

NASJE NEWS

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SJI Update

Dear NASJE Colleagues:

As you may know by now, in March, Congress' omnibus FY 2003 spending bill appropriated a mere \$3 million for SJI. While all of us are grateful that level of funding (albeit minimal), kept SJI alive for another year (and alive to fight again for increased funding), we must now begin to battle in concert for SJI's FY 2004 budget request.

Last month, SJI requested Congress appropriate \$13 million in the form of an \$8 million appropriation and, interestingly, a \$5 million allocation from the Crime Victims Fund in the U.S. Treasury. We have reason to be optimistic that Congress is willing to tap the Crime Victims' Fund for SJI.

Recently, SJI representatives singled out NASJE for its willingness to step up to the plate and make calls and write letters to Congress in support of SJI Congressional funding. It is now time for us to again contact our representatives in Congress and make them acutely aware of how important SJI is to judicial branch education's mission specifically, and improving the administration of justice generally. Please contact your representative today to voice your concern for increased SJI funding. Additionally, please also contact Senator Gregg and Representative Wolf and let them know how much we need INCREASED funding for SJI.

Thank you for your valuable time and for all you do for NASJE.

Respectfully

Posted by: Langhorne, Thomas N.

SJI SCHOLARSHIPS AVAILABLE

The State Justice Institute is again offering scholarships this year to enable judges and court managers to attend out-of-State court-related educational programs. As in the past, scholarships are limited to no more than \$1,500 to cover tuition and travel costs. Judges and court managers who wish to attend courses beginning between July 1 and September 30 of this year must mail their applications to SJI by June 2. Applications for courses that begin between October 1 and December 31 must be mailed between July 7 and August 29, 2003.

For complete information about the Scholarship Program, please visit SJI's web site (www.statejustice.org), click on SJI Grant Program Fact Sheets in the left-hand column, and then click on Scholarships in the drop-down menu. You can also contact Kathy Schwartz, the Institute's Deputy Director, at (703) 684-6100, extension 215, or e-mail her at kschwartz@statejustice.org if you have any questions.

NHSTA Update

A team of NASJE members continues to work on development of a web-based resource library on drunk driving for the NASJE web site under a contract with the National Highway Traffic Safety Administration. Since its January meeting in Albuquerque, the team has assembled resources on DWI ranging from the legality of stops to scientific underpinnings for various forms of evidence to alternative sentencing. Materials being collected for the site take the form of background information for judges and court professionals, and educational curricula and course materials for judicial education planners and presenters. The New Mexico Judicial Education Center is constructing the web site, which will be demonstrated at the NASJE annual conference in August.

The team developing this site hopes that this will prove a valuable resource for the judiciary, while creating a model for future such resources. We are grateful to NHTSA for its foresight in supporting this distance learning program.

For more information or to submit materials for possible inclusion on the web site, please contact Paul Biderman at biderman@unm.edu.

Transitions

Please join us in welcoming the following **new NASJE members**:

- **Ernest Borunda**
Legal Training Advisor, Macedonia Court Modernization Project, Macedonia
- **Wendy Deer**
Counsel to the Deputy Chief Administrative Judge, New York State Unified Court System, New York, NY
- **Sylvia Edgar**
Program Attorney, The National Judicial College, Reno, Nevada
- **Kerry Guzek**
Education Program Assistant, Minnesota Supreme Court, St. Paul, Minnesota

Education Interests Internationally

Over the past several years, NASJE members are taking the opportunity to travel internationally and bring their time and talents to other countries and their judiciaries. Following are a few brief highlights on individuals we know of. If you know of others who are active internationally, let us know!

Kevin Bowling, former Director, Michigan Judicial Institute, is currently in Nigeria for the National Center for State Courts. (See NASJE News, Winter 2003)

Ernest Borunda, former Judge, California and former Dean, The National Judicial College, is currently in Macedonia conducting long range planning.

Ms. Mary Fran Edwards, formerly with The National Judicial College, is currently in Mongolia working on various projects in education.

Chuck Ericksen with the National Center for State Courts has been very active. In March 2002 he attended a summit in Jerusalem, where the International Forum for the Judiciary was created (see article in this edition of *NASJE News*). The next international Forum is scheduled for April 25-29, 2004 in Ottawa: look for further details about the Forum elsewhere in this issue and in later issues of *NASJE News*. Chuck recently traveled to China to work with the Chinese Judicial College Directors and continues to provide support to their efforts. As this update is being written, he is in South Africa for a weeklong program on *Leadership in the Courts and various other Court Management Issues*. In April, 2003 he will visit Mongolia to work on curriculum development with Mary Fran Edwards.

President's Report: Various Musings for Our Members

Traditionally, this segment of *NASJE News* addresses a single theme or issue of interest to NASJE members. Please allow me the liberty of diverging from that thematic approach to report upon several items we hope you will find of interest.

First, as an ad hoc member and first-person observer of every NASJE various working committee, I am continually amazed at the level of dedication and effort our committee chairs and committee members devote to our collective benefit. You can be very proud of both their effort and work product. It is truly at the committee level where the majority of NASJE's work is conducted and our progress is judged. We owe an incredible debt of gratitude to our committee members, who must work other "paying" full time jobs – often under increasingly difficult circumstances. Moreover, due to the fluid nature of NASJE's challenges and opportunities, many committees have been asked to assume duties beyond that for which they originally bargained. To see a list of committee chairs and members who so unselfishly devote their valuable time, please click onto "committees" on the NASJE Web Page. Please join me in expressing our appreciation for their hard work and sacrifices at your next opportunity.

As you may recall, this year saw the re-constitution of a NASJE Strategic Planning Committee. Consistent with my observations above, that committee continues to impress everyone with its substantive deliberations and with the pace at which it establishes its progress. Our intention is to present a tentative final draft to the NASJE Board prior to the August conference. That tentative draft will be emailed to each of you via a JERITT list serve prompt prior to August. Please review and reflect upon the new strategic plan's direction and content prior to coming to Reno. We will be setting aside time at the conference to hear your reactions and act on same during our conference Board meeting. As I have said previously, NASJE will be faced with several short-term and longer-term opportunities and challenges that we, collectively, must be strategically situated to embrace. I am confident you will be excited about this particular committee's work product.

Regarding our 2003 NASJE conference, if you don't already know it, the Reno-Lake Tahoe area is a wonderful and beautifully diverse area to enjoy a family vacation. Most of us are familiar with the exciting nightlife Reno offers, but I personally remain amazed at the natural beauty of the entire Lake Tahoe region. My wife and I have been fortunate to travel extensively across the United States and abroad. We both agree that the Lake Tahoe region is one of the most breathtaking we have encountered. So if you can, please plan on making this year's NASJE conference part of a family vacation (I'm actually bringing my father-in-law!).

Relatedly, we will soon be sending you a survey, again via the JERITT listserv, to measure your intentions and ability to attend this year's conference. All of us are all too aware of our many respective states' dire fiscal status and concomitant prohibitions on out of state travel. To better serve you and more accurately budget for this year's conference, we very much need to reasonably forecast the number of conference attendees. When you receive this short survey, please be so kind as to respond. Equally important, if you cannot attend this year's conference and you have ideas as to how we might nevertheless advance your educational and professional interests (i.e., through distance learning or regional meetings, etc.), please email or call me or Robin Wosje, your tirelessly devoted and talented Education Committee Chair.

I will use this opportunity to again remind and urge you to call and write your congressional representatives and express your support for increased SJI funding. We remain fairly optimistic that SJI may receive increased congressional funding for FY 2004. But it will not happen if we do not again lead the charge on this important issue. It will only take you a few minutes to make this

communication – well worth the effort when we consider the value-added benefits NASJE, JERITT, The Leadership Institute, and individual judicial branch educators have long received as a result of SJI grant-funded projects.

Lastly, the proposed 2004 International Organization for Judicial Training appears as if it will become a reality. However, our International Committee Chair (and jack-of-all-trades) Claudia Fernandes informs me that while that international conference is still planned to be held in Ottawa, it will most likely be moved from April 2004 to October 2004. Rest assured your Board and certain committee chairs are diligently working to make sure NASJE plays an important role during that conference. Please consider penciling in October 2004 if you are interested in attending. Claudia and I will keep you informed as we learn more details.

As always, on behalf of the Board, we greatly appreciate the privilege and pleasure of serving you. Please contact me if you have suggestions as to how we can improve our service to NASJE members.

Editorial: Times are hard, but there's a lot to accomplish

Times are hard and, committed professionals that we are, we all just keep on working day after day to do the best we can for the judiciaries of our respective states and other entities (NJC, NCJFCJ, NCSC, et al.). It can be hard to do your best when people around you are leaving or the money that used to support your programs is diminishing.

What can we do? First of all, don't give up. There are many options out there. Turn to co-workers and colleagues, yes to commiserate, but also to look for (or offer) help with tasks that might seem a bit more onerous given the current world and local circumstances. If lack of money is simply too great an obstacle to overcome, then reduce the number of your programs. Use the extra time you'll have to do more long-term planning or faculty development. For that matter, how many of us present grant-writing courses but don't apply for grants ourselves? Grants from various areas could possibly replace some of the money lost from our budgets. Other ways to reduce costs might include choosing more modest venues for our programs, with perhaps more modest food or refreshments.

We all often use at least some volunteer faculty; perhaps now is the time to ask our paid faculty to give us a break in their prices. Or maybe it is time to hire judicial educators from other states to come be the expert for us. (All too often you are just too close to home to be the expert.) Or maybe judicial educators can trade their services: "I'll teach a course on the MBTI for you if you'll do a course on judicial decision-making for me." Just pay expenses and transportation.

And how can NASJE help? Certainly, we should all be using the listserv more to ask for help solving some of our professional problems. Write or call your regional directors to request they set up regional conference calls during which you can work together to solve similar problems. The Western Region has even had regional conferences where they share a variety of benefits with each other.

Positive and negative things are happening in our world that could easily distract us from doing our jobs. Some touch us and those we love directly, and others touch us less personally. We and our friends may have children in harm's way in the Persian Gulf. Iraqis face the challenges of exercising long-lost freedoms. We read accounts of people losing limbs, lives, even their children's lives. Icons in our lives, such as Mr. Rogers, die. Yet, here we are relatively safe at home with important jobs to do. We may not have enough money or support, but we don't have to do it alone.

Self-Directed Learning in the Judicial Branch

Overview

Self-directed learning is a process in which individuals take the initiative to diagnose their learning needs, formulate learning goals, identify resources for learning, select and implement learning strategies, and evaluate learning outcomes, with or without the help of others (Knowles, 1980). In most education settings, the learning goals and methods are set by an instructor or some outside body. In self-directed learning, most of this control is in the hands of the learner.

The concept of self-directed learning is vital to the field of adult education, based upon the premise that adults strive for greater mastery and growth in their development and therefore take on new learning tasks as needed. Darkenwald and Merriam in their seminal book "Adult Education: Foundations of Practice" (1982) describe a number of humanist psychologists whose work supports self-directedness as a means for individual growth and development. For example, Carl Rogers describes the process of learning as adults striving to become "fully actualized." He lists the qualities of learning necessary for accomplishing this objective, which form the basis for self-directed learning:

1. Personal involvement - the affective and cognitive aspects of a person should be involved in the learning event;
2. Self-initiated - a sense of discovery needs to come from within;
3. Pervasive - the learning makes impact on the behavior, attitudes, or personality of the learner;
4. Evaluated by the learner - the learner can best evaluate if the experience is meeting a need;
5. Essence is meaning - when experiential learning takes place, its meaning to the learner becomes incorporated in to his (sic) total experience. (pp. 81-82).

Because self-directed learning is primarily controlled by the learner, it can be targeted to the specific learning needs of the learner. It can take a variety of forms. For instance, some self-directed learners use libraries for reading and research, and others engage in mentoring relationships with others to learn new skills and knowledge. Self-directed learning has been implemented in a variety of settings, including traditional classrooms, colleges and community colleges, and professional work settings. This type of learning is extremely helpful in associating new learning with previous learning, which Brookfield (1986) terms "connectedness" in learning. Within a job setting, then, self-directed learning can be a powerful tool that allows the student to connect formal or on-the-job training with previous experience, and move forward into areas where further growth and development are needed.

Application of Self-Directed Learning

We wanted to use the concept of self-directed learning in the judicial branch education program in Utah to accomplish three major goals: the first, to support the culture of lifelong learning in the court system; secondly, to provide an opportunity for staff and judges to create learning projects that were relevant to their needs; and finally, to provide another means for gaining education hours, which are mandatory in Utah. These goals were realized by developing a new means for judges and court employees to earn education credit through self-directed learning by completing an *Independent Learning Project (ILP)*.

An Independent Learning Project can be created by the judge or court employee to meet their own learning goals that cannot be met through traditional classes or conferences. Projects are focused on learning that relates to their professional development. The ILP is another way for judges and court employees to earn education hours, and may be selected by those individuals who enjoy learning on

their own. Independent learning projects became the way in which the judicial branch could take advantage of the concept of self-directed learning, and in so doing, develop a means for judges and court employees to increase their knowledge, skills, and attitudes in areas they deem important for their professional development.

Some examples of projects are:

Cross training

Computer training

Learning basics in a second language

Learning more about a specific area - sex offenders, drug treatment, restorative justice, alternative sentencing

Learning more about a specific procedure and teaching it to others in the district

Trying a new method of dealing with conflict or managing staff or using new communication skills

Process and Format of the Independent Learning Projects

An individual who is interested in completing an ILP would complete a proposal form, which requests information on the proposed project. Court employees need approval by their supervisor and trial court executive. Following this, employees and judges would need to have the proposal approved by the Executive Committee of the Standing Committee on Judicial Branch Education. Once approved, the project may be embarked upon. At the completion of the project, the employee or judge would need to verify that the learning outcome was achieved, and then up to five hours of education credit will be granted.

Certain questions were posed to the learner in the development of their Independent Learning Project:

What is the need?

In thinking about one's current job, what are the skills, knowledge and attitudes that are lacking? Are there other ways that you can obtain these rather than embark on an Independent Learning Project? (i.e., conferences, classes, etc.) In some instances, others such as peers or supervisors may help with ideas about learning needs, because we don't always clearly see what our own learning needs might be.

What is the learning goal?

Based upon the needs as articulated above, what goal do you wish to achieve? Once a goal is determined, appropriate resources can be identified. Learners have a maximum limit of six (6) months to complete their Independent Learning Project.

What are the resources to be used in achieving the learning goal?

Based upon the specific objectives, what resources can you draw upon? These might include:

- Materials (books, videos, instructional manuals)
- People (mentors, other employees, experts in a particular area)
- Experiences (classes, conferences, job sharing, job shadowing, conducting research)
- Support (from supervisor, Education Division)

What are the learning strategies to be used?

List the ways in which you will learn the information or skills. One of the best models of learning is provided by David Kolb, who introduced the "Learning Circle." This model uses four

different ways of learning that, taken together, form the basis for a complete learning event. The four methods are:

1. **Direct Experience** [experiencing something new, can be done through videos, role play]
2. **Reflection on the Experience** [thinking about that experience, through small group discussions, journalling, discussing it with another person]
3. **Abstractions or Principles** [getting more “theoretical” information about a topic, through reading, attending lectures, etc.]
4. **Application** [trying out the new skill, knowledge or attitudes, sometimes this can be the same experience as in #1, above]

What are the learning outcomes?

What is the final project of the ILP? How will it be demonstrated (knowledge, skill or attitude)? Final approval of an ILP Proposal will be done through the Standing Committee on Judicial Branch Education, normally the Executive Committee, which meets monthly. This committee will also sign off on the verification that the learning outcome has been achieved.

Conclusion

Since the inception of the Independent Learning Projects, a number of court staff have taken advantage of this type of learning. Several employees in a rural court district underwent cross-training so that they would be more effective in a variety of roles in their district - each of them received education credit through an Independent Learning Project. Two individuals read books that related to their work in the courts. The Projects are especially helpful to people in the rural districts, so they can receive education hours without having to drive in to classes in Salt Lake City, several hours away. Not everyone responds to the independent nature of self-directed learning, which does require individuals to be proactive and self-motivating; however, for those persons who possess those traits, a self-directed learning project is extremely satisfying. For more information on Independent Learning Projects, contact Dr. Diane Cowdrey at 801-578-3822.

References

Brookfield, S.D. (1986). *Understanding and Facilitating Adult Learning*. San Francisco: Jossey-Bass.

Knowles, M.S. (1980). *The Modern Practice of Adult Education*. New York, NY: Cambridge Company.

Darkenwald, G.G. and Merriam, S.B. (1982). *Adult Education: Foundations of Practice*. New York, NY: Harper & Row.

Dr. Diane Cowdrey has been the Director of Education for the Utah State Courts for nearly eleven years. Prior to being in this position, she was Project Director for the Judicial Education/Adult Education Project, an SJI-funded project. Dr. Cowdrey has a strong interest in integrating adult education principles into judicial branch education and has presented nationally in this area. She is a former Chair of the NASJE News Committee and received her doctorate in adult education from the University of Georgia.

The Hallmark of Judicial Branch Education: Being of Service

Maureen E. Conner, Ph.D.

When we think of traditional professions, we have visions of selfless individuals battling the elements, evil, poverty, ignorance, injustice, and despair for the betterment of humankind. We believe that those individuals are answering a personal and spiritual calling. Such is the *service model* of professions that was prevalent prior to the 1960s.

Under that service model, professionals struggled for years to gain the expert knowledge and skill they needed to “do good.” They often did so under the tutelage of an older and more experienced member of their professional group in combination with participating in formalized education programs. Through this process, they molded their minds and hearts to be of service to others. They acquired mastery over a body of knowledge and set of skills. The result was that they gained exclusive rights to diagnose and treat problems particular to their profession. Along with that they secured their dominance over the boundaries and jurisdictions of their work and clients; claimed autonomy and control; built status and prestige; developed terms, theories, and practices that required extensive specialized education and training; and established professional communities, which facilitated the continued need for and growth of their profession.

After the 1960s when we became more suspicious of people’s motives, professions and professionals were subject to critical scrutiny. The public began to wonder whether professionals were answering a calling or lining their pockets through their exclusivity, which often led to elitist attitudes, behaviors, and exorbitant costs and fees. Clients began to feel that they were the subjects of the profession rather than the object of the professionals’ practice. The *power and control model* of the professions was born from this critical review of the professions.

Clients felt violated by the very people that were suppose to serve them. Specialized knowledge and practice assumed importance of mythical proportions further alienating the clients and the general public. Gone were the generalists. They were replaced by expanding traditional professional groups and hundreds of new groups that viewed themselves as professionals because of their specialized knowledge and skill in areas that had never been contemplated at the time professions came into existence. The race was on to gain control over the client pool. In many instances, the service ethic played a secondary role, at best, to commanding dominance over market forces that could lead to wealth and high-profile recognition. The clients’ value rose or fell based on how they could contribute to both. Professionals were haunted by “not making it” in the eyes of their peers. Thus, they abandoned their “calling of the heart” to pursue the “calling of the market place.”

The dynamics of the market place often mystify professional practice to the extent that no one can understand it, let alone challenge it. Clients become increasingly more frustrated as their dependency increases on something they do not understand and feel powerless against. “The irony of the pathology of professionalism is that the word professional originally had a very different meaning. At root, a professional is one who makes a profession of faith—faith in something larger and wiser than his or her own powers.” (Palmer, 1990, 44).

Where does judicial branch education stand? Does it more closely represent the *service model* or the *power and control model*? In my study of judicial branch education, I found that judicial branch educators viewed themselves as change agents (Conner, 1999). They were either drawn to this work or remained in it because they believed that the public deserved a high-functioning judicial branch that could settle disputes, dispense justice, and uphold the constitution of the United States. Thus, judicial branch educators work day in and day out for a public who, for the most part, does not

even know that they exist. In fact, many of the educators who participated in my study felt that most individuals within the court system did not have an understanding of the role that judicial branch education plays in furthering the mission of the judicial branch. For the most part, they did *not* believe that court leaders—judges and court administrators—understood or appreciated the knowledge and skill required to develop and implement curricula, programs, and publications related to continuing professional education and training in the courts. Nonetheless, they continued to answer their own individual callings, undeterred by the lack of acknowledgement. Given this, we can only conclude that judicial branch education is more aligned with the *service model* of the professions.

How does the profession of judicial branch education pass on this service ethic to its new members? It does so through its association—NASJE. NASJE is the association that represents the collective values of judicial branch educators. Thus, it has the primary responsibility of acquainting new members with the values of the profession. Structurally, NASJE approaches this duty through its mentoring and orientation programs. However, the true measure of the vitality of any association is its members. Without caring, active members who are willing to give of themselves to expand and grow their profession, nothing will be transmitted to the next generation. I am a second generation judicial branch educator. I was acclimated and acculturated to this profession by first generation warriors. They were tireless and fearless. The result of their work was the development of a new profession and an association to help organize it and guarantee its longevity. At the time, the founders probably did not even know that they were developing a new profession, but instinctively they knew that they had to ground their work in lasting values and that it had to have a knowledge and practice base that it could call its own. The founders took care of each other and promoted the value of judicial branch education at every opportunity. They knew that they could make a difference. Nearly four decades later, judicial branch education is present in one form or another in every state. That is the power of being in service to others. That is the power of living the life of a change agent.

A question for second generation judicial branch educators is “have we instilled the service ethic in the third generation in a way that results in passion for improving the courts, growing the profession, and taking care of each other and future generations?” If not, then judicial branch education will become just a job rather than an opportunity to make a difference. If the meaning of this work is diminished to “just-a-job” status, then judicial branch educators are less likely to see the value in establishing reciprocal, collegial relationships, and the profession will suffer.

The founders had a larger vision and NASJE can keep that vision alive and expand it. Through NASJE, we can develop a community where the service ethic stimulates our imaginations, unleashes our genius, and touches our souls.

References

Conner, Maureen E. 1999. *Claiming Status in an Emerging Occupation: A Study of State Judicial Education in America*. East Lansing, MI: JERITT Project.

Palmer, Parker. 1990. *The Active Life*. New York: Harper Collins.

Maureen Conner is the executive director of the Judicial Education Reference, Information and Technical Transfer (JERITT) Project. She has developed, administered, and evaluated continuing professional education and training for judges, court personnel, law enforcement, and corrections since 1983. She frequently teaches or provides consultations on mentoring, curriculum and program development, professionalism, personal and professional renewal, evaluation, needs assessment, and planning.

Editor's note: Is "communities of practice" a term that is not altogether clear to you? If so, then read "The People are the Company" by John Seeley Brown and Estee Soloman Gray in FastCompany, issue 1, November 1995, p. 78 at <http://www.fastcompany.com/online/01/people.html>

VICARIOUS TRAUMA AND JUDGES

By Peter Jaffe, Ph.D.

Over the past decade, there has been increasing recognition of the impact of working with trauma victims on the helpers themselves. The term *vicarious trauma*, (or secondary trauma, or compassion fatigue), describes this impact in which the helper develops symptoms that parallel the symptoms of the trauma victim. In fact, the DSM IV (Diagnostic and Statistical Manual of the American Psychiatric Association) suggests that the development of PTSD can happen from witnessing or hearing graphic details of life threatening events.

When the term *helper* is used, we most often picture a therapist for sexually abused children, an emergency room doctor, or a police officer investigating a homicide. However, judges face the same challenges in the court room (as do prosecutors and other lawyers). Judges may face greater obstacles in confronting these problems because they are supposed to remain neutral and unemotional in reviewing the “facts” of a case before their findings and ultimate decision.

As a forensic psychologist with close to 30 years of experience working with the justice system in the areas of domestic violence, child abuse, and child custody litigation, I have gained some insight into the plight of many judges in this area. Although community members may perceive judges as privileged in their power and prestige, their suffering is no less significant, both personally and to the administration of justice itself. Their physical and emotional health is essential for an accessible and effective courtroom.

In my work as a consultant to the National Council of Juvenile and Family Court Judges and the Family Violence Prevention Fund in their program for judges entitled *Enhancing Judicial Skills in Domestic Violence Cases*, I have begun to survey participant judges on the impact of their work. Many of the participants sit on the criminal or civil bench, and some specialize in domestic violence courts. With very few exceptions, judges can relate to the impact of traumatic material on themselves and their colleagues. Domestic homicides, horrific assaults, and sexual exploitation of children relived in court by 911 tapes, graphic photographs, and victim-impact statements are examples of traumatic material.

Vicarious trauma may be exhibited by a wide variety of symptoms that are emotional, interpersonal, cognitive, behavioral and even spiritual. Judges have described how the nature of what they see and hear in the courtroom can shake their very faith in humanity. Along the way they describe depression, anxiety, sleep disturbances, hypervigilance, nightmares, and withdrawal from family and friends. The impact may be mild and short term or last for years and require mental health intervention. The clinical literature in this field stresses that these reactions are normal in the context of the violence that is being considered on a daily basis.

The impact of this trauma is unique for each judge and interacts with a number of factors such as their own background, personal circumstances, and perceived support for their role in the community. In general, judges who have experienced abuse themselves in childhood or in their adult years may suffer greater vicarious trauma. Judges who are hearing cases of unspeakable abuse to young children the same ages as their own children may experience more profound effects. As well, judges who are struggling with life crises such as illness may be impacted in more pronounced ways.

Vicarious trauma also can be compounded by stress and burnout. Judges who are experiencing heavy dockets, budget cutbacks and lack of resources may feel more hopeless about the challenges presented by cases of domestic violence and child abuse. The current budget crises across all states

have forced judges to cope with greater volumes of cases without adequate court or community resources. Longer serving judges describe more short and long-term symptoms. Female judges appear to have more symptoms, but this finding may relate to gender differences in expressing feelings and innermost thoughts on this emotionally laden subject. On a hopeful note, many judges articulate key coping and prevention strategies that are supported by the current research and clinical literature in this field. The key elements appear to be a search for balance between the bench and a home life as well as play and restful activities. An awareness of the importance of exercise and diet is essential to survival. Many judges stress the role of hobbies far removed from the bench, such as gardening and antique collecting. Some judges seek mentors and training opportunities that nourish their life-long learning and support from colleagues. Most judges wish someone had addressed this topic prior to their election or appointment or early in their career. Some judges have begun discussions on this topic as part of regular judicial meetings and build in more peer support or access to specialized counselors.

We are in the process of analyzing surveys from more than 100 judges who identify their struggles with vicarious trauma, as well as their coping strategies. We hope to write a more detailed article for the field. From our work thus far, we believe that this issue needs to be raised in judicial workshops and meetings to provide understanding and support and to enhance the effectiveness and well-being of judges. The taxing expectations and demands placed on our colleagues in the justice system leave us no option to ignore this issue.

Suggested Readings

Cerniss, Cary (1995). *Beyond Burnout*. New York: Routledge

Covey, Stephen. **First Things First**.

Covey, Stephen. **The Seven Habits of Highly Effective People**.

Figley, C.R. (1995). **Compassion Fatigue: Coping with Secondary Traumatic Stress Disorder in Those Who Treat the Traumatized**. New York: Brunner/Mazel Publishers.

Hanh, Thich Nhat (1991). **Peace is Every Step: The Path of Mindfulness in Everyday Life**. New York: Bantam.

Herman, Judith Lewis (1992). **Trauma and Recovery: The Aftermath of Violence – from Domestic Abuse to Political Terror**. Basic Books.

Maslach, Christina (1982). **Burnout: The Cost of Caring**. Spectrum Books, Prentice-Hall

Noer, D.M. (1993). **Healing the Wounds: Overcoming the Trauma of Layoffs and Revitalizing Downsized Organizations**. California: Jossey-Bass Inc. Publishers.

Perlman, L.A. & Saakvitne (1995). **Trauma and the Therapist**. New York: W.W. Norton & Co.

St. James, Elaine (1996). **Living the Simple Life**. New York: Hyperion.

Wilson, J.P. & Lindy, J.D. (Eds.) (1994). **Countertransference and the Treatment of PTSD**. New York: The Guilford Press.

Dr. Peter Jaffe is presently the Director of the Centre for Children and Families in the Justice System of the London Family Court Clinic (London, Ontario, Canada), which is a children's mental health centre specializing in issues that bring children and families into the justice system. He is a member of the Clinical Adjunct Faculty for the Department of Psychology and Psychiatry at the University of Western Ontario. In 1980, Dr. Jaffe was the founding Chairperson of the London Coordinating Committee to End Woman Abuse and is currently actively involved in research on the impact of family violence on children. He has co-authored several books on domestic violence including, "Children of Battered Women," and "Working Together to End Domestic Violence." He has been instrumental in developing the violence prevention program in his school district as a trustee for the past 20 years. Dr. Jaffe received his undergraduate training from McGill University in Montreal and his PhD in Clinical Psychology from the University of Western Ontario.

Family Court: “Yes, I Can Take Care of That For You”

by Joy Ashton

A would-be bank robber went into a branch of the Wells Fargo bank and wrote his “stick up” demand on a deposit slip. He stood in line and waited for his turn to present the slip of paper to a bank teller. He realized that the line was moving very slowly and the more time he spent in the line, the greater the likelihood that he would be caught and arrested. So, he went across the street to the Bank of America where there was no line. He walked up to the nearest teller and slid the piece of paper across the counter toward her. The bank teller glanced down at the paper and said, “I’m sorry, sir, but that is a Wells Fargo deposit slip; you will need to fill out a Bank of America deposit slip.” The man was arrested a short time later, standing in line at the Wells Fargo bank.

This event has garnered the would-be bank robber an award for “Stupidest Criminal.” However, you can’t help but identify with the fellow. He was given the “run around” that we are all familiar with. Even those of us with legitimate business often run into walls of bureaucracy that thwart our efforts and cause frustration. (The Department of Motor Vehicles springs to mind.) We wonder what it would be like if we only had to tell our story once when we call Customer Service. What if the Big Impersonal Company’s agent, instead of transferring us, said, “Yes, I can take care of that for you.”

The story of the bank robber has some parallels to the old days of fragmented family and juvenile justice. “You’ll need to wait in line.” “I’m sorry, but you are in the wrong line.” “I’m sorry, but you have filled out the wrong paperwork.” Put yourself in the shoes of a family trying to negotiate the legal system in a state where there is no unified family court system. Mom and Dad are trying to get a divorce, divide their property, determine custody and visitation, and child support. What if there are issues of domestic violence and one or both of the parents need counseling? What if Junior is involved in a juvenile delinquency case? What if the parties are representing themselves in the civil cases? To how many different “lines” do you think this family will be sent before their issues can be resolved?

The families that come before the justice system with a wide array of issues, have already endured a great deal of upheaval and stress. One of the factors that has prompted many states to move toward a unified family court system is the desire to serve families without compounding their trauma.

The desire to better serve families, along with a recognition of the increasingly complex role of the juvenile and family court, have been responsible for movements in many states to implement a more uniform and streamlined process for families to access resolution. How many states have implemented a family court? It is difficult to give meaningful statistics, because we run into definitional differences from state to state. In 2000, the National Center for Juvenile Justice published an *NCJJ Snapshot*, “Family courts in the United States,” based on a legislative and rules analysis it conducted. The results show 13 states that have “statewide” family court status, and 19 states with “specific district/court” family court status. 10 states were “actively considering” and 9 states had no activity. [Hurst, Jr., H. (2000) Family courts in the United States. *NCJJ Snapshot*, 5(7). Pittsburgh, PA: National Center for Juvenile Justice.]

In the *NCJJ Snapshot*, Hunter Hurst, Jr. tells us that no two states have addressed family court coordination in the same way. He writes, “The only consistency among efforts referred to as ‘family court’ across all the states is the common goal of improving court system performance in the interest of families.”

At a minimum, a family court should include delinquency and dissolution. A key publication on the subject was written by Judge Robert W. Page as his master's thesis for the University of Virginia Law School, Graduate Program for Judges, in 1992. He writes, "The primary indicator of the establishment of a comprehensive family court is the placement of cases involving both juvenile delinquency and divorce within one single court system." (Page, Robert W., "Family courts: An Effective Judicial Approach to the Resolution of Family Disputes," *Juvenile and Family Court Journal*, 1993/Vol. 44, No. 1 at page 8, National Council of Juvenile and Family Court Judges, Reno, NV.) Judge Page is a family court judge in a unified, "one family - one judge" system in one of the most densely populated states, New Jersey.

However, the jurisdiction of a model family court should include: abuse and neglect, adoption, alimony, child custody and visitation, child support, dissolution of marriage, domestic violence, spousal abuse, elder abuse, consent to marriage by minors, juvenile delinquency, paternity, status offenses (including children in need of supervision, truancy, runaways, etc.), termination of parental rights, etc. (*Supra*, pages 7-8)

The term "family court" can encompass so many areas of the law, in addition to all of the accompanying procedural and case management sub-issues. The opportunities to provide training to the judges and other court service professionals in your state are, therefore, limitless. If your state doesn't have a unified family court system, should you begin to plan for one? In order to implement a family court system, should you lobby for legislative change, or can you "sneak in the back door" by methodically assigning the family cases to one judge or a small group of judges (*de jure* or *de facto*)? If your state already has a unified family court system, I recommend providing training on the most promising programs from around the country in areas like alternate dispute resolution, collaborative divorce, the use of guardians *ad litem*, faith-based initiatives, or specialty courts (juvenile drug courts, mental health courts), just to name a few. Or provide the latest research on the effectiveness of batterer intervention programs or the advisability of overnight infant visitation.

One issue that will always be of interest to judges who practice in a family court system is the recognition of importance and the status of the court. Judge Page identifies this area of concern: "Too often family law issues are not considered worthy of the best judges, attorneys, or facilities and placed at a level below adult criminal or civil actions. Recognition of the importance of a family court encourages the best among the judicial system to seek and maintain positions within it. Such status also provides an example to the public that these cases are truly 'second to none' and will be accorded the highest level of decision making."

The National Council of Juvenile and Family Court Judges (NCJFCJ) has maintained a leadership role in the advocacy of family courts since at least 1959. In 2002, NCJFCJ turned the efforts of its Judicial Ethics Committee to the task of drafting Model Rules of Court with the intention, *inter alia*, of elevating the status of juvenile and family court judges. Here are a few examples of the draft Model Rules that will be voted on by the entire judicial membership body of NCJFCJ at its Annual Conference this summer:

Judicial Continuity: "Judges serving the community in juvenile and family law matters should serve a minimum of three years."

Importance of Juvenile and Family Court: "The judge with the appropriate responsibility should: motivate and educate other judges regarding the significance of juvenile and/or family court; and work to ensure that sufficient judges and staff, facilities, and financial resources are assigned to the juvenile and/or family court to allow adequate time to hear and decide the matters before it."

In addition, the draft Model Rules contain provisions regarding the standards of representation and compensation of attorneys who practice in juvenile and family law, as well as guidelines for continuing education that recognizes the special expertise required to work in the family court field.

As we launch our discussion on the topic of “family courts,” let’s keep these basic tenets in mind: the driving force behind implementing a family court system should be to better serve the children and families of America; the ideal family court system for your particular state is going to be different from any other state’s family court system; and steps should be taken throughout to recognize the importance and status of the family court system and those who work in it.

CONFESSIONS OF A JUDICIAL EDUCATION JUNKIE

. . . and a few positive college recollections.
by Hon. William P. Williams

Something good for the soul

Judicial educators are free to consider this column as a belated valentine. Fellow judges may view this column as an unabashed endorsement. But, most of all, this column is a confession . . . I really like judicial education. There are at least four reasons why I like judicial education:

First, there is the process of getting smarter, or at least a postponing of the process of getting dumber. This is the official *raison d'être* for judicial education. We learn all the recent developments in the law. Occasionally, however, the educators abandon the traditional format and throw the blue/greens a curve ball. Some sort of “best practices” breakout session gets scheduled and the blue/greens are suddenly sent off on riotous excursions with the yellow/reds. It’s a real hoot.

Second, there is the change of pace, or at least the change of companions. My regular gig is juvenile and family court, unquestionably the most lively and visceral forum in all of the judiciary. Every day contains elements of Jerry Springer (minus the contrivance), O. J. (minus the cachet) and Oliver Twist (minus the happy ending). So, it can be downright pleasurable to attend an educational function, if for no other reason than to be reminded what people sound like when they’re not venting spleens, spewing bile or recounting genuinely dreadful experiences.

Third, there is the opportunity to share knowledge and experiences, or at least the opportunity to share pictures of grandchildren. You can become isolated when you’re a judge. It takes a couple of events before you realize it: you end up in line at the grocery store behind a guy you previously sentenced to six months in jail; your teenage son confides that his friends are afraid to come by the house; your genuine friends in the Bar become stilted and afraid to look like they’re “kissing up;” your disingenuous friends in the Bar become smarmy and “kiss up” with impunity. Fortunately, however, you develop new friendships. Judicial conferences and educational programs afford opportunities to meet some remarkable folks: brainy wonks from Northern California, sturdy Mormons from Utah, canny political survivors from Cook County, Apache tribal judges from Arizona, and a host of others.

And, finally, there is the opportunity to get out and see the good old USA. Conferences and educational programs are often held at great places – Orlando, Jackson Hole, Vail, Monterey, Key West, etc. Then, too, a good number of programs are presented in Reno. And since I really like Reno, I suspect that this might be a good time to put in a plug.

The company town

As cars are to Detroit, rubber to Akron and okra to Texarkana, so judicial education is to Reno. Oh, I know there are many excellent programs throughout the country, and Reno certainly has other claims to fame. But the NJC and the NCJFCJ are both based in Reno. And sooner or later, almost every judge ends up on the doorstep of the University Inn.

It wouldn’t have occurred to me – that Reno might need a plug – until a colleague once asked, “Don’t you think that Reno is kind of tacky?” Well, it got me thinking. Maybe Reno is “kind of tacky.” After

all, there are the gambling casinos, pawnbrokers and quickie wedding chapels, all the accoutrements to discourage reflection and encourage impulsiveness. And, like all gambling destinations, Reno certainly panders to cupidity.

Still, “tacky” seemed like the wrong description. It would imply that Reno presents a poor imitation of what it purports to be. But Reno is the real deal – exactly what it purports to be – an overt expression of traditional American optimism. It supplies substance and gives life to the belief that success may follow the next turn in the road or the next turn of a card – probably a little naïve (though vindicated just often enough to sustain vitality), but never “tacky.”

More important, there is another Reno – the city known by the locals – and you can easily fall in love with this city. This is where the mountains meet the desert, and there are many beautiful places: the old part of the University campus, the River Walk, the May Arboretum, Donner Pass, Pyramid Lake and virtually everything around Lake Tahoe. Also, the residential areas in the foothills surrounding Reno are filled with neat houses, and great recreational facilities are abundant.

Moreover, the blend of low brow and high brow – the combination of casino hotels and educational institutions – cause Reno to be more cosmopolitan than any other city of similar size. In a single evening you can see a college basketball game, a string quartet recital, a professional bowling tournament and a concert by “Hootie and the Blowfish,” all without ever encountering parking difficulties or a traffic jam.

Poor, but not ignorant

Of course, most discussions of educational venues, including Reno, have been chilled of late by cutbacks in funding. All too often, the question of where we’re going has been superseded by a question of whether we’re going at all. There is great danger in this.

It’s true, judges can learn with relatively few amenities, at least for awhile. Indeed, if it would help us to be better judges, most of us would be willing to attend class in the caves of Tora Bora. But, in the long run, we need the experience and expertise that can only be found within the institutions and programs specifically conceived and maintained for the purpose of our education.

The need for judicial education never diminishes. Obviously there’s a lot for newly elected or appointed judges to learn. But old-timers need education too, and experienced educators are often the best persons to tell the old-timers what they need to know.

For example, some judges may be brilliant legal scholars, but they may have problems managing their docket, or they may have difficulty making decisions. Conversely, some judges may be decisive and efficient, but they may need to be reminded to crack the books. The problem is that judges have a lot of localized power, and no one within our local court “family” is likely to complain to us about our deficiencies. However, judicial education, when done properly, brings us to realization. It promotes introspection and self-diagnosis, it enables us to make the necessary mid-course corrections, and it sends us home renewed and rededicated.

So, in these days of financial difficulty, judges need to be a little pushy. Being well educated is a big part of why we’re judges in the first place. Staying well educated is essential to the quality of justice in our courts. We may be poor, but we shouldn’t have to be ignorant too.

International: Recent Developments

1) International Conference: Justice Georgina Jackson (Canada) reports that they now have approval to proceed in organizing the next conference on behalf of the International Forum for the Training of the Judiciary. Their conference will be known as the Canada Conference: *Teaching the Judges of the World* (or some variation of this). It will take place **April 25-29, 2004 in Ottawa**. Planning is proceeding with respect to the program. She reports that they want to focus on how organizations teach judges, from a skills perspective. This would include how to train a judicial faculty, how to develop a curriculum and individual learning plans, long distance education and so on. In addition they plan to teach some substantive programs in the areas of social context, judicial independence and ethics. They will be issuing a request for proposals for papers within the next month or so. The Organization is focusing on funding issues and developing a website. They are particularly concerned about ensuring judicial education organizations without resources will be able to attend the next conference. They are also looking for financial assistance with respect to simultaneous translation; Spanish to English and French and vice-versa.

2) The National Judges College of the Supreme Peoples Court of China: Mr. Guan Yi (one of the Directors of the Chinese Judicial College) is currently in the States conducting research at the China Law Center of Yale Law School. The National Judges College is heavily involved in court reform and as such sent a senior judge of SPC and Mr. Guan to Yale for two months for in-depth research on the issue of court reform and comparative analysis.

International Forum for Training of the Judiciary First International Conference

*March 17-21, 2002
Dan Panorama Hotel, Jerusalem, Israel*

Letter from Conference Attendee

Dear Colleagues:

It was exactly one year ago that on behalf of NASJE and the National Center for State Courts I attended the First International Conference of the International Forum for Training of the Judiciary that was held in Jerusalem. In today's turbulent world the rule of law is one of the very few institutions that have remained reasonably unchanged. Consequently, it is important to reflect on the impact judicial education can have on the efficient and effective education of the judiciary and its promise for promoting the rule of law and the independence of the judiciary.

The decision to hold this conference in Jerusalem was reached at a meeting of an organizing committee that was convened back in December 1999. The objective was to create a forum for discussing and hopefully creating an international organization of institutions concerned with promoting the field of judicial branch education. The Organizing Committee, with financial support from the World Bank, exerted great effort in organizing a superb conference that not only met this objective, but also served to inspire each of the nearly sixty attendees representing 25 countries from around the world to form a new Organization (see IOJT Statutes sidebar).

A number of lectures on the general nature of the importance of international cooperation for the training of judges as well as shorter presentations by participants who represented national institutions for the training of judges were delivered through the week. These reports from the various national institutions were very enlightening. They served to emphasize that judicial education and training is occurring in various countries, and that the entire field of judicial education is changing more rapidly than expected.

International cooperation in these matters is therefore essential, which leads me to hope that the creation of the International Organization that resulted from the forum will fill a vital need. We judicial educators, representing nearly forty years of growth and development in the field of judicial education, are in a position to assist in this important endeavor. More significantly however, we are in a position to learn.

It has been my experience that exchanges between judicial educators are invaluable. Establishing an international system that facilitates these exchanges will create a network of judicial education institutions that can promote the sharing of judicial educators, educational materials and resources, and adult education principles and practices.

The Second International Conference of the Organization for Judicial Training will be held in Canada in the spring of 2004. The Executive Committee will meet in Sydney, Australia, in April of this year in order to formalize the Conference's program and determine its agenda. A number of sessions will consist of lectures and study group discussions on the theory and practice of judging. Such matters, for example, as the aims and objectives of judicial education, its substance, its teaching methods and

devices and the training of instructors at judicial institutes will be discussed. The Executive Committee is also looking into the establishment of a website, developing a newsletter, the formation and operation of a library of books on judicial education.

Chief Justice Aharon Barak, President of the Supreme Court of Israel, presented these comments at the opening of the First Conference of the International Forum:

“What is our role, the role as judges these days? Cicero said that: ‘***Silent enim leges inter arma.***’ (‘The laws are silent amidst the clash of arms’ or ‘When the cannons fire, the muses are silent.’) What is our role as judges in a democracy generally, and in time of tension specifically?” These questions, it seems to me, are relevant to our profession as well, as one should know what the role of a judge is in order to know how to prepare him or her for that role. I hope to see you in Canada in 2004.”

The Statutes developed during the Forum follow.

The International Organization for Judicial Training

STATUTES

Article 1: Organization

1. The international Organization for Judicial Training (IOJT) consists of judicial training institutes that have been admitted pursuant to the requirements of these Statutes.
2. English will be the working language of IOJT.

Article 2: Aims, Objectives and Activities

1. The purposes of the IOJT are:
 - a) To encourage the establishment of judicial training institutes;
 - b) To promote the rule of law;
 - c) To consider common issues for the training and education of judges;
 - d) To develop machinery for the exchange of judges;
2. The IOJT will achieve these purposes by:
 - a) Promoting and advancing co-operation among its members
 - b) Facilitating international exchange of information;
 - c) Organizing international, national and local meetings and congresses;
 - d) Preparing and distributing professional materials;
 - e) Developing educational programs and materials;
 - f) Promoting and conducting collaborative research;
 - g) Developing consensus statements on issues relevant to IOJT;
 - h) Establishing committees to deal with specific issues, and
 - i) Pursuing other means harmonious with the purposes of IOJT.
3. The IOJT will advance and promote the study, instruction and training of the art of judging.

Article 3: Membership

1. Judicial training institutes whose goals are consonant with those of the IOJT are eligible for membership in IOJT. A judicial training institute is a local, national or international institute that offers training to potential or active professional judges.
2. The decision to admit a judicial training institute to the IOJT is made by the Executive Committee. Applications by national judicial training institutes will be automatically approved by the Executive Committee. Other applications will be approved by the Executive Committee at its discretion.
3. The participants of the 2002 judicial conference constitute the Founding Body of the IOJT and are regarded as voting members of the First General Assembly.

Article 4: Structure

The IOJT will consist of a General Assembly, an Executive Committee, a President, Deputy Presidents, Secretary-General, Treasurer, and Chair of a policy and other committees.

Article 5: The General Assembly

1. The General Assembly is the governing body of the IOJT. It is composed of the delegates of Member Judicial Training Institutes. The General Assembly meets every two years. An extraordinary General Assembly may be convened at any time by the Executive Committee or at the request of at least a third of the Member Institutes. Decisions of General Assemblies will be made by a simple majority vote of the Member Institutes present, unless otherwise provided in the following articles. There will be no voting by proxy.

2. The General Assembly:

- a) Determines the policies of the IOJT.
- b) Receives the reports of the President, the Secretary-General, the Treasurer and the Audit Committee.
- c) Elects the President, Secretary-General, Treasurer, and Chair of the Policy Committee for a term of office of two years. They shall constitute four members of the Executive Committee. The fifth member will be appointed by the President and will be the Conference Organization Committee Co-chair from the next conference site.
- d) Elects five Deputy Presidents, one from each of the following regions: Africa, Australasia, Europe, North America and South America, for a term of office of two years.
- e) Authorizes the President to appoint an additional Deputy President as needed.

Article 6: The Executive Committee

The powers of the IOJT between the General Assemblies are vested in the Executive Committee. The decisions will be made by a simple majority vote in the minimum presence of three members. In the case of parity of votes, the President has a casting vote. The Executive Committee shall determine its procedure and mode of voting. Unless the Statutes designate otherwise, the Executive Committee shall appoint all committees, including a three member nominating committee.

Article 7: The President

The President chairs all meetings of the General Assemblies and the Executive Committee. The President is responsible for the implementation of the decisions of these bodies. The President convenes the General Assembly and the Executive Committee and decides upon the agenda of their meetings. The President represents the Organization in all official matters.

Article 8: Assets

The assets of the IOJT will be utilized solely to meet its financial liabilities. Organization members, members of the Executive Committee, the various committees and other officers will not be personally liable for debts incurred by the Organization.

Article 9: Amendments of the Statutes

The Statutes of the IOJT may be amended by two-thirds majority vote taken at the General Assembly. Any proposals for a change of the Statutes will be circulated to all Members and has to be submitted to the Executive Committee for its recommendation at least three months before the meeting of the General Assembly.

Article 10: Dissolution

1. The dissolution of the IOJT will be decided by the General Assembly at the request of the Executive Committee, or at the request of more than one half of the Members. The General Assembly will, with two-thirds majority, order the dissolution of the Organization.

All sums remaining within the funds of the IOJT after liquidation will be distributed equally among the Members.

The International Organization for Judicial Training

Executive Committee

Chairman: Justice S. Levin Secretary General: Judge (ret.) A. Carmi Judge C. Wallace Judge (ret.) P. Cotter

25 Feb. 2003

To: The President
The Deputy Presidents
Members of the Executive Committee
Committee Chairpersons
Organization Members
Potential Members

Mentoring

by Ellen Marshall

Erik Erickson tells us that, at the generative stage of our careers, we desire to nurture others in the profession. We yearn to leave a legacy for those who follow. It is this desire, this yearning, that forms the basis for mentoring NASJE colleagues.

As I pen this article the entire Northeast is under a blanket of snow. It strikes the author that this is a fitting metaphor for beginning this work. In this profession seasoned JBEs are often motivated to wrap those less experienced brethren with the mantle of lessons learned.

History

Although NASJE formally adopted mentoring as an organizational goal in 1996 with the assistance of an SJI grant, in the late 1970s when this organization began, the primary focus was to mentor one another. Mentoring formed the basis for developing this profession of judicial branch education. When Safron Nejelski (WISC), Tony Fisser (CT), Paul Li (CA), Richard Saks (NJ) and Connie Dove (CA) gathered to ask the seminal questions, "Whom do we serve?" "How do we convince experienced jurists that education is continuous?" and "How do we convince court administrators to pay for instructors and travel? And, most importantly, " Why do the courts need professional educators to plan JBE activities?" Those were the first questions of a mentor/mentee relationship.

Twenty-eight years later the answers to those initial questions resulted in an internationally respected discipline. In 1991, some of those first conveners wrote The Principles and Standards of Judicial Education under the leadership of Tony Fisser. CCJ and COSCA adopted those standards revised in 2001. In the intervening years those same standards have been incorporated in the development of judicial branch education in Australia, Egypt, New South Wales, South Africa, the Philippines, Greece, several countries of the former Soviet Republic, Bulgaria, and Rumania.

NASJE Mentoring

The initial conferences of our growing profession began the tasks of the current NASJE mentors. Those individuals condense the professional literature, synthesize the practices, and identify the markings of successful judicial branch organizations. At Santa Fe's 2002 NASJE conference, ten mentors gathered to reexamine the components of a system for mentoring new NASJE members. Over three hours the workshop's participants demonstrated a commitment to share the legacy of JBE through mentoring.

The role of the NASJE mentor is primarily one of welcoming the talents and intelligences of those persons new to the professional discipline. Second, via a telephone conference call, the mentor elicits information from the mentee about initial challenges the educator has faced and explores alternative strategies to address those challenges.

Third, the mentor and mentee collaborate on how this relationship will exist and function. For example:

- Should we speak regularly by phone or email?
- How much guidance do you want ?
- Are there guideposts we should recognize, like the first board meeting?
- Initial budget submission?
- First conference planning?

- Initial NASJE conference?

All of these points need discussion.

NASJE Mentor Committee members in 2001 reviewed existing mentor procedures to prepare for the training. That committee also solicited for new mentors, resulting in the workshop in Santa Fe.

Mentoring began perhaps with the ancient Greeks and forms the basis of many professions today. Many NASJE members experienced the benefits of mentoring and being mentored in their courts and universities. The mentor-mentee relationship with a colleague from another state, another nation, although less intensive, is no less gratifying and profession-generating.

Ellen Marshall
April 15, 2003

***Courage To Live* Faculty Development Training To Be Provided to Tribal Court Judges**

by Mary Ann Aguirre, Program Attorney
The National Judicial College

The National Judicial College has recently been awarded a grant by the Bureau of Indian Affairs, Office of Traffic Safety, and NHTSA Region 6 (New Mexico) to provide *Courage To Live* Faculty Development Training for Tribal Court Judges from around the nation. *The Courage To Live* Program, funded by NHTSA for mainstream judges, has now been expanded to reach tribal court judges.

The Courage To Live program won the 2001 Adjudication Award from the National Commission Against Drunk Driving and is a judicial outreach program to combat underage drinking and driving. The Courage To Live program allows interested judges to get involved in prevention education with young people in their local schools. It provides judges with the teaching tools, resources, and information they need to deliver a strong prevention message to our nation's youth.

The Courage To Live Program has two major components:

1. To train judges from throughout the country to implement *The Courage To Live* Program in their own communities;¹ and
2. Once trained, to have judges teach young people in their state, or tribal jurisdictions, about the potentially tragic consequences associated with underage drinking and driving through *The Courage To Live* curriculum.

The Courage To Live curriculum was designed to incorporate music, magic, interactive learning, cutting edge technology, dynamic speakers, and real-life courtroom experiences to teach young people about the potentially tragic consequences of underage drinking and driving. The target audience for *The Courage To Live* program are middle school students ages 12-14. This target group was chosen because statistics show that children age 11-15 (and younger) are using alcohol and it is the number one drug of choice among our nation's youth.

The Courage To Live program, funded by NHTSA, with contribution from OJJDP, will now be modified to reflect the culture and heritage of the Native American communities across the country. Tribal leaders, including tribal court judges, will be provided with faculty development training to tackle the serious problem of underage drinking and driving on tribal lands. Alcohol related crashes are the number one killer of our nation's young people and the problem of fatalities is ten times greater for Native American youth than for other groups in this country.

The college, under the auspices of the National Tribal Law Center, will be working with the Oglala Sioux Tribe, the Navajo Nation, the Rosebud Sioux Tribe, Cheyenne River Sioux Tribe, Fort Belknap Tribe, Shoshone and Arapaho Tribes, Spirit Lake Tribe, and Fort Peck Assiniboine and Sioux tribe.

NHTSA has also provided funding to The National Judicial College to prepare an Action Guide for Judges to implement *The Courage To Live* program. The Action Guide will be available in the spring of 2003. The guidebook is intended to allow judges to create and implement a tailored *Courage To*

¹ *Courage To Live* Faculty Development training has occurred at The National Judicial College since 2000. Many state teams have been and will continue to be trained at the college to implement the program in their jurisdictions. The college has also trained judges in other states at the request of several state judicial educators.

Live program in their community and provides the reader with a model one-day, model half-day and model one-hour *Courage To Live* curriculum. The guidebook will be used for the Courage Faculty Development Training of both tribal judges and others that attend this training.

If you are aware of any outstanding native-American tribal underage drinking resources or would like further information, please contact The National Judicial College at 1-800-25-Judge.

*Mary Ann Aguirre joined The National Judicial College in December of 1998. Her work at the College relates to projects conducted on behalf of the National Highway Traffic Safety Administration and the Federal Motor Carrier Safety Administration. She developed the "Courage To Live Program" an award winning national outreach and judicial education and training program to combat underage drinking and driving. Ms. Aguirre graduated from the University of California at Berkeley with honors and is an honor graduate of Hastings Law School in San Francisco.

Tech Corner

by JoDale Bearden
Program Coordinator

Texas Municipal Courts Education Center (TMCEC)

Going online is all about getting instant access to information, people, ideas, and products, basically with no limits. No limits means as far as the mind can imagine. It may sound magical, not even Muggles¹ can access the entire Internet, but all of your dreams for education can come true through the Internet. With so much happening so fast, it is easy for us to miss new developments and new technologies. The old way of books and paper no longer has to be the standard way for judicial educators. Most of the technologies discussed in this article are things that you may be using at home already; they are just used in a different way to benefit your constituents. Below are some internet technologies that you may find useful:

WEBSITE

Websites can be a benefit to judicial education both by a training agency having a website and by educators utilizing the information found on websites. Many training agencies have websites available as a tool for their constituency. They may list their upcoming training schedule, contact information, newsletters, links to useful resources, course material, and New Mexico's Judicial Education Center's website even houses an interactive courtroom. The possibilities are endless. If you are interested in seeing what other education centers are doing, check out the links page from the NASJE website.

<http://nasje.unm.edu/links.htm>

Websites can also be a great source of information for adult educators. Legal research, for example, can be more timely and efficient when using www.lexis.com or www.westlaw.com, both pay-for legal research services. Sites such as www.findlaw.com offer free case law searches, both national and state. Statutes, attorneys general opinions, and case law can be found on internet sites all over the web. Again, educators can see innovative programs that other training centers and courts are implementing by visiting their websites. The World Wide Web is full of information waiting to be disseminated, if only the reader takes the time to search for it.

LISTSERVS

A listserv is a program that manages a list of e-mail addresses and distributes messages to subscribers. It enables people to regularly communicate with large numbers of people with similar interests; in our case it could be our judges or we as educators. Listservs enable people to receive, read, and reply to e-mail that is delivered to everyone who has subscribed to the mailing list. The list of subscribers is maintained on a server, when messages are received by the server, or posted, the server e-mails the message to all subscribers on the list.

Listservs can serve two purposes for judicial educators, listservs for educators (such as JERITT's listserv) or listservs for our constituents. TMCEC hosts several listservs for our different populations, judges, prosecutors, and court administrators. The listservs are maintained as a forum for exchanging ideas and asking questions. Listservs are easy to start and join. Visit <http://www.groups.yahoo.com> and <http://www.groups.msn.com> for free hosting.

THREADED DISCUSSIONS

Threaded discussions are a series of discussion topics linked together in such a way that the readers can follow the entire discussion path upward or downward, reading threads of conversation among

¹ "Muggles" is the term used in the *Harry Potter* series to refer to non-wizards.

multiple users. Unlike e-mail, the files are saved permanently in a folder so any visitor can review them at any time.

Similar to listservs there are multiple ways to utilize threaded discussions for judicial education. Threaded discussions can be used as a question and answer section open to your constituency or as a discussion forum for you with your constituents. Threaded discussions are a little more difficult to implement, but there are free and pay for templates available all over the web. A great example can be found at www.justiceserved.com, click on “ask an expert.”

These are just a few of the technologies available through the web that judicial educators can use. Technology can be used to improve the education of judicial personnel, whether it be to make the training center more accessible to their constituents, or to distribute the most amount of information over the least amount of time. Over the next year many of these technologies and others will be covered more in depth in the Tech Corner of *NASJE News*, so stay logged on.

Editor's note: This article is the first in our new Tech Corner series. Its goal is to inform those of us not regularly utilizing the Internet of some benefits to doing so.

Jo Dale Bearden is the Program Coordinator for the Texas Municipal Courts Education Center. She was brought up in a rural area outside of Birmingham, Alabama, but came to Austin for its fine higher education institutions. She graduated from Saint Edward's University with a Bachelor of Arts in Criminal Justice. She went on to receive a Masters of Science in Criminal Justice from Southwest Texas State University. Ms. Bearden has authored several articles for *The Recorder*, a TMCEC publication, including the Tech Corner and court security articles.

Motivating Employees

by William Brunson

In a year that features a recession, war, and for many governments, layoffs, motivating employees can be difficult. Nevertheless, certain principles apply despite some of the forces that you, as a manager, cannot control. This article will define those factors that de-motivate and motivate employees and ensure a successful work environment.

Motivating employees is an art, not a science. Indeed, one business magazine noted:

“Unfortunately, motivating people is far from an exact science. There's no secret formula, no set calculation, no work sheet to fill out. In fact, motivation can be as individual as the employees who work for you. One employee may be motivated only by money. Another may appreciate personal recognition for a job well done. Still another may work harder if she has equity in the business. But you can boil down employee motivation to one basic ideal -- finding out what your employees want and finding a way to give it to them or to enable them to earn it.”

See <http://www.inc.com/guides/hr/20776.html>.

Many managers mistakenly believe that low salaries are the primary source of dissatisfaction for most employees. “This is the most common misconception of management,” says Pamela Stepien, human resource manager for The National Judicial College. “Actually, the most important source of dissatisfaction is rarely identified by managers, probably because they believe that they are already doing it.” The number one cause of employee satisfaction: Lack of appreciation. This begs the question: As a manager, how do you show that you appreciate your employees?

The primary method of showing appreciation is the simple “thank you” for a job well done. This is often overlooked in the busy workplace because most managers are busy trying to address employee problems such as misconduct, lack of productivity, personality clashes, etc. Most managers will find, nevertheless, that once they begin concentrating on the positive, their employees’ productivity will increase because we all like to receive praise. It’s important to provide immediate positive feedback and putting that positive feedback in a letter or thank you note is even more effective.

To motivate employees to carry out the mission of the organization, the manager must know what that vision is. Leadership or setting forth the vision for the organization is extremely important for a manager. If all of the employees can clearly see the vision, they are more likely to reach it.

When surveyed, employees reported that they would like to see their managers do the following:

1. Communicate better (69%)
2. Set the example (46%)
3. Be more appreciative (39%)
4. Don't micro-manage (37%)
5. Show genuine concern (36%)
6. Try new things at work (36%)
7. Listen to my ideas (30%)
8. Be more fun (26%)
9. Other (16%)
10. Get a job somewhere else (7%)

Gregory Smith, *HERE TODAY HERE TOMORROW: TRANSFORMING YOUR WORKFORCE FROM HIGH TURNOVER TO HIGH RETENTION* (Dearborn Trade Pub., 2001).

Communicate better. To communicate better, provide your employees with as much information about your organization as possible. Managers have many more opportunities to learn about organization strengths, weaknesses, opportunities and threats. It is best to communicate these things with your employees, so they can help in developing strategies. Further, make sure that you're "present" during the day. Many managers make the mistake of going into their offices and never coming out. It is important for managers to walk around during the day and share information with employees as they work. One management consultant recommends "when the afternoon slump hits (around 3:00 p.m.) take a walk around the office and ask people, 'How's it going?' This is a time when everyone needs a quick lift, and [the employees] will appreciate your care and concern." Phyllis Davis, *Becoming a Caring Leader* (visited March 30, 2003) <http://entrepreneur.com/article/0,4621,303220,00.html>.

Set the example: This may be urban legend, but there is a story about Mahatma Gandhi and his ability to set an example for others. A mother approached Gandhi and asked him to help her because she wanted her child to quit eating candy. After two weeks, Gandhi had still not spoken with the child. Frustrated, the woman approached Gandhi and asked why he had not spoken with her son. Gandhi said that he had to quit eating candy before he could ask the child to do so. In sum, no one appreciates the manager who suggests, "Do as I say, not as I do." A good manager leads by example.

Be more appreciative. All management experts suggest that managers should be more appreciative of their employees. Managers can show their appreciation in a number of ways including praise, thank you notes, and of course, money. One possible method of appreciation is to give your staff the opportunity to voice appreciation during staff meetings. Consider starting staff meetings with an opportunity for your employees to extol one another's virtues. This sets a positive tone for the meeting, and it allows them to feel appreciated. Finally, don't make assumptions about what will motivate your employees. One prominent management newsletter noted:

"Many managers wrongly assume that everyone likes or wants the same types of rewards and recognition. Rewards need to match your employee's needs and wants. Ask your employees which forms of recognition they most appreciate."

Johns Hopkins University, *HR Today: Creating a Healthy Workplace* (visited March 30, 2003) < <http://www.jhu.edu/~hrtoday/febu2000/p8.html> >.

Don't micro-manage. "Micromanagement" is defined as "to direct or control in a detailed, often meddlesome manner." <http://dictionary.reference.com/search?q=micro-manage>. Micromanagement often results when the manager doesn't respect or trust the employee to whom he or she assigned a project. If you don't trust or respect the employee, don't assign the project. You need to identify why the lack of trust or respect is present. Once identified, find ways to reduce its effects. Delegate tasks and give employees the freedom to figure out how the task will be accomplished. Managers should not worry about how an employee solves a problem as long as the problem is solved. None of the above suggests, however, that the manager shouldn't check in with employees on the status of projects. Indeed, employees appreciate that communication, especially when the manager offers assistance. Further, the manager must be sure that the employee has the proper training and education to perform the tasks requested of him or her.

Show genuine concern. As discussed earlier, communication is the most important aspect of good management. Part of that communication is listening to your employees' concerns and showing genuine concern for their problems at work and, sometimes, at home. This concern will create a bond with employees that goes beyond the simple paycheck. A further benefit is that the knowledge about your employees' situations will assist you in managing projects.

Try new things at work. Many managers unwittingly stifle creativity by criticizing employees for performing their work in unconventional ways. For any organization to progress, it must constantly re-examine why it does certain things. Part of that re-examination involves trying new things. Much like a business, the justice system has to change to meet the needs of its customers. Most courts have seen a drop in civil litigation filings. To thwart the loss of "business," many courts now offer mediation and other court-connected dispute resolution methods to remain relevant.

Listen to employee's ideas. During a busy day, many managers make the mistake of forgetting to listen to their employees. An employee can tell when his or her manager is pretending to listen while reviewing a document or otherwise looking away. "An AOC/Gallup poll found that over 20% of American workers feel that their bosses hardly ever listen to their problems and concerns. And that can cause resentment," noted Career-Central in *15 Ways to Be a Better Boss* (visited March 30, 2003) <http://www.career-central.org/better_boss.htm>. Career Central recommends that you avoid distractions and pay close attention to the employee, restate the idea to ensure you have it correctly and pretend that you're listening to the CEO (in your case, likely the Chief Justice). *Id.*

Be more fun. A fun workplace is necessary for ensuring a workplace with low turnover, happier employees, and happier customers:

"Dr. David Abramis at Cal State Long Beach has studied fun at work for years. He's discovered that people who have fun on the job are more creative, more productive, better decision-makers, and get along better with co-workers. They also have fewer absentee, late, and sick days than people who aren't having fun.

The benefits to a pleasant and happy workplace are that happy employees are more loyal and productive employees. The absenteeism and tardiness rate may decrease as people look forward to going to work. The turnover rate may decrease, as employees feel content and loyal to an organization. And the cost associated with illness may decrease as people experience the positive physiological and psychological effects of laughter."

Mary Rau-Foster, *Humor and Fun in the Workplace* (visited March 30, 2003) <<http://www.workplaceissues.com/arhumor.htm>>. Consequently, a manager will experience more productive employees with greater loyalty, less use of sick leave, and lower turnover. Celebrated CEO Herb Kelleher stated, "You can buy airplanes, you can hire pilots to fly, you can sell tickets, but you can't be Southwest Airlines because you can't duplicate our spirit."

In summary, motivating employees adds to the bottom line. Indeed, Sears, Roebuck and Co. surveyed 800 stores and found that when employee attitudes improved by five percent, customer satisfaction rose 1.3 percent and revenue grew 0.5 percent. See http://www.entrepreneur.com/Your_Business/YB_SeqArticle/0,4621,297355,00.html. Of course, the court system doesn't measure revenue, but it certainly is concerned with public trust and confidence. The bottom line is motivating employees will make your job more rewarding, energizing and fun.

For more reading:

Max Messmer, *MOTIVATING EMPLOYEES FOR DUMMIES* (New York, NY: Wiley Pub., 2001)

Aubrey Daniels, *Effective Employee Reward Programs* (visited March 30, 2003)

http://www.entrepreneur.com/Your_Business/YB_SegArticle/0,4621,298384,00.html (suggests that “employee of the month” programs are ineffective and shouldn’t be used as an employee motivational tool)

Scott Miller, *Internal Customer Service: Getting Your Organization to Work Together* (visited March 30, 2003)

http://www.entrepreneur.com/Your_Business/YB_SegArticle/0,4621,299619,00.html (provides four tips for creating an environment where internal customer service is important, thereby increasing employee satisfaction and motivation)

Scott Miller, *More Tips for Internal Customer Service* (visited March 30, 2003)

http://www.entrepreneur.com/Your_Business/YB_SegArticle/0,4621,300834,00.html

Pamela Rohland, *You’re My Hero: How to Be a Mentor to Your Employees* (visited March 30, 2003)

http://www.entrepreneur.com/Your_Business/YB_SegArticle/0,4621,270969-----,00.html (provides four key ingredients to an effective mentoring relationship that motivates employees)

Laura Tiffany, *Interview with Wage and Compensation Experts Patricia K. Zingheim and Jay R. Shuster* (visited March 30, 2003)

http://www.entrepreneur.com/Your_Business/YB_SegArticle/0,4621,275306,00.html (advocates the creation of a variable pay wage and compensation plan that the employees help to create)

Scott Miller, *How to Reward Employees When Your Budget Is Tight* (visited March 30, 2003)

http://www.entrepreneur.com/Your_Business/YB_SegArticle/0,4621,297355,00.html (provides seven tips for recognizing employees’ work with an emphasis on appreciation letters, including employees in decision-making, employee learning opportunities, celebrating successes and providing free time and flexibility to employees)

Alex Hiam, *Employee Recognition: Why It Matters* (visited March 30, 2003)

http://www.entrepreneur.com/Your_Business/YB_SegArticle/0,4621,301003,00.html (provides four ideas for recognizing employees including positive reinforcement, celebration of company milestones, recognition of star performers, and recognition of effort not just results)

Phyllis Davis, *Becoming a Caring Leader* (visited March 30, 2003)

<http://entrepreneur.com/article/0,4621,303220,00.html> (provides ten tips for caring leaders, including walking around numerous times during the day to visit employees as they work, celebrating victories, encouraging organization to make the work environment less stressful, creating a locked suggestion box, offering incentives such as time off for community volunteerism, encouraging friendship among co-workers, hiding anger, and showing your humanity)

David Lee, *If You Want to Succeed in Today’s New Economy, Learn How to Optimize Employee Emotions* (visited March 30, 2003)

<http://humannatureatwork.com/Employee-Motivation-Articles-1.htm> (provides suggestions on the importance of management training, showing respect for employees’ ideas, utilizing the mental resources of employees, giving employees control over their work, allowing employees the power to please the customer, and noticing when employees do something right)

F. John Reh, *How to Be a Better Manager* (visited March 30, 2003) <
<http://management.about.com/library/weekly/aa102699.htm>> (offers a helpful quiz to determine if you have the qualities to be a manager).

William Brunson became academic director of The National Judicial College on October 1, 2001. Before this appointment, he was the assistant academic director for more than four years beginning in January 1997. He also served as a program attorney for four years and as a program coordinator for the College under a Bureau of Justice Assistance grant in 1992. He received his Bachelor of Arts degree from the University of Nevada, Reno. During his undergraduate education, he served as an aide to the United States Pretrial Services Agency in Reno, Nevada. He later received his J.D. degree from Willamette University College of Law. While in law school, he worked as an associate editor of the *Willamette Law Review*. Before joining the staff of NJC, Mr. Brunson engaged in the private practice of law. He is a member of the Nevada State Bar. In 1999, he received a President's Special Service Award presented by NASJE. He is a board member of the State Bar of Nevada's CLE Committee, an editorial board member of *NASJE News* and a member of the American Society for Training and Development. In 2002, he was elected vice president of NASJE. Mr. Brunson is the author of "Using Sophisticated Audiovisual Aids in CLE Presentations" in *The CLE Journal*, October 1998. He has educated faculty both nationally and internationally on adult education philosophy and practice, and he joined the faculty of The National Judicial College in 1997.