Kirkpatrick  
Curricula/Distance Learning Specialist, Supreme Court of Virginia
  - Britt Lindstrom  
Education Specialist, Administrative Office of the Courts, Kentucky
  - Hon. David B. Mitchell  
Executive Director, National Council of Juvenile and Family Court Judges, Reno, Nevada
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### **Distance Learning, WebEx Style**

*by Krista Johns*

- In March and April, 2002, the National Center for State Courts (NCSC) offered five live Web classes to the general public for free. The classes were designed to expose court personnel to the webcast medium while experimenting with the environment for educational purposes. Those who were curious, but not interested in taking a course, could opt instead to participate in one of several half-hour demonstrations also provided for free. Funding support was provided by the State Justice Institute.
- NASJE members received notification of the opportunity on the JERITT listserv. The JERITT message prompted readers to link to the NCSC web page for more information. Details of the demonstrations and courses were two additional clicks of the mouse away. As a moderately experienced Internet user, I found the announcement materials easily. One of my colleagues who is less experienced on the Internet-but certainly not a novice-found it difficult to locate the information.
- Four of the five courses were offered in the middle of the day, beginning at noon on the West coast, and at 3:00 p.m. Eastern Standard Time. One of the courses ran in the evening from 5:30 to 6:45 p.m. (8:30 to 9:45 EST). The course subjects included ethical dilemmas, grants, strategic planning, PowerPoint, and faculty development. While fairly general in nature, they appeared to be well selected to attract interest from a wide range of members of the court community.
- The NCSC web site provided online registration for the courses. I completed the registration for two courses, one month in advance of the first course. I was surprised not to get an immediate email message confirming my registrations, but would have been satisfied with a one-day turnaround. In this case, both of my registrations were somehow misplaced, requiring two telephone calls on my part to have them found. A third telephone call was needed to prompt the routine confirming email message, but all was settled in the week before the first course began.



Mary Ann Massey, Kevin Mitler and Ingo Keilitz during a live Web class that was being videotaped for experimental purposes.

- I registered for two webcast classes: "Faculty Development for Live Web Class Programs," and "PowerPoint Presentations for Different Modalities: One size does not fit all!" Each was a two-part class, conducted in 1¼ hour sessions held on Monday and Thursday of the same week.
- Instructions for participation arrived two business days before the first class (three days before the second class). The two-page email message provided pre-class instructions, sign-in procedures, and some general advice. First-time WebEx users were asked to visit the site some time before the program started to complete a system configuration check, and then to return for course sign-in five minutes in advance of the course start time. When the message arrived, I skimmed through it, but didn't end up trying to follow the instructions until minutes before the course was to get underway. At that point, the information was too dense to read, but I followed the first two sentences of the pre-class instructions and the sign-in procedures, completing all of it within five minutes. During the class, I read the message more carefully and realized the detailed information provided in it would have been helpful to me in advance. I wondered if the other class participants had actually read the long message through.
- The faculty development class had already started when I got online. I was greeted with a private welcome message from the program host on the chat line, and my name appeared on screen in the list of participants. So much for sneaking into the virtual back row! The feel of the group dynamic was similar to that of a conference call.
- While I had participated in one or two webcasts before, I was as conscious of the technology as I was of the course content for most of the first class session. Essentially, the webcast format is an audio link by telephone, combined with an Internet connection. The WebEx format is a split screen. Two-thirds of the screen is used for PowerPoint or other content, with the other third split in half. The upper half provides a listing of course participants, or, when in use, an area for polling participants. The lower portion is the chat area, which allows for both private (one to one) email messages or general email conversation within the group. When desired, the presentation portion of the split screen can be enlarged to take the whole screen.
- On the presentation portion of the screen, participants can draw, point, indicate their place on a grid, or add text, which can then be seen by the other participants. Doodlers will enjoy this feature, but may forget that others will see their work.  
In both of the courses I attended, the online participation in chat or doodling was greatest in the first session of the class, and fell off considerably in the second session. By the second session, participants seemed to be done playing with the technology, and reverted to greater use of the audio link for interaction with faculty and other participants.
- Just as with live courses, webcast faculty can make or break a program. Both of the webcast courses I attended involved Ray Foster, Kevin Mittler, and Mary Ann Massey in faculty and host roles. Their teamwork, confidence with the medium, competence in the subject areas, and warmth were critical components of the course. While one or two were presenting the content material, the other was attending to the chat and to the learning environment (reminding folks about background noise, evaluations, etc.). They rotated easily between roles, and seemed to genuinely enjoy teaching together. They were patient with participants at all levels, and exhibited a willingness to reallocate their time on subtopics based upon learner feedback.
- Course design, as well as content, will greatly impact participant involvement during webcasts. Early in both of the NCSC courses I attended, there was a period of finding the balance between passivity and involvement, given the other participants and the limited means of interaction. Most of the participants seemed to err toward passivity, even with the best efforts of faculty. And, without significant group involvement, the cost of live webcasts may not be warranted. For certain content, especially, a less costly asynchronous (non-live) Web format may work equally well, as might a lower-tech videotape and workbook.

- Of the two courses I attended, the faculty development course did a better job of engaging participants on multiple levels. Polling, planned question and answer sessions, group completion of on-screen charts, and changing roles of faculty all worked to keep participants involved, though participation still fell off as the course went on. The PowerPoint class involved a high level of passivity on the part of learners, almost from the start. For much of the time, we were reduced to watching a PowerPoint screen, without the benefit of chat or online doodling features. We were encouraged to participate verbally, but the overall effect was somehow less interactive. I was highly interested in the content of both courses, but still found it difficult to stay focused and comfortable with the pace during portions that were predominantly faculty lecture-with-PowerPoint accompaniment. That was the predominant mode in the second class. Though presented well by faculty it had a dulling effect on me.
- Both courses used homework between sessions to integrate participant material into the presentations. Without having advance warning of this, I hadn't allocated time for the additional work. I didn't complete the homework assignments, but I benefited from those who did send in examples and work for us to view.

In all, NCSC did an excellent job of exposing us to the potential of live webcasts for educational courses. Their staff provided a model for any of us wishing to embark on this kind of programming.

- I left the courses feeling that live webcasts are viable learning environments for judicial branch education, and that careful selection of content, design, and faculty could ensure successful integration of this medium into an education organization's offerings. For learners like me, more of the human connection and relational learning should be built into webcasts. This might be accomplished by adding more pictures of people's faces in the graphics, finding a way for small group discussion by chat or phone, and by making full use of the audio portion with music, drama clips, and other emotion-evoking elements. Time and experience will enhance the use of this medium, just as they have for in-person courses.
  - For more information on these courses, go to <http://www.ncsconline.org> and click on **ICM: Free Distance Learning Demos and Classes** under SJI grant.
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## Potential Funding Sources for State Judicial Education on Domestic Violence

by Billie Lee Dunford

Though the Bob Dylan song "The Times They Are A' Changing" made its first appearance almost 40 years ago, it has certain currency today as well. Who among us would have predicted the possible demise of the State Justice Institute, the one national organization charged with funding programs to foster the health of our nation's courts? The possibility of SJI passing, coupled with widespread state budget crunches, means that state judicial educators will be scrambling for the foreseeable future to find the dollars to carry out their missions.

***Courts are becoming ever more specialized in an attempt to do a better job of meeting the needs of their clientele.***

At the same time, courts are becoming ever more specialized in an attempt to do a better job of meeting the needs of their clientele. As part of this trend, specialized domestic violence courts and dockets are cropping up everywhere; and these call for judges and court teams steeped in quality education about domestic violence. Even where states and communities are not going to specialized courts to try to do a better job with these cases, judges and judicial educators alike are recognizing the complexity of this

subject matter and the need for solid, ongoing judicial education on the issues they involve. Domestic violence is counter-intuitive. Without a thorough, balanced foundation in its complexities, judges cannot hope to handle these cases effectively. What sources of funding are still available for such education programs?

### **Public Funding Sources**

A number of offices within the US Department of Justice provide grant funds for criminal justice issues, including assisting victims of domestic violence and their children.

One such office, the Office of Justice Programs (OJP), houses most of the Department's grant programs. Two of these programs are especially promising for state judicial educators looking for existing judicial education programs on domestic violence or money to design and stage their own such programs: The Office for Victims of Crime (OVC) and the Violence Against Women Office (VAWO).

*A number of offices within the US Department of Justice provide grant funds for criminal justice issues.*

**OVC Programs** - OVC provides federal leadership and funds to support victim compensation and assistance programs in localities across the nation. Funded by fines and penalties collected from federal offenders, this program is charged to offer direct services to victims of crime, to develop projects to enhance victims' rights and services, to undertake public education and awareness activities on behalf of crime victims, and to provide training for diverse professionals who work with victims. A percentage of all OVC funding must go to support efforts serving victims of domestic violence, sexual assault and child abuse; and state and local agencies are eligible for this funding, as are non-profit organizations. The funding makes its way from OVC to eligible recipients by means of both formula and discretionary grants.

- *Formula grants* - approximately 90 percent of OVC's overall annual budget of more than \$500 million goes to the states for state victim compensation and assistance programs. Of that 90 percent, half goes directly to victims to compensate them for such expenses as medical and mental health costs, emergency shelter, lost wages and legal expenses incurred in connection with their victimization. The remaining one half helps to fund victim assistance programs within the states. Although such programs generally include such direct service providers as domestic violence shelters, rape crisis centers and children's advocacy centers, funds may be available through source for training professionals who work with victims, as well. Interested state judicial educators should inquire of their state's VOCA Administrator, who is charged with administering these funds, whether any portion of them might be available to educate systems professionals, including judges who wish to do a more effective job of handling cases involving domestic violence.
- *Discretionary grants* - OVC retains 5 percent of its overall budget to fund its discretionary grants programs. The Special Projects Division of OVC funds training, technical assistance and demonstration projects of national application; and the Federal Crime Victim Division funds training, technical assistance and demonstration projects focused on compliance with victim's rights requirements. Although neither of these grants programs has been used traditionally to fund judicial education, it would be worth while for judicial educators to explore with these Divisions the possibility of designing programs for judicial education which might satisfy their criteria.



**The National Judicial Institute is about to start its third round of VAWO funding... beginning in late Spring of 2002.**

**VAWO Programs** - VAWO-based programs afford the richest potential for assistance on domestic violence education for judges. First, the Office funds two existing projects, either of which might be available to individual judges or groups of judges:

- The National Judicial Institute is about to start its third round of VAWO funding. Over an 18-month period beginning in late Spring of 2002, it will provide three three-day programs, to approximately 50 judges each, on the skills judges need to handle domestic violence cases effectively. The co-sponsors of this Institute, the Family Violence Department of the National Council of Juvenile and Family Court Judges and the Family Violence Prevention Fund, have presented ten of these programs in the past, to national acclaim, and are hopeful of continuing the Institute beyond its current 18-month term. Additionally, a state or region can apply through the Institute to receive technical assistance to create its own program, based on the Institute's curriculum. The Institute can provide any or all of the following types of technical assistance to the successful applicant jurisdiction: a copy of materials from the notebooks provided Institute participants; a copy of the curriculum together with the exercises and handouts used during the Institute's program; staff assistance with tailoring the curriculum to meet specific needs of the applying jurisdiction; and Institute faculty to train and teach with local faculty.
- The Judicial Oversight Demonstration Project has the wherewithal to provide judicial technical assistance, including comprehensive domestic violence education, to judges from the 12 sites which applied to be a part of that project. The Family Violence Department of the National Council of Juvenile and Family Court Judges and the Battered Women's Justice Project, Criminal Division, will be working with these sites over the coming year and a half to provide such judicial technical assistance and will entertain suggestions from the judges at these sites as to what kinds of technical assistance, including domestic violence education, will best meet their needs in order to help them be more effective in handling domestic violence cases.

In addition to funding these existing programs, VAWO administers the Department's formula and discretionary grant programs that are authorized by the Violence Against Women Act of 1994 (VAWA). These programs are designed to assist the nation's criminal justice system in responding to the needs and concerns of women who have been, or potentially could be, victimized by violence. Grant programs include:

- *STOP (Services, Training, Officers and Prosecutors) Violence Against Women Formula Grants Program* - Grants are awarded to states to develop and strengthen the criminal justice system's response to violence against women and to support and enhance services for victims. Each state and territory must allocate 25 percent of the grant funds to law enforcement, 25 percent to prosecution, 5 percent to the courts and 30 percent to victim services. The remaining 15 percent is discretionary within certain parameters established by the VAWA. Clearly the court set-aside portion of these funds can be available for judicial domestic violence education, and it may be possible for state judicial educators to work with law enforcement and prosecutors on multi-disciplinary training using their some of their respective portions of this funding as well. In each state, a VAWA Administrator administers these funds and can offer more information as to how to apply for them.
- *STOP Violence Against Indian Women Discretionary Grants Program* - Grants under this program are intended to develop and strengthen tribal law enforcement and prosecution efforts to

combat violence against Native women. As with all of VAWO's discretionary grants, requests for proposals come from VAWO each year; and potential grantees must submit grant proposals pursuant to these requests. All discretionary grant programs listed here are potential sources of funding for judicial education on domestic violence.

- Grants to Encourage Arrest Policies and Enforcement of Protection Orders - These grants are designed to encourage state, local and tribal governments to treat domestic violence as a serious violation of criminal law requiring the coordinated involvement of the entire criminal justice system.
- Rural Domestic Violence and Child Victimization Enforcement Grants - These grants have the purpose of encouraging rural communities to develop a coordinated response to domestic violence. A state is considered rural if it has a population of 52 or fewer persons per square mile or its largest county has fewer than 150,000 people. In rural states, eligible applicants are state and local governments and public and private entities. Non-rural states may apply on behalf of rural jurisdictions within their boundaries.
- Elder Abuse, Neglect and Exploitation Grant Program - These funds are intended to train law enforcement officers, prosecutors and court personnel to recognize, address, investigate and prosecute cases of elder abuse, neglect, and exploitation and violence against individuals with disabilities. Areas of focus are domestic violence and sexual assault against older or disabled persons.

Web-sites that contain information about these publicly funded grant programs include the following:

- <http://www.ojp.usdoj.gov>  
This web-site will access all the grant offices of the Office of Justice Programs, including OVC and VAWO. It will as well allow linking to various other DOJ grant offices, including the Bureau of Justice Assistance, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Corrections Program Office, the Drug Courts Program Office, the Executive Office of Weed and Seed, the Domestic Preparedness Office and the Bureau of Justice Statistics.
- <http://www.ncjrs.org>  
This web-site is for the National Criminal Justice Reference Service and will connect to all resources produced by the Office of Justice Programs agencies, including grant announcements. The telephone number is 1-800-627-6872.
- <http://www.gsa.gov/fdac/queryfdac.htm>  
This web-site accesses the Catalog of Federal Assistance and lists all Federal grant offices and grant programs.
- <http://www.access.gpo.gov/sudocs/acea/aces140.html>  
This web-site accesses the Federal Register, where most grant offices announce grant solicitations.
- <http://www.tqci.com>  
This web-site accesses the Grantsmanship Center.

### **Private Funding Sources**

**A number of private foundations allocate some part or all of their resources for programs designed to address domestic violence. Generally, these funds are reserved for projects aimed at producing a product that can be disseminated widely or a program that can be replicated. Successful applicants for foundation grants tend to be those who can present a convincing case**

that they will help the foundation reach its long-term goals, and that they meet whatever specific purpose the foundation has established, or serve a population the foundation has targeted, or belong to the category of organizations the foundation wishes to fund or lie within a geographic area the foundation serves. Many of these foundations do not solicit grant applications and must be approached with a proposal. Among the private foundations which at the present time address or in the past have addressed domestic violence as a target area are the Conrad Hilton Foundation, the Lucille Packard Foundation, the Ford Foundation, the Edna McConnell Clark Foundation and the Annie B. Casey Foundation.

Helpful web-sites for additional information on foundation grants include:

- <http://www.fdncenter.org>, which is the web-site for the Foundation Center; and
- <http://www.cof.org/links>, which is the web-site for the Council on Foundations.
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If you've had success finding funding for a programs in a particular subject area, and would like to share this information with your NASJE colleagues, please [let us know](#).

#### **How to Apply for Technical Assistance from the National Judicial Institute**

States or regions wishing to apply to the National Judicial Institute for technical assistance may contact Amy Saathoff, of the Family Violence Department of the National Council of Juvenile and Family Court Judges by e-mail at [saathoff@unr.edu](mailto:saathoff@unr.edu) or by phone at 775/784-6967. Please be prepared to indicate the following information:

- State or region seeking assistance
- Name and position of individual applicant
- Anticipated date and length of training
- Make-up and approximate number of participants
- Type/s of technical assistance requested, such as: materials from Judicial Institute notebooks, copy of curriculum with exercises and handouts, staff assistance with tailoring curriculum to meet state or regional needs, faculty to train and teach with local faculty.

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## **Motivation: What Do Employees Really Want?**

*by Pamela Stepien*

*Human Resources Manager, National Judicial College*

Have you ever asked yourself why your employees come to work everyday? Do they punch the time clock while dreading coming to work? Are they reliable, loyal and hard working? Are they reliable, loyal and hardworking because of their paycheck or does something else motivate them?

Employees are a resource, but they are people too. In these tumultuous economic times, managers need to look at how to maximize their resources. They need to make sure their employees are getting what they need for optimum work performance. Contrary to popular belief, it is not a pay raise. The key is Motivation. In the Fall 2001 issue, Dr. Yvonne Stedham stated in The Manager's Role:

**Performance = Ability \* Motivation**

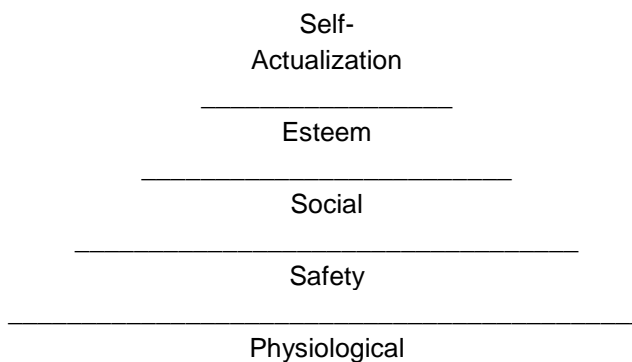
With this concept in mind, assuming that a proper hiring decision was made and an employee possesses the knowledge, skills and ability (KSAs) required for the job, the key to maximizing work performance is the employee's level of motivation.

It is seen in the workplace everyday. A baffled manager is wondering why his or her best employees are leaving. The fact is that employees at all work levels if not motivated will leave for greener pastures believing that it is time for a change. If managers can understand what employees' needs are and help them meet those needs, those smiling, familiar, hard working faces will be seen around the office for a much longer time. Understanding what employees need is not a very difficult question. For the answer, managers must look inside themselves to see what their own needs are. Look at what would make you happy and keep you motivated and chances are your employees' needs are quite similar to your own.

So why is it so important to motivate and retain your employees? It comes down to the bottom line: profit. There are so many costs associated with replacing an employee. Typical costs incurred to replace an employee involve advertising, interview expenses (airfare, lodging, etc.), time spent interviewing, pre-employment testing, relocation, sign-on bonuses, orientation and training time. Additional costs sometimes not mentioned are the staff resources to pre-screen applicants, time spent doing reference checks, skills testing, processing new hire and benefit paperwork, setting up personnel files, payroll records, etc. Other intangible costs are lowered morale of remaining employees because their friends are leaving, lowered productivity because the expertise is gone in the revolving door of employees and lost customers whose loyalty went out the door with the employee.

***How do I retain my employees to create a positive, motivating work environment?***

The question then becomes: how do I retain my employees to create a positive, motivating work environment? The answer is quite simple. Organizations must meet the needs of their employees. Maslow's Hierarchy of Needs applies in this context just as it applies in adult education methodology. As you may remember, Maslow's hierarchy is like a ladder where one cannot proceed to the next level if any needs below are unfulfilled. Maslow's Hierarchy of Needs:



**Physiological**

The first and most basic need in the Maslow Hierarchy is that of physiological needs such as air, water, food and sleep. In most situations, these needs should be easy to meet. Obviously, if these basic needs are not met, your employees will feel sick, irritated, be in pain, etc., and will not be productive.

## **Safety**

These needs are primarily psychological in nature. Employees need to feel secure and stable in their work, home and family. For example, if an employee is in an abusive relationship, he or she needs to concentrate on fulfilling the need of feeling physically safe before proceeding to the next level of social belonging.

## **Social**

Feelings of love, acceptance and belonging comprise the third rung in the Maslow Hierarchy. All of us have a desire to belong to a group whether it is a club, work groups, team or even a gang. The goal in belonging to any group is to be accepted by others and to feel needed.

## **Esteem**

The self-esteem and confidence that one feels from mastery of a task is a great need. Other esteem needs are recognition and appreciation from others and the desire for power. Perhaps this is where the phrase "knowledge is power" came to fruition. The employee who has the knowledge and masters the tasks shall receive recognition, therefore gaining the inner power and confidence to advance and achieve. This need may explain why some employees do not share information; rather, they retain the power, thereby reducing competition.

## **Self-Actualization**

At the top of the ladder is self-actualization or the need to fulfill oneself and to "be all that you can be." Self-actualization or self-fulfillment allows for spontaneity, creativity and job satisfaction.

In sum, using Maslow's model, we can infer that employees work for money to fulfill their physiological and safety needs. Once those needs are filled, they work to fulfill their social needs. Employees want to be part of a work team and feel that they are a part of their unit/organization. Once they feel that they are part of a cohesive team, they seek respect and recognition. Employees will push themselves to excel at their work in some cases merely to receive pats on the back. Some seek advancement to provide a sense of accomplishment. Lastly, self-actualization and job satisfaction are obtained where employees are no longer bound by the usual conventions and can think "outside the box" and are able to focus on problems outside of themselves.

The question still remains, how do organizations today meet these needs and bring their employees up to the self-actualization level? Managers must endeavor to satisfy the higher needs of esteem and self-actualization through motivation while still providing and maintaining the physiological, safety and social needs of their employees.

To motivate employees is to provide them with motives, to give them reasons to act. Therefore, providing "motivators" such as recognition, responsibility, empowerment, discretion and growth advancement is a great step toward their self-actualization. However, do not forget that the lower needs must continue to be satisfied to get 110% from your employees. The "maintainers" needed to continue fulfilling the lower hierarchy needs are things like compensation. Employees must be compensated fairly and adequately. They must be given benefits to maintain their health. They must feel that they have job security and good working conditions that ensure their safety.

***"Fish rot from the head." This means that any attitude, usually negative, that management had would trickle down.***

Managers often refer to themselves as "babysitters" who need to watch over their employees. Chances are that if you truly feel this way about your employees that it is evident in your attitude towards them. Early in my career, I heard a saying about upper management: "Fish rot from the head." This means that any attitude, usually negative, that management had would trickle down. Therefore, if the management team had a poor attitude, how did it realistically expect the line employee to be positive? Sometimes managers forget that they have a very important role when it comes to motivating employees. Their actions do indeed speak louder than their words. As a manager, your employees are watching how you behave and will model their behavior after yours. Consequently, set a good example for your employees, actively listen to them and keep communication lines open and give credit where credit is due.

A manager can easily kill motivation, but sometimes a manager can unknowingly de-motivate as well. Be sure that you are not guilty of any of the following:

- Unclear Expectations - Employees want to work with managers who have vision and clear goals. Mixed messages or unclear priorities confuse employees, making them feel as if they wasted their time, energy and effort only to accomplish the wrong results.
- Withholding Information - Hopefully, managers don't withhold information as part of their own personal need for power. This causes employees to feel uninformed, unimportant and out of the loop.
- Politics and the "Golden Child" - If employees receive rewards that are unrelated to work performance just because the manager likes them and/or they excel at "playing politics," other employees will disassociate themselves from the team. After all, the manager is not playing fair, so why play at all?
- Unproductive Meetings - Meetings can be very important and productive but sometimes there are too many that are too long, that never accomplish anything. Meeting attendees should be limited to essential individuals only and agendas should be adhered to, so as not to waste valuable, productive time.
- Negative Responses - So many organizations ask for employee suggestions only because they feel they have the obligation to do so. However, when a suggestion gets rejected immediately with no reasonable explanation other than "that won't work here" or worse yet, is not even acknowledged, it is worse than not asking for employees' suggestions at all. You can imagine how de-moralizing it is to get excited about an idea, take the initiative to put together a proposal, have the courage to present the suggestion to your boss, only to never have your idea and effort acknowledged. Do you think you will ever make another suggestion?

Motivating your employees and giving them something to aspire to is not an overwhelming task. Just remember, baby steps:

1. Assess what the needs are of each of your employees and set clear goals.
2. Think positively and remember that your attitude will be reflected in your employees.
3. Be proactive rather than reactive, keeping everything in perspective.
4. Realize that at the start of any new endeavor, risk is always present but it is better to try and fail than to never have tried at all.
5. Actively listen and communicate with your employees.
6. Be a team leader. Employees don't just work for you. Rather, they are working with you as their guide towards a common goal.
7. Admit if you make a mistake or are in need of help.

8. Take it step by step, one goal and day at a time. Don't lose sight of the goal and don't let a setback set you back permanently.

It seems that everyone has too much to do in too little time. These are the times when it is most important to make time for your employees and ensure that their needs are being met. After all, if you are a team and their needs are being met, who do you think it is going to be that comes through for you in a pinch?

Managers really do care what employees want because if employees get what they want and their needs are all met, the result will be a happy, productive and stable environment. Who could ask for anything more?

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Second in a Series of Three

## Doing What Counts, Counting What Matters

by Ingo Keilitz

This is the second of three articles about the Court Performance Standards (CPS) [\[1\]](#) to appear in NASJE Manager's Briefcase. The CPS and various adaptations, including the Family Court Performance Standards and Measures, published in December 1999, [\[2\]](#) represent milestones in the development of concepts, strategies, and techniques to examine and to improve the performance of courts and the justice system. The first article, which appeared in the Winter issue, addresses the threshold question of why state judicial educators should care about the CPS. (*Editor's note: the first article was regrettably posted without its footnotes. To view the article with its footnotes, [click here.](#)*)

The CPS describes a way of thinking about the work of the courts. And it is a set of tools to put this thinking into practice and to help the courts do what counts, and count what matters. All major national judicial groups -- including the Conference of Chief Justices, the Conference of State Court Administrators, the National Association for Court Management, the American Judges Association, the American Bar Association (Family Division), and the National College of Probate Judges -- have endorsed the CPS.

### Tools for Management, Planning and Leadership

Think of the CPS as a set of four tools: (1) the guiding principles and civic ideals that support the CPS; (2) major performance areas for courts; (3) performance standards in those areas; and (4) performance measures and indicators by which to gauge the accomplishments of the standards. These tools are complementary and aligned with each other. They can help courts do what counts and count what matters to do what matters, counts. They can be used to answer important strategic questions:

1. What does the court stand for?
2. Where is the court heading?
3. What is the court trying to achieve and why?
4. Why would the court's employees want to work in the court, and others work with the court?
5. What does the court absolutely have to do?
6. What should the court do?
7. What do the court/s leaders want the court to do?
8. What should the court continue to do?
9. What should the court start doing?
10. What should the court stop doing?

## Guiding Principles and Civic Ideals

The CPS is based on four related guiding principles and civic ideals:

1. Courts are, first and foremost, accountable for their performance, for the benefits they achieve, not just the ways and means they use to achieve them.
2. The focus of court accountability is the result or outcome of their programs and services for the participants in the programs or recipients of the services -- the citizens. Courts should be operated and managed with an orientation toward those served by the courts rather than those running the courts.
3. Courts are complex public organizations, not merely judges hearing cases, settling disputes and issuing orders.
4. Courts are crucial to the governance of the communities and the citizens in their jurisdiction.

***Courts are, first and foremost, accountable for their performance, for the benefits they achieve, not just the ways and means they use to achieve them.***

These guiding principles are aligned with the other three CPS tools -- five areas of court performance, twenty-two specific court performance standards and 68 measures of court performance.

## Performance Areas and Standards

**The CPS are grouped in five performance areas that embrace the fundamental purpose or mission of courts:**

1. Access to Justice
2. Expedition and Timeliness
3. Equality, Fairness and Integrity
4. Independence and Accountability
5. Public Trust and Confidence

***Traditionally, government performance measurements are developed from the perspectives of government managers and not from the perspectives of citizens, and the two may differ greatly.***

Organizational performance standards for courts and other public organizations are best grounded in historical understanding, democratic vision, and civic ideals.

Traditionally, government performance measurements are developed from the perspectives of government managers and not from the perspectives of citizens, and the two may differ greatly. The CPS clarifies what citizens want from their courts, and what results that are desired. Citizens want ready

access to the justice delivered by the courts; they want that access to be safe, relatively convenient, and affordable. Once they have gained access, they want their business with the courts dealt with expeditiously and fairly, according to the facts and according to established rules. They want their disputes to get individual attention and to be dealt with fairly. And they want their courts to behave independent of other branches of government and other agencies to assure that decisions and actions are based solely on legally relevant factors. Ultimately, they seek trust and confidence in the courts. The CPS' five performance areas identify these civic ideals.

### Performance Area One: Access to Justice

**The five standards defining the performance area of Access to Justice – presented first because**



they address the initial entry of litigants and other court users into the judicial system – require that courts be accessible to the individuals they should serve. They require a court, in effect, to eliminate all barriers – physical, geographic, procedural, cognitive, psychological, and attitudinal – to court services. Like all 22 standards, the five standards in the area of Access to Justice encourage courts to view their performance from that of the citizens who are served by the courts rather than that of those who run the courts.

***Standard 1.1 Public Proceedings***

The court conducts its proceedings and other public business openly.

***Standard 1.2 Safety, Accessibility, and Convenience***

Court facilities are safe, accessible, and convenient to use.

***Standard 1.3 Effective Participation***

The court gives all who appear before it the opportunity to participate effectively, without undue hardship or inconvenience.

***Standard 1.4 Courtesy, Responsiveness, and Respect***

Judges and other court personnel are courteous and responsive to the public, and accord respect to all with whom they come into contact.

***Standard 1.5 Affordable Costs of Access***

The costs of access to court proceedings and records—whether measured in terms of money, time, or the procedures that must be followed—are reasonable, fair, and affordable.

**Performance Area Two: Expedition and Timeliness**

Court reform over the last 25 years has focused on the pace of litigation and the reduction of delay in case processing. The three standards in the second performance area expand the requirement of timely case processing to all court activities.

***Standard 2.1 Case Processing***

The court establishes and complies with recognized guidelines for timely case processing while, at the same time, keeping current with its incoming caseload.

***Standard 2.2 Compliance With Schedules***

The court disburses funds promptly, provides reports and information according to required schedules, and responds to requests for information and other services on an established schedule that assures their effective use.

***Standard 2.3 Prompt Implementation of Law and Procedures***

The court promptly implements changes in law and procedure.

**Performance Area Three: Equality, Fairness, and Integrity**

The requirement of equality, fairness and integrity is articulated by the following six standards:

***Standard 3.1 Fair and Reliable Judicial Process***

Court procedures faithfully adhere to relevant laws, procedural rules, and established policies.

**Standard 3.2 Juries**

Jury lists are representative of the jurisdiction from which they are drawn.

**Standard 3.3 Court Decisions and Actions**

Courts give individual attention to cases, deciding them without undue disparity among like cases and upon legally relevant factors.

**Standard 3.4 Clarity**

The court renders decisions that unambiguously address the issues presented to it and clearly indicates how compliance can be achieved.

**Standard 3.5 Responsibility for Enforcement**

The court takes appropriate responsibility for the enforcement of its orders.

**Standard 3.6 Production and Preservation of Records**

Records of all relevant court decisions and actions are accurate and properly preserved.

**Performance Area Four: Independence and Accountability**

The five standards in the fourth performance area acknowledge the importance of the independence of the judiciary, the courts' institutional integrity, and separation of powers. At the same time, however, the standards require courts to maintain effective working relationships (comity) with other branches of government and justice system partners. The standards focus on courts as public organizations and require them to balance independence with public accountability, practice good stewardship of resources, practice what they preach by ensuring that their internal personnel practices meet the highest standards, and to be a responsive component of government.

*The five standards in the fourth performance area acknowledge the importance of the independence of the judiciary, the courts' institutional integrity, and separation of powers.*

**Standard 4.1 Independence and Comity**

The court maintains its institutional integrity and observes the principle of comity in its governmental relations.

**Standard 4.2 Accountability for Public Resources**

The court responsibly seeks, uses, and accounts for its public resources.

**Standard 4.3 Personnel Practices and Decisions**

The court uses fair employment practices.

**Standard 4.4 Public Education**

The court informs the community about its programs.

**Standard 4.5 Response to Change**

The court anticipates new conditions and emergent events and adjusts its operations as necessary.

## **Performance Area Five: Public Trust and Confidence**

**A judicial system derives its authority and legitimacy from those it serves. The central question posed by the three standards in this area is whether court performance – in accordance with standards in areas of access to justice, expedition and timeliness, equality, fairness and integrity, and independence and accountability – actually instills public trust and confidence.**

### ***Standard 5.1 Accessibility***

The public perceives the court and the justice it delivers as accessible.

### ***Standard 5.2 Expeditious, Fair, and Reliable Court Functions***

The public has trust and confidence that basic court functions are conducted expeditiously and fairly, and that court decisions have integrity.

### ***Standard 5.3 Judicial Independence and Accountability***

The public perceives the court as independent, not unduly influenced by other components of government, and accountable.

## **Measures of Court Performance**

Each of the standards summarized above is linked with a set of specific performance measures (i.e., variables, values, operational definitions and procedures for measuring the variables), data collection methods, techniques and forms -- a total of 68 measures for all 22 standards. The CPS encourages courts to conduct continuous self-assessment and improvement as part of routine court management, planning and leadership. To this end, the system's measurement component is designed to gather information that the court can use in a variety of ways, including budgeting, case management, implementing court improvement projects, and strategic planning. The initial application of the measures aids the court in identifying areas requiring attention or potentially in need of improvement. The measures also may be used to establish benchmarks with regard to court performance on each standard the court wishes to address. Subsequently, the court can use the measures to determine whether its performance with respect to a particular standard is better, about the same, or worse than when the measures were originally applied. The information gathered through the measures also is helpful in determining whether the court's prior improvement efforts have been successful or need to be altered in some way.

Each of the 68 measures is described in easy-to-understand language – including an overview that describes the measure's purpose and how it aligns with the standard and performance area, planning and preparations for taking the measure, data collection procedures and forms, data analysis and reporting, and references to other resources – to allow court practitioners to arrange the specific performance measurement with little or no professional research assistance.

## **Final Word on CPS Tools**

**Most court managers are action-oriented. They are impatient. They want to fix what's broken. They dream of self-executing solutions that are like appliances that simply need to be "plugged in" to function effectively. Unfortunately, we seldom can fix things, at least not permanently. The good news is that we can apply conceptual and practical tools to the problems and issues we face and continually adapt and learn from the results of their application. The CPS is a set of tools useful for four "jobs" of court managers and leaders: (1) leadership, (2) management (including budgeting and financial management), (3) strategic planning, and (4)**

performance measurement. The CPS can be likened to carpenter's tools for building or repairing a home.

### Online Resources

Keilitz, I. *Why Do We Need Court Performance Standards?* Posted online in the Manager's Briefcase, *NASJE New*, Winter, February 2002 (National Association of State Judicial Educators).

<http://nasje.unm.edu/winter02/managers/index.htm>

*Trial Court Performance Standards and Measurement System Implementation Manual* (Bureau of Justice Assistance Monograph, NCJ 161567, July 1997).

[http://www.ncsc.dni.us/research/tcps\\_web](http://www.ncsc.dni.us/research/tcps_web)

Keilitz, I. *Show Me the Data: 10 Good Reasons Why You Should Measure Court Performance*. Posted online, August 2001 in the Educational Forum of the Distance Learning Center of the Institute for Court Management of the National Center for State Courts.

<http://www.ncsc.dni.us/ICM/distance/index.html>

Keilitz, I. *Performance Based Strategic Planning*. Posted online, August 2000 in the Educational Forum of the Distance Learning Center of the Institute for Court Management of the National Center for State Courts.

<http://www.ncsc.dni.us/ICM/distance/index.html>

Keilitz, I. Standards and Measures of Court Performance. In *Criminal Justice 2000, Volume 4, Measurement and Analysis of Crime and Justice*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, July 2000, 559-593. Electronic version available at:

[http://www.ncjrs.org/criminal\\_justice2000/vol\\_4/04front.pdf](http://www.ncjrs.org/criminal_justice2000/vol_4/04front.pdf)

Keilitz, I. (with various authors). *Family Court Performance Standards and Measures*. Wilmington, DE: The Family Court of the State of Delaware, December 1999. Electronic version available at:

<http://courts.state.de.us/family/family.htm>

*Ingo Keilitz, Ph.D., is a major contributor to the development of national court performance standards and guidelines including the Trial Court Performance Standards (1995), the Family Court Performance Standards and Measures (1999), the National Probate Court Standards (1993), the Guidelines for State Court Decision Making in Life-Sustaining Medical Treatment Cases (1992), and the Guidelines for Involuntary Civil Commitment (1986). He is president of Sherwood Consulting, a management and education-consulting firm in Williamsburg, Virginia. He can be contacted at [keilitz@prodigy.net](mailto:keilitz@prodigy.net).*

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[1] Commission on Trial Court Performance Standards, *Trial Court Performance Standards With Commentary*, Washington, DC: U.S. Department of Justice, Bureau of Justice Assistance, July 1997 ( NCJ 161570); Commission on Trial Court Performance Standards, *Trial Court Performance Standards and Measurement System Implementation Manual*, Washington, DC: Department of Justice, Bureau of Justice Assistance, July 1997 ( NCJ 161567); Commission on Trial Court Performance Standards, *Trial Court Performance Standards and Measurement System – Program Brief*, Washington, DC: Department of Justice, Bureau of Justice Assistance, July 1997 (NCJ 161569); and Commission on Trial Court Performance Standards, *Planning Guide for Using the Trial Court Performance Standards and Measurement System*, Washington, DC: Department of Justice, Bureau of Justice Assistance, July 1997 (NCJ 161568).

## NASJE News Launches Consultants' Page

In our continuing effort improve member services while generating new revenue sources, NASJE is launching a new and exciting on-line "Consultants' Page." Faculty consultants and vendors who wish to advertise their unique services to judicial branch educators can now do so on NASJE's website. This venture will not only advance NASJE's goal of becoming financially self-sufficient, but it will also expedite the search by judicial branch educators for faculty and myriad types consultant services.

The charge for consultants and faculty who wish to take advantage of this online advertising opportunity will be two hundred dollars a year. The Consultants' Page will provide the ability to post resumes, categories of specialized services, and subject matter expertise. Moreover, consultants will be able to post their digitized pictures and samples of streamed video presentations for judicial branch educators to view. NASJE News will assist consultants convert their pre-shot video to streaming format for our cost, an additional fifty-five dollars per hour.

Although the Consultants' Page is "up and ready to go," according to Tom Langhorne, "We are still testing it and realizing its capabilities." NASJE highly encourages judicial branch educators to visit the site at <http://nasje.unm.edu/consultants/default.asp>. If you wish to see an example of a page with all the media that consultants can display, go to the Consultants' Page, click on the link that says "NASJE Members click here if you are searching for a Consultant or Presenter;" then choose simple search and type in the keyword "Castaldi." At this moment, all consultants' pages appearing at that site are for demonstration purposes only. Encouragingly, the NASJE News editors indicate at least a dozen consultants have committed to paying to have their services advertised on this site.

However, to make this a profit- making venture for NASJE, it is critical that all judicial branch educators call upon some of their best and favorite presenters/consultants to log onto this site and encourage them to subscribe to this service. This will not only increase the number of paying consultants, but will also generate greater national exposure for these presenters/consultants and facilitate the search by judicial branch educators for premier faculty.

Checks should be made payable to NASJE and forwarded to Kim Swanson at:

NASJE Secretariat  
National Center for State Courts  
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Williamsburg, VA 23187-8798

General Inquiries can be made to NASJE News editor Tom Langhorne at 804-786-7589, [rightinfo@aol.com](mailto:rightinfo@aol.com) or [A3GenHokie@aol.com](mailto:A3GenHokie@aol.com). Website-related or technical questions should be directed to the NASJE News web developer, Pam Castaldi at [castaldi@unm.edu](mailto:castaldi@unm.edu). Payment inquiries should be directed to Ms. Kim Swanson at [Kswanson@ncsc.dni.us](mailto:Kswanson@ncsc.dni.us) or by calling her at 757-259-1804.

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## Doing Our Jobs Better!

How can I do my job as a judicial educator better? What information can I learn and exchange with my colleagues across the country to help better my skills, knowledge, and attitudes? These questions and

many others can be answered at NASJE's 27th annual conference being held at the Hotel Santa Fe in the renowned historic district of Santa Fe, New Mexico, August 18 - 23, 2002. Come join your fellow members as we undergo new learning, teaching, and thinking. Not only will you gain valuable knowledge from this education program tailored to your needs, you can experience the extraordinary legacy of Santa Fe. This 400-year-old town offers a diverse culture, breathtaking scenery, fascinating museums, wildlife, and historic buildings.

If you are able to arrive on the 17th or early on the 18th, an event you will not forget is the 81st Annual Indian Market. This event includes 1,200 artists from about 100 tribes who show and sell their work, and compete for awards. For many visitors, this is a rare opportunity to meet the artists and learn about contemporary Indian arts and cultures. Because hotel rooms in Santa Fe are hard to come by and expensive during the Indian Market weekend, the New Mexico Judicial Education Center has arranged more reasonably priced accommodations in Albuquerque for Saturday night, August 17th.

***Our focus this year is divided according to the varying hats that we wear as judicial educators: Administrative/Management, Training/Curriculum, Meeting Planning, and Personal Enrichment.***

Sunday morning starts the educational adventure with the New Member Orientation and Mentor Training in Albuquerque. New members are encouraged to attend as some of the benefits received from this extremely valuable program are: learning about NASJE, obtaining knowledge on the basics in adult education, and gathering important information on the availability of outside resources. Having the orientation on Sunday morning provides the new members equal opportunity to arrive early Sunday afternoon in Santa Fe for sightseeing or networking before the main meat of the conference.

Monday begins with the plenary session, Whole Brain Thinking: Learning Styles, presented by Ann Herrmann-Nehdi. Ann conducts, designs, and facilitates workshops and training programs based on the multiple applications of the Whole Brain Model. This fun and interactive session will explore tools that will teach you about your thinking style and show you how it affects our workplace performance, enhancing our creativity, strategic thinking, problem solving, management, teaching and learning, self-understanding, and communication. Tuesday's plenary session offers personal and professional development for members, as we hear Justice as Seen Through the Eyes of Others presented by Father Jerome Martinez. Father Martinez is highly respected throughout the southwest region and offers eye-opening insight into justice as seen by minority communities.

Offering a variety of concurrent workshops has been the drive of the NASJE Education Committee. Our focus this year is divided according to the varying hats that we wear as judicial educators: Administrative/Management, Training/Curriculum, Meeting Planning, and Personal Enrichment. A wide range of topics will include performance plans, appraisals and annual reviews, strategies that work, and getting organized. Included in these workshops will be The Kolb and Beyond Learning Styles, course & program planning, and focusing on faculty and other topics, all of which will be sure to enhance your learning. The Education Committee and the presenters have worked hard to provide quality programs and hope that all members will take full advantage of these workshops.

***The 2002 NASJE conference agenda has been reworked to respond to suggestions made by members.***

The 2002 NASJE conference agenda has been reworked to respond to suggestions made by members. We have shortened the days a bit to free up more time for networking and/or fun. The business meeting will be held during lunch on Monday allowing all of the membership in attendance to conduct our

importance business. Besides the annual regional meetings, which receive great reviews, will be a series of Round Table Brain Banks. The idea behind this is to offer everyone an opportunity to share ideas, success stories, examples of materials used, discussion on programs, developing curriculum, etc., all in a relaxed atmosphere.

The Education Committee wishes to thank the New Mexico Judicial Education Center for hosting this year's conference. With your participation, the time and effort put in by the presenters, and the dedication and hard work of the committees, this is going to be a great conference! See you there!

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## Why Four Days Won't Be Enough in Santa Fe

by Paul Biderman

The New Mexico Judicial Education Center looks forward enthusiastically to hosting the 2002 NASJE conference in Santa Fe this August. To help you sort through the massive amount of tourist material you will receive, and maybe also to plan the length of your visit, here is a brief overview from one 26-year resident of this unique place.

The two themes most commonly used to describe Santa Fe's attraction are its multi-cultural influences and its beauty, both natural and constructed. The three cultures with the greatest impact on the town are Indian, Hispanic and Anglo, but this division oversimplifies the complexities and cross-cultural influences that are present.



The Palace of the Governors where Native Americans sell jewelry, pottery, and other art.

### INDIAN CULTURE

Represented year-round by museums, galleries, and daily displays of crafts on the Plaza, the arrival date for our conference auspiciously coincides with the final day of the unparalleled annual Indian Market weekend. Hundreds of Indian artists from local and distant Indian nations display their works for direct sale to thousands of strolling visitors and locals. For those who can't get enough from that Sunday experience, there are permanent exhibits of modern and historic works at the Museum of Indian Arts & Culture, the Institute of American Indian Arts, and countless galleries. Some of the nearby Pueblos sell crafts directly from the

artists' homes, and the Pueblos welcome even non-gambling visitors just to look around.

### HISPANIC CULTURE

The influence of Hispanic culture is most immediately evident in the architecture of the entire downtown area and the design of the Plaza. Entering the downtown galleries reveals many examples of arts and crafts produced by local and Latin American artisans. The Palace of the Governors (site of our banquet) displays Spanish colonial artifacts. Nothing conveys the Hispanic influence on the area more than the numerous old Catholic churches in the downtown area, especially the majestic (well, for us small town folk) St. Francis



St. Francis Cathedral

Cathedral and Loretto Chapel with its miracle staircase. And if you like Flamenco dancing, the Maria Benitez Company is one of the best in the country.



Sculpture outside the Hotel Santa Fe

## ART

One of the largest art markets in the world, Santa Fe has a huge number of galleries and several museums displaying fine, folk, ethnic and every other kind of art. The Museum of Fine Arts downtown has excellent permanent and visiting exhibits, along with a small but outstanding gift shop. The Museum of International Folk Art rotates displays from around the world, hosts the fabulous Girard Collection featuring thousands of pieces of folk art arranged in highly creative displays, and also has a unique gift shop. The relatively new Georgia O'Keeffe Museum displays the works of this remarkable woman who made her home near Abiquiu. While galleries are everywhere, several practically qualify as museums in themselves: the Fenn Galleries (don't miss the sculpture garden!), Gerald Peters Gallery and, a block from our Hotel, Site Santa Fe offer huge collections across periods of American and European art. Or stroll past the numerous shops on quaint Canyon Road. Take a short drive to the neighboring Village of Tesuque, and you'll find the expansive Shidoni outdoor sculpture garden. And that's only the beginning.

## DINING

For those of us who find food the best way to connect to a culture, Santa Fe offers numerous opportunities. Unsurpassable (sorry, Texas) Mexican and New Mexican food is offered in many places, but can be presented in widely varying forms-and degrees of heat-even when dishes are called by the same name. Some of my local favorites that are walking distance from the Hotel include Tomasita's, La Choza, and Guadalupe Café, but there are lots more. Old Mexico cuisine is particularly well represented by the Old Mexico Grill (beyond walking distance), Mariscos, and El Meson, downtown. A great Italian meal can be purchased within walking distance at Pranzo's or Andiamo, and just a little further away downtown is Il Piatto. Heck, I'm just getting started, but you get the idea.



Tomasitas, a New Mexican restaurant popular with locals

## KIDS' STUFF

If you can bring the family, kids can enjoy the widely acclaimed Santa Fe Children's Museum (closed Mondays). Co-founding director Ellen Biderman (yes, relation) will be happy to point you to the stimulating exhibits inside and the remarkable Earthworks exhibit and greenhouse displaying desert horticulture outside. Be sure to take kids to the Girard Collection at the Folk Art Museum and to at least one Pueblo, discussed above. And take the opportunity to enjoy the high desert outdoors with them.

## OUTDOORS

Since I'm running out of space to describe the wonderful outdoor scenery in and around Santa Fe, I'll just have to offer to lead a gentle hike through our local hills on Wednesday afternoon, including a nature trail. But you can visit some of our local spectacular scenery on your own, including Bandelier National Monument (40-mile drive; easy self-guided tour through Indian ruins); Tent Rocks (slightly harder stroll through colorful cone-shaped formations on Cochiti Pueblo lands); or, for the hearty of leg and lung, the



10,000-foot high Santa Fe Ski Basin, with spectacular views and a gondola ride to the top. Of course, if you can lengthen your stay, there is fishing, golfing, camping and more.

### **PERFORMANCE ART**

Best known are the world-class Santa Fe Opera in its beautiful, partly open-air theater just outside of town, and Santa Fe Chamber Music Festival conducted at the newly renovated downtown Lensic Performance Space. Santa Fe Stages and Shakespeare in Santa Fe offer excellent theater productions. But there are many other instrumental, choral, dance, stage and unclassifiable productions as well. Buy your tickets well in advance since the opening days of our conference will be the final days of many of their seasons.

### **PHHEW**

Everything I'm writing just brings more to mind, but you get the idea. If you want to enjoy all this (and still attend the NASJE conference, remember?), you'll need to consider adding a few extra days to your visit. But the conference schedule will allow some time to explore and enjoy, too. In any case, I hope this gives you some guidance on how to read the massive brochures, and we look forward to seeing you in August.

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### **Request for Nominations for NASJE Annual Elections**

The NASJE Nominating Committee is currently accepting nominations for the following positions: Vice-President, Secretary, Treasurer, Midwest Regional Director, and Southeast Regional Director. The positions will be elected during the August 2002 Annual Conference in Santa Fe. If you wish to place someone's name in consideration for any of these positions, please call Franny Haney, Chair, NASJE Nominating Committee, at (302) 577 8501. Please note that only members from the Midwest and Southeast regions can nominate candidates within their respective region.