NASJE NEWS – SPRING 2004 VOLUME 19 NUMBER 2

SJI Scholarships Available

Judges and court managers who wish to attend out-of-State court-related educational programs beginning between July 1 and September 30, 2004, may submit their applications for scholarships between April 5 and May 31. Scholarships may cover tuition, travel, and lodging (up to $150 per night, including taxes) up to a total of $1,500. You may access the scholarship application forms on SJI's web site (www.statejustice.org) and fill them out on line; however, you must mail them rather than submit them electronically, as the Institute requires an original signature on the application.

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, then click on Scholarships in the drop-down menu. You can also contact Candice Jackson, the Institute's Scholarship Coordinator, at (703) 684-6100, extension 216, or e-mail her at cjackson@statejustice.org if you have any questions.

SJI "Hot Products" Available on the Web

If you participate in JERITT's listserv, you already know that you can now access Hot Products developed with SJI support electronically from JERITT (http://jeritt.msu.edu) and SJI (www.statejustice.org). Hot Products are SJI grant products of special interest to State courts nationwide. Some Hot Products may have demonstrated continuing value over the years; others are more recent releases addressing important current issues confronting State courts. Most Hot Products are available online and may be downloaded or printed in full. Items for sale are designated with a For Sale banner.

Judicial Branch Education Technical Assistance Grants Available from SJI

The next mailing deadline for the Judicial Branch Education Technical Assistance Grants offered by SJI is June 4, 2004. This year, SJI has eliminated the cash matching requirement for this program in order to make it easier for State and local courts to apply. In addition to curriculum adaptation and consultant assistance in planning, developing, and administering judicial branch education programs, these grants of up to $20,000 may support assistance in maintaining judicial branch education programming during the current budget crisis, or development of improved methods for evaluating judicial branch education programs. The SJI Board reviews and approves requests quarterly. For additional information about the Judicial Branch Education Technical Assistance Grant Program, please contact Kathy Schwartz at (703) 684-6100, ext. 215, or kschwartz@statejustice.org.

NASJE/NHTSA Online DUI Library

The National Association of State Judicial Educators (NASJE), with funding from the National Highway Traffic Safety Administration (NHTSA), is pleased to announce the inauguration of the national Online Resource Library for the Judiciary on Impaired Driving, at http://nasjedui.unm.edu. This resource library provides judges, court staff and judicial educators with a comprehensive and user-friendly source of materials on numerous aspects of impaired driving criminal cases. Users of the site can find up-to-date, informative materials on everything from initial stops and field sobriety tests to expert testimony, sentencing and DUI courts.

Anyone wishing to access the resources of the online library may search by topic, key word, or by the type of material needed. Each resource is categorized under the topics that it addresses, and a short summary of the content is provided. Most of the resources are accessible instantly online through links to informative websites, streamed videos and text materials. The resource library also provides information on ordering materials that cannot be accessed directly online,

such as CDs and DVDs. Each resource is identified as to its affiliation—judiciary, government, prosecution, defense, vendor or other—to provide guidance on the perspective from which the material was produced.

The DUI Resource Library was developed for NASJE by the New Mexico Judicial Education Center at the University of New Mexico Institute of Public Law. After using the online library, please complete the brief online survey form to help maintain and improve this site.

International Update

Justice Georgina Jackson of Ottawa, Canada indicated to NASJE International Committee Chair Claudia Fernandes in early April that conference planners now have 25 judges from Africa, 4 judges from the Philippines, and 4 judges from China signed up for the conference. In addition, 35 Canadian judges have been approved by the federal judiciary to attend.

So the conference is definitely taking shape. If you are planning to go, please make your intention known to conference planners. For more information, see the full agenda for the Second International Conference on the Training of the Judiciary * to be held from October 31 to November 3, 2004, in Ottawa, Ontario, Canada.

Transitions: New Members

Please join us in welcoming the following new NASJE members:

Ms. Elaine Chou
Curriculum Specialist, National Center for State Courts, Williamsburg, Virginia

Ms. Lynn Carson
Judicial Project Specialist, Pennsylvania Coalition Against Rape, Enola, Pennsylvania

Ms. Josephine H. Deyo
Senior Attorney, Office of the State Courts Administrator, Tallahassee, Florida

Mr. David A. Foster
Program Attorney, California Administrative Office of the Courts, Education Division/CJER, San Francisco, California

Hon. Beverly Jones Heydinger
Administrative Law Judge, Minnesota Office of Administrative Hearings, Minneapolis, Minnesota

Kathy W. Morrison
Staff Attorney Judicial Project, Pennsylvania Coalition Against Domestic Violence, Coalition Against Domestic Violence, Harrisburg, Pennsylvania

Erin Ruff
Education Analyst, Oregon Judicial Department
Salem, Oregon

Karen Sedlock
Judicial Educator, Montana Supreme Court
Helena, Montana

Henry George “Skip” White
Senior Attorney, Office of the State Court Administrator
Tallahassee, Florida

From the Editor

I would like to use this space to draw your attention to the modestly posed, yet provocative article by Maureen conner elsewhere in this issue. Her title should entice you, but even if it doesn't, please read what she shares and try to imagine a way to apply even one of her suggestions. JERITT is a great resource, available to us all at no additional charge. Share this article with your faculty planners and see if they would be willing to try some of what JERITT offers to us all.

Thank you Maureen and JERITT.

Something else in this issue that should help us add a lighter side to what we do is an article on games usable in judicial education. Please read this article <(Thiagi's $20 game)>, explore the link to the Thiagi website, and see if there is something you can use in your work.

Finally, I have a bittersweet task. It is time to extend to Billie Lee Dunford Jackson of the NCJFCJ my thanks and the thanks of the entire NASJE membership for all she has done to improve the NASJE News while on the editorial board. Additional work responsibilities have required her to leave the editorial board at this time. Good luck, Billie Lee, in all your future endeavors. What you have shared with us has been invaluable.

Next issue will have the agenda for our upcoming conference. Robin Wosje and the education committee have been working very hard to make our August 9-12 conference in Baltimore the best yet. Be sure to save those dates on your calendars. We all look forward to seeing you there.

Readiness for Justice in Courts: The Role of Judicial Education, Part III

Patricia H. Murrell

This is the third in a series of articles addressing theoretical areas that will aid judicial educators. Experiential learning appeared as the first article <click here to read this article>, life cycle theory was the second <click here to read this article>, and cognitive development will be the last. These theoretical bases are joined with the teachings of the legal profession and court system education to provide the necessary guidance for planning and carrying out educational programs. These three streams of research also support the mission and purpose of judicial branch education and help to define its outcomes.

Stage Theories

Stage theories attempt to plot the progressions or changes in how people think as they experience and try to cope with the challenges of their lives regardless of age. Each stage has particular intellectual tasks and ways of thinking to be mastered before a person can move to the next stage; however, as in life cycle theory, issues are not resolved "once and for all" and will have to be re-visited as crises occur.

William Perry's (1970) Scheme of Intellectual and Ethical Development offers one description of the stages through which people move as their ways of thinking become more inner-directed and more complex. It represents the way individuals process information and interpret the world outside of themselves, including peers, knowledge, the environment, and authority, in addition to addressing the processes used in decision-making. Each stage represents a qualitatively different way of thinking and a restructuring in the direction of increasing complexity.

Perry's research was conducted with predominantly male, traditional-aged, white undergraduates at a highly selective institution of higher education, and it is in that context that the theory has found its greatest application. It has not, however, been completely ignored by legal education, the academic course followed by most people in their journey to becoming judges, court managers and other court employees. Paul Wangerin (1988), Associate Professor of Law at John Marshall Law School, in his article "Objective, Multiplistic, and Relative Truth in Developmental Psychology and Legal Education" states that "William Perry … describes a cognitive development sequence in the intellectual abilities of young adults that can readily be used to catalogue the various developmental phases through which many law students seem to pass," and links Perry's ideas to law school students anecdotally and, indirectly, empirically. More recently, Jane H. Aiken, a law professor at Washington University School of Law and a Carnegie Scholar (2001), has discovered Perry's work and its contribution to her ability to help learners develop higher order thinking skills and arrive at what she terms "justice readiness." Both of these works assist us in making the leap from undergraduate education to legal education and on to continuing judicial education, with Knefelkamp's (1999) reminder of Perry's anticipation of later models of adult transition.

According to Perry (1970), as persons mature, they find their way of thinking increasingly inappropriate and at odds with their experience and the learning derived from it. The resulting disequilibrium and dissonance require a transition to the next stage.

In the first stage, *dualism*, truth and authority are so integrally linked that people assume that what is said is true simply because the source is authoritative. In their systematic search for authority, dualistic thinkers place little value on the opinions of their peers, and when presented with two opposing views will ask, "Which one is correct?" They often have trouble accepting the response that there is no fully agreed upon answer to that question. Aiken (2001) assumes that most of her learners are beyond dualism. However, she observes that the shock of law school and its traditional teaching methods often drive students to embrace this dualistic thinking, and Wangerin (1988) acknowledges the frequency of dualism seen in law school students.

Movement from early dualism begins when persons see that different authorities give different answers to the same questions. Aiken (2001) proposes challenging and confronting students with hypothetical problems that have multiple solutions and contextual complexities as a way of promoting the desired growth. It is essential, however, to provide adequate support in this process.

In the early part of Perry's next stage, *multiplicity*, people believe that the world of knowledge is divided into that which is known and that which is not known. As they come to experience more and more unanswered questions, they recognize diversity of opinions as legitimate. Because they lack the ability to discriminate between opinions as a function of context and particular circumstance, they are unable to make sound judgments as to which is better. As Aiken observes, they "come to understand that knowledge is constructed but believe that there are no ethical or moral principles within which such construction occurs." (p. 2) There is little concern for substantiating the way one looks at an issue.

The shift to the next stage, *contextual relativism*, is regarded as the most dramatic. As the locus of control shifts from external to internal, the self assumes legitimacy not only in the learning process, but in defining reality. In legal education this may occur when the learner encounters complex problems where the law and justice do not seem in accord (Aiken, 2001). They recognize that while everything is relative, it is not equally valid, and that only in contexts can truth and value be defined. Here persons are able to enter into the thinking of other people, experience empathy, and thus understand them more fully.

Perry's last stage is *commitment in relativism*. Individuals at this stage are characterized by [an ability to deal with paradox, to make decisions in the absence of clear or complete information, and to tolerate ambiguity.] They know that commitments do not actually settle things or make them easier, and, in fact, may generate additional options and present new and difficult questions and that a clanging often occurs when commitment intersects with an adversarial system of justice such as ours. According to Aiken (2001), choices are mediated by values. The commitment that she is seeking in her students is to social justice. This happens when the student realizes that law is not neutral and that the playing field is not level. This stage is also marked by an ability to identify assumptions and the effect of those assumptions on choices and behavior.

Adding strong support and breadth to Perry's work is the work of Mary Belenky and her colleagues (1986). Raising questions about the paths that females take in moral and intellectual development, they propose a set of perspectives associated with women's views of reality that shape their conceptions of truth, knowledge and authority that are similar to those Perry identified for men, but that differ in some ways. One of their significant findings is a pre-dualism category that they call *silence* where women experience the self as mindless and voiceless with no capacity for knowing. This stage was not found on college campuses, but may be found often in the court system. An understanding of this intellectual deprivation can be very helpful to judges and others who encounter victims of sexual, emotional or physical abuse.

The power in the two studies, as they blend and overlap, is their representation of a wide range of humanity, rather than in similarities and differences based on gender. This broad spectrum of men and women at several stages of growth closely resembles our diverse population, and contributes to our understanding of the complex mosaic of human development. Together with experiential learning and life cycle, they provide a powerful underpinning for judicial branch education.

Continuing Professional Education for Judges and Other Court Personnel

Planning education programs for the court system that prompt individuals to move from dualism through multiplicity to relativism and commitment is a challenge. However, the complexity of the issues brought before the courts demands an equivalent level of complexity in the thinking of court personnel. Such programs demand attention to both the content of material as well as the processes or strategies used by the teacher.

While this theoretical material may be unfamiliar to court personnel, it resonates with our understanding of ourselves, our journeys through law school and other formal education experiences, our experience in practicing law or other work, and our analysis of our roles in the courts. Most of us are introspective enough to nod in the affirmative when asked if we can recall our own cognitive functioning at stages lower than Perry's relativism.

The consensus of the court system personnel who have worked with this material has overwhelmingly been in favor of judges who function at the stage of relativism or commitment in relativism. This goal presents an enormous challenge in designing continuing professional development for the judiciary. It demands that greater attention be paid to teaching strategies—the Kolb model addressed earlier is one possibility—and that more attention be paid to content that introduces new and stimulating ideas, that challenges the participants, and that encourages introspection rather than mere information exchange. A curriculum that attends to four areas offers a starting place.

Content and Process
The content of judicial education programs has historically been centered around substantive law. Increasingly, however, courses are needed that deal with social issues and with new knowledge that has been discovered in areas that impinge on the law such as genetics. The establishment of dedicated courts that deal with specific types of cases has created a need for understanding issues such as drug abuse and domestic violence. Thus, the curriculum has moved toward a more interdisciplinary content, challenging judicial educators to reach beyond traditional presenters.

The advent of technology in the courts has brought about a need for new skills on the part of judges and others who work in the courts. Case flow management, use of computers on the bench, electronic presentations in the courtroom, and the provision of access to electronic information for users of the courts are only a few of the applications that judicial educators may be responsible for offering. Other skill areas such as opinion writing, courtroom management and interviewing also remain important.

Judicial branch education has the opportunity to address not only the role of the court employee, but the soul of that person as well. Topics such as judicial philosophy, ethics, professionalism, and issues of civility are extremely important and demand introspection. Such a topic as ethics, for example, requires that individuals explore the landscape of their own minds and their habits as they craft a personal code that can guide their practice with integrity. Topics such as sexual harassment or diversity may also present opportunities for self reflection in addition to information exchange.

Other curricular areas that address the personal growth of court personnel may be stress management, retirement planning, substance abuse, or professional/personal balance.
Such a curriculum reflects the call for "clear space, contemplative time, and good conversation to engage and understand complex problems" issued by Daloz, Keen, Keen, and Parks (1996). This call includes the need for different teaching strategies. While there remains a substantial amount of information exchange, particularly in the substantive area, there is a need for presentation skills on the part of the teacher that can enable the participants to engage in meaning-making or to see the application of the new material to their work and their lives. For these presentation and process skills, we encourage judicial educators to return to the work by David Kolb in the first installment of this series.

Literature
Literature has long been accepted and utilized as a vehicle for the transmission of values in our culture and as a means of engaging with larger issues and universal concerns. The use of literature in judicial education offers a means to explore how various life experiences shape our moral and ethical character at different stages during the course of our lives. David Denby (1966) writes about reading literature as "the trying on of selves," and "taking on one identity after another." This active engagement with the narrative and the characters can assist professionals in the justice system to move toward a greater understanding for and appreciation of the complexity of the human condition. It can enlarge one's system of values, provide a greater capacity for ethical behavior and help to ensure a more effective judicial system (1999).

Conclusion

The three theoretical streams, experiential learning, life cycle, and cognitive development intertwine, support, and compliment each other. They serve as background against which to design continuing education activities for judges and other court personnel. The experiential learning material provides teaching strategies that challenge learners to take in and process information in new and different ways, yet providing support. Taking into consideration identity, intimacy, and generativity as powerful motivators, a curriculum can be developed that encourages movement from simplistic to more complex ways of thinking. I believe that such an outcome is essential if the courts are going to be able to appropriately deal with the complexities that our global society presents to them. Otherwise, we will be, to use Kegan's phrase, "In over our heads" (1994).

References
Aiken, J. (2001). Teaching "justice readiness:" A developmental approach to legal education. *The National Teaching and Learning Forum, 10(6),* 1-5.
Belenky, M., Clinchy, B., Goldberger, N., & Tarule, J. (1986). *Women's ways of knowing: The development of self, voice, and mind*. New York: Basic Books.

Claxton, C., & Murrell, P. (1992). *Education for development: Principles and practices in judicial education.* The Judicial Education Reference, Information and Technical Transfer Project, East Lansing, MI.
Daloz, L., Keen, C., Keen, J., & Parks, S. (1996). *Common fire: Leading lives of commitment in a complex world*. Boston: Beacon Press.
Denby, D. (1996). *Great books*. New York: Simon and Schuster.
Kegan, R. (1994). *In over our heads: The mental demands of modern life.* Cambridge, MA: Harvard University Press.
Knefelkamp, L. (1999). Introduction. In W. G. Perry, Jr. (Ed.), *Forms of ethical and intellectual development in the college years: A scheme.* San Francisco: Jossey-Bass, Inc., Publishers.
Murrell P., & Carpenter, W. (1999). Reconnecting with values and ethics: Learning lessons from literature and human developmental theory. *Judges Journal*, 38.
Perry, W. (1970). *Forms of intellectual and ethical development in the college years: A scheme*. Troy, MO: Holt, Rinehart & Winston.
Wangerin, P. (1988). Objective, multiplistic, and relative truth in developmental psychology and legal education. *Tulane Law Review*, *62*, 1237-1301.

Patricia Hillman Murrell is Director of the Center for the Study of Higher Education and Professor in the Department of Leadership at The University of Memphis. She is also the Director of the Institute for Faculty Excellence in Judicial Education. She has worked with judicial educators in numerous states, as well as with the Federal Judicial Center, the National Council of Juvenile and Family Court Judges, the NOW Legal Defense and Education Fund, the National Association for Court Managers, the National Council for Juvenile and Family Court Judges, the Conference of Chief Justices and Court Administrators, and the Blue Ridge Institute for Southern Juvenile and Family Court Judges. She also serves as a member of the Advisory Council for the Institute for Court Management of the National Center for State Courts. She is the co-author of Education for Development: Principles and Practices in Judicial Education; Learning Styles: Implications for Educational Practices; and Sexual Harassment in Higher Education: From Conflict to Community, along with numerous other articles and book chapters. She received her Ed.D. degree from the University of Mississippi and assumed the role of Director of the Leadership Institute in 1995. She has also been named by the Tennessee Supreme Court to the Judicial Evaluation Commission for the state of Tennessee.

THIAGI GAMES FOR JUDICIAL EDUCATORS

This is the first in a series of articles for using Thiagi's Games in judicial education programs. The purpose of the games is to use interactive strategies in fun ways. All of Thiagi's Games can be found at the following address: http://www.thiagi.com/games.html. Each article will begin with an unedited version of the game in question. At the end, you will find a "judicial education debrief." This article features how Thiagi's $20 Game can be effectively used to educate judges about the unreliability of memory, especially in relation to eyewitness testimony. You may find that the $20 game has other uses, and NASJE News *would like to hear from you about your ideas.*

THIAGI'S $20 GAME

I'm sure that you have handled a $20 bill recently. Did you pay attention to the bill? Do you remember whose portrait is on this bill? Here's a quick jolt that emphasizes the importance of mindfulness.

Pair up participants. Ask each participant to find a partner and sit (or stand) facing him or her. If one participant is left over, you become the partner.

Show the money. Ask each pair of partners to produce a $20 bill. If any of the pairs cannot find a $20 bill, lend them one or ask them to use any other bill. Ask the partners to hold a single bill by its opposite corners so that each participant can see only one side of the bill.

Begin questioning. Ask partners to take turns asking questions about the side of the bill they can see. Sample Questions:

1. **How many times is the number 20 printed on my side?**
2. **How many times is the word "twenty" spelled out on my side?**
3. **What building is shown on my side?**
4. **Which direction is Jackson facing in the portrait?**
5. **Complete this sentence found on my side of the bill: This note is legal tender for all debts, _____.**

As soon as one partner asks the question, the other partner must give an immediate answer. Correct answers earn a point. Incorrect answers or no answers earn no points. The questioner should immediately give the correct answer.

Switch partners. Stop the question-and-answer activity after a few minutes. Ask participants to walk around and find a new partner. (They can also switch to the other side of the bill, if they want). As before, ask the partners to sit or stand facing each other and hold the $20 bill in such a way that they can see only one side.

Continue questioning. Ask the partners to use the same procedure as before for asking questions, answering, and scoring points. Conclude the round after about 2 minutes.

Judicial education debrief: To show the unreliability of memory, especially in relation to eyewitness testimony, the instructor or facilitator should lead a discussion utilizing the following questions:

1. Why don't we remember these details?
2. What allows us to remember details like faces, buildings, etc.? Are there triggering events?
3. Does a person's concentration upon a face, building, etc., change that person's ability to remember it later?
4. Why do you think that jurors sometimes place such emphasis on eyewitness testimony when we know it's often inaccurate?
5. How long is that information accurately stored in memory? Does the passage of time impact that memory?
6. What is the judge's obligation with regard to eyewitness testimony? Do you merely rely upon the attorneys to ask the necessary questions to ascertain the validity of the eyewitness testimony or do you have an obligation to ensure accuracy in identification?

How would you use it? Can you think of any different uses? Please write to *NASJE News* with your ideas for using Thiagi's $20 Game. Interested in thiagi's monthly newsletter? Click <here> for information about the one for March.

-----Original Message-----
From: thiagi@thiagi.com [mailto:thiagi@thiagi.com]
Subject: Play for Performance: March 2004 Issue Ready

The latest issue of the electronic newsletter, "Play for Performance"
is now available on my website. You can retrieve it from
www.thiagi.com/pfp/march2004.php.

The March issue includes

* An editorial about the best way to sell the concept of training
  games.

* An announcement about Workshops by Thiagi's first public workshop in
  many years.

* An interview with Matt Richter, a talented facilitator, an
  experienced storyteller, and our newest co-worker.

* A structured sharing activity by Matt Richter that helps
  participants explore the components, characteristics, challenges,
  and characters associated with a training topic.

* A discussion of when to conduct a debriefing session.

* A fast-paced simulation that enables participants to experience
  difficulties with memory.

* An announcement for an upcoming NASAGA Chapter conference in Keene,
  New Hampshire, USA.

* This month's Open Question online activity that deals with
  unconventional uses of the debriefing technique.

Read and play the latest issue. Send me your feedback
(thiagi@thiagi.com).

Playfully,
Thiagi

Develop Blended Learning Experiences Using JERITT

By Maureen E. Conner, Ph.D.

What is blended (AKA: hybrid) learning? It is learning that takes place utilizing both traditional education and training delivery mechanisms and new electronic technologies. Blended learning is gaining followers, and it can be easier and less expensive to mount than a full menu of high-tech distance education options. JERITT can help states implement blended learning through its electronic communication services, which are free to judicial branch education organizations. Here are just a few ideas on how to offer blended learning using JERITT's list servers, threaded discussions and chat rooms.

Traditional Live Offerings with Pre- and Post-Electronic Interaction

The education and training needs and desires of judges and court personnel have always outstripped our ability to deliver. Time and resource constraints have often precluded the full treatment of subjects supported by the necessary follow-up that would ensure transfer of learning and workplace improvement. More can be accomplished in traditional live offerings through beginning the learning prior to the live seminar and extending the value of the seminar long after the last travel voucher has been processed. This would require a shift in thinking about how to develop and market such efforts. For example, you would not just announce that your organization will sponsor a program in June with some pre- and post-discussion starting in May and ending in October. Rather, you would announce that a program has been developed to address a certain need that begins in May with formal electronic discussions, posting of information, and the like followed by a live program in June with discussion groups and chat rooms dedicated to supporting workplace improvement plans through October.

When would you use such a format? You would do the pre-seminar work when you need to build support for a subject, deliver a large amount of information prior to a live program to ensure that the learners have the same knowledge base, collect data about the skill level or perceptions of the learners, and develop team and faculty relationships and relationships before the learners attend the live program. You would use list servers, chat rooms, and threaded discussions to facilitate the post-seminar work. Following a live seminar with electronic communication allows the faculty members, judicial branch educators, and organizational leaders the opportunity to support the learners as they implement the new knowledge and skills gained from the program. Workplace learner groups that involve the learners and other appropriate individuals in the organization increase the likelihood that change can occur through the early identification and resolutions of obstacles.

Structured Self-Study and Electronic Communication Opportunities

Articles, books, procedure manuals, and/or websites can be used to increase the learners' knowledge of organizational procedures or professional development topics. This material can be sent either electronically or by mail so that the learners have an opportunity to explore it and prepare to engage in discussions about the applicability of the ideas, concepts, and information. Facilitated electronic discussion groups can challenge learners to think critically, creatively, or systematically about what the information means to them and how it can be used. This process encourages brainstorming, which can increase the amount and level of innovation that can be realized in the workplace.

Mentoring and Coaching

One way in which ongoing education and socialization of employees can take place is through mentoring. Mentoring programs are in place in almost every state for a variety of judge and court personnel groups. The success of mentoring is based in part on correctly matching mentors and protégés and ensuring that they will have frequent and meaningful contact. Most traditional mentoring programs utilize a significant amount of face-to-face interaction. Electronic communication can be used to supplement face-to-face contact when time and money constraints make running a traditional mentoring program more challenging. Another reason for integrating electronic contact in your mentoring programs is so you can expand the way in which people can be mentored. Traditionally, mentoring is defined as a one-to-one relationship between a more seasoned member of the organization or profession and a new member. Courts are so diverse in the populations they serve and the ways in which they conduct their business, however, that a new member may need more than one mentor. Electronic communication would allow a judicial branch education organization to mount a subject matter or court systems expert pool that could be available on an on-call basis. In addition to mentoring,

these experts could coach the new members on how to approach, process, and/or resolve specific situations. Coaching is an excellent way to build skill in thought and action.

Reading Clubs
Many judicial branch education organizations use literature as an educational or personal development vehicle. Online reading clubs offer the opportunity to use literature more frequently and with a larger group of people. An adept facilitator can choose topics for discovery and discussion and establish threaded discussions to engage the readers. One of the surprising benefits of electronic discussions is that learners who do not typically participate in programs that involve self-exposure of values, beliefs, attitudes, and the like, will do so when they can fully explore their own thoughts before sharing them with others. Threaded discussions allow them to do just that.

Problem-Solving
We all wish we had a crystal ball to use when determining whether a particular course of action would solve a problem or alter a path taken before it was put into place. Using electronic communications, administrators can pose a problem or condition and engage all affected parties in developing scenarios that would employ the identified course of action and see what kinds of outcomes result. By involving all organizational partners and players in this process, everyone has an opportunity to shape the process and the outcome through what they learn. Electronic problem-solving allows for greater input from more people; thus, reducing the likelihood of failure and increasing the likelihood of support. The problem and the solution belong to everyone.

If you would like to brainstorm more creative ways to develop blended learning experiences, contact Maureen Conner or Dawn Wilson at JERITT: 517.353.8603 or jeritt@ssc.msu.edu

Maureen Conner 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.

Maureen is the executive director of the Judicial Education Reference, Information and Technical Transfer (JERITT) Project. The JERITT Project, housed in the School of Criminal Justice at Michigan State University, is the national clearinghouse for judicial branch education publications and information. Maureen is also an assistant professor in the School of Criminal Justice and director of the Judicial Administration Program at Michigan State University. She routinely consults with state, national, and international judicial branch and justice system organizations. Previously, Maureen was the director of judicial education for the Illinois Supreme Court and an education program manager for the Michigan Judicial Institute. In the private sector, Maureen was president of Yarrow, a conference and retreat center for corporate executives.

She has authored eight monographs and numerous journal articles and book chapters.

Maureen received her Ph.D. from Michigan State University in sociology, her MA from Western Michigan University in public administration, and a BA in criminal justice from Michigan State University. She is the recipient of the 2001 Ernest C. Friesen Award and the Sixth Annual Howell Heflin Award.

You Said It But Did They Get It? How To Check For Understanding

By Sharon L. Bowman, MA
Professional Speaker and Corporate Trainer
Director, The Lake Tahoe Trainers Group

P.O. Box 564, Glenbrook, NV 89413
Phone: 775-749-5247 Fax: 775-749-1891
E-Mail: SBowperson@aol.com Web-Site: www.Bowperson.com

> You just finished giving a workshop for a group of court staff members on the quality of justice in state courts. Your workshop participants listened attentively the whole time your were talking.

Now you stop and ask, "Do you understand?" They nod their heads. You continue, "Do you have any questions?" They shake their heads. "Good," you think. "They've got it."

Or do they? During the next few days, some of the staff who attended your workshop make a number of decisions that cause you to wonder, "Didn't they HEAR what I told them? If they had only LISTENED, they'd know the right thing to do!" You end up spending precious teaching time helping them correct their mistakes and reviewing the information you already gave them.

So how do you make sure your workshop participants "get it" the first time you say it? How do you know if they REALLY understand what they hear?

According to Madeline Hunter, former professor of the University of California at Los Angeles and author of ***Enhancing Teaching***, you "check for understanding" either during or after you give information to other people. [Checking for understanding simply means you stop talking and ask your workshop participants to SAY or DO something with the information you just gave him.]

You decide to use the following "check-for-understanding" stra-tegies that will give you a good indication of whether or not the participants understand, remember, and can apply what they have heard.

REPEAT-BACK: Commercial pilots do it all the time because it's part of the FAA flight regulations. Pilots repeat aloud what the flight control tower tells them to do. This verbal repetition of information serves two purposes: 1. It lets the control tower know if the pilot heard and UNDERSTOOD the information correctly; 2. It gives flight control the opportunity to IMMEDIATELY correct any mistakes in hearing, which, in the case of air travel, can save lives.

No, you don't say to your workshop participants, "Repeat what I just said so I can see if you're listening or not!" Instead, you ask them to tell you what they just heard so you can make sure you didn't leave anything out. Or you tell them to repeat what they learned to make sure you explained it clearly enough. Or you ask them to tell each other the three (or two, or four) most important things they remember from the information you just shared. The Repeat-Back will give you immediate feedback as to what they do and don't understand.

THINK-BACK: Also called "passive reflection," the Think-Back gives learners time to think about what they have heard. According to David Meier, director of the Center for Accelerated Learning and author of ***The Accelerated Learning Handbook***, learners need "to reflect on experience and to create connections, meanings, and values" out of new information.

You ask the participants to think about the new information and how it fits with what they already know. Or you ask them to share a comment or a question about what they heard you say. Or they take turns telling you one way they might be able to use the new information in their own work. Again, you will get a clearer picture of what they do and don't understand from the Think-Back dialogue.

TEACH-BACK: You know your information upside down and inside out. Why? Because you've taught it often enough that you've mastered what you teach. Participants need to do the same thing - they need to teach the information to each other in order to master it.

You direct them to pair up and to pretend that one person is the "teacher" and one is the "student." The student asks questions about the new information (as if he doesn't know the answers) and the teacher explains the answers. Then they switch roles and repeat the procedure, asking different questions. You listen to their conversations and affirm what they say or correct any misunderstandings. They can also give each other corrective feedback.

PLAY-BACK: What many people call "role-play," author Robert Lowe calls "improv." In his book ***Improvisation, Inc.,*** Lowe documents the power of this strategy as a communication, evaluation, and feedback tool. It follows then, that the improv or "Play-Back" is another useful (as well as fun!) way to check for understanding.

You tell your workshop participants you are going to do a Play-Back with them to review the most important points of the new information. You describe yourself, the situation, and the roles they will take. You "become" the person you described and your trainees improvise what they would do and say in that situation. The Play-Back can be short - a minute or two - and humorous if you want to ham it up a bit. More importantly, it can reveal how well participants are able to apply the new information to a specific work situation.

REPORT-BACK: Learning doesn't end when the information-giving time ends. When a learner applies new information to specific work situations, the learner needs to report and evaluate the results, and get feedback from the person who taught him or from qualified colleagues. Sivasailam "Thiagi" Thiagarajan, president of Workshops by Thiagi and author of ***Design Your Own Games and Activities***, calls this "The Law of Practice and Feedback." [Thiagi says, "Learners cannot master skills without repeated practice and relevant feedback."]

You arrange with your workshop participants to check back with you at the end of the day (or week or month), either in person or through email or phone calls. You tell them that you want to know how they used the information they learned, what the results were, and if they encountered any difficulties along the way. After this Report-Back, you give them positive feedback. You might tell them a "glow" and a "grow," i.e. kudos for what they have done that worked well, and a suggestion for improvement or for going a step further and making it work even better. Or you might ask them to evaluate themselves, and then add your comments to theirs. In effect, you're checking for long-term understanding and application of the information.

POST-SCRIPT: Now you truly know that the participants who attended your workshop not only HEARD the new information, but UNDERSTAND it and can APPLY it to specific work situations. They feel good about what they have learned and confident that they can use the new information when they need to. You don't have to waste valuable time re-teaching and retraining.

By checking for understanding both during and after you share new information with participants, you create a win-win learning experience for your workshop participants, for judicial education programs, and for the courts that benefit from the improved quality of learning.

Cit

Hu ***g.***

Lo\

Me ***ıg Handbook.***

Thi ***Own Games and Activities.***

We

www.Bowperson.com
Sharon Bowman, *The Lake Tahoe Trainers Group*

www.alcenter.com
David Meier*, The Center for Accelerated Learning*

www.Thiagi.com
Sivasailam "Thiagi" Thiagarajan, *Workshops by Thiagi*

Author and traveling teacher Sharon Bowman helps educators and business people "teach it quick and make it stick," - fine-tuning their information-delivery skills and turning their passive listeners into active learners.

*Sharon is the author of six popular teaching, training, and motivation books, including: "**Preventing Death by Lecture," "Presenting with Pizzazz," "How To Give It So They Get It,"** and **"Shake, Rattle, and Roll."** Over 40,000 copies of her books are now in print.*

Sharon is also a member of the National Speakers Association and the director of The Lake Tahoe Trainers Group.

*For more information about Sharon Bowman and her books and training, log onto **www.Bowperson.com,** or email her at **SBowperson@aol.com.***

*For book orders, go to **www.trainerswarehouse.com,***
***www.amazon.com,** or call*
Bowperson Publishing at
775-749-5247

UpToParents.org—A New Approach in Divorce

by Carole S. Streeter

By the time divorcing parents see an attorney, they've often experienced thousands of hours of hurt, disappointment, fear, and anger. What difference would it make to them and their children if the parents spent a few hours thoughtfully considering their conflict's impact on their children?

"A world of difference," insists Indiana attorney and mediator Charlie Asher. So much so that he, his wife (Barb, a clinical therapist), and their Freedom 22 Foundation have created a free interactive tool giving parents the chance to focus on their children's needs. The tool is www.UpToParents.org, and it's being cited as a unique tool to assist parents in divorce and other difficult transitions.

On August 8, 2003, the Dispute Resolution Section of the ABA presented Asher with its "Lawyer as Problem Solver Award" for the resource, citing its "engaging interactive nature" and its usefulness in helping parents see the destructiveness of their conflict and the chance to build their own better future.

Asher (who today limits his practice to family mediation) believes the power of the website goes beyond protecting children. "Agreeing that children can be devastated by parent conflict," Asher believes, "is the beginning of all the other paradigm shifts key to a better divorce: from disputing the past to building the future, from conflict to cooperation, from giving decision-making to others to reassuming decision-making, from blame to healing."

"Almost always when parents act heroically in their divorces, it's because of a sensitive decision to protect a child rather than give vent to an angry or fearful instinct," Asher believes, "and most parents, if the process is slowed, sincerely want to protect their children."

The Ashers credit an observation from another Indiana mediator (Pat Brown) with a key piece of wisdom on which the sites are built. The observation may be hard to argue with but not always easy to implement: "If parents in conflict agree on one specific thing, they will agree on everything, and that one thing is, *'What do we want our children to look like when they are 25?'*"

The core of UpToParents.org builds on Brown's insight with an interactive tour of 100 Commitments parents can select to help them protect their children during and after divorce. (Another site, www.ProudToParent.org, is for parents never married to each other, and a third, www.WhileWeHeal.org, is for spouses intending to stay married but remembering their children's needs as they work through marital problems.)

When parents finish, they receive a personalized list of their Agreed Commitments—the ones they say will be important to their children and will guide their parenting interaction. Much of the power of the sites grows from their intensely personal format. Parents see their children's names attached to some blunt but powerful propositions (beginning with the first Commitment, "We remember this is Kristie's one and only childhood") and receive similarly personalized feedback at 18 different points in their work on the Commitments and their accompanying four Exercises.

The Commitments build on what the Ashers consider four defining truths of parent conflict:

- If parents are in conflict, their children are in danger.
- Only the parents can effectively protect them from that danger.
- Using the legal system to manage personal conflict risks making things worse rather than better.
- When protecting the children is their goal, even the parents are better off financially, emotionally, and as parents.

The websites can be used as adjuncts to counseling, mediation, or traditional legal proceedings or stand-alone undertakings. And experience shows parents doing the work can be helped regardless of:

- the precise nature of their family transition (whether it be divorce, post-divorce conflict, paternity, or just family conflict within a marriage)

- the stage of the conflict (early or late in, or even following, a divorce, etc.)
- the substantive law of the jurisdiction (whether fault or no-fault, etc.)
- the nature of other issues the family might be facing (custody, property, parenting time, residence relocations, support, etc.).

Attorneys and other professionals interested in referring clients to the websites can learn how to do so by consulting the "Professionals Corner" link on www.UpToParents.org. That link includes a memo to professionals on its use as well as sample letters and orders from attorneys, mediators, counselors, and judges referring parents to the website. Questions and requests for free brochures and video instruction can be addressed to Info@UpToParents.org.

Asher believes strongly that the website work should be required of all divorcing parents, as well as all parents in post-divorce or paternity conflict. "By far the most common response we hear from parents once they do the work is, 'Why weren't we sent here earlier?'"

Judges and other professionals are also able to sign up from the homepage for free monthly newsletters, something Asher hopes will help build the growing network of network family law professionals dedicated to child-focused problem solving.

Do the materials on the websites make a difference? Asher responds that he originally used those materials in printed form with mediation clients and undertook the two-year project to create the sites only because of their dramatic effect he saw for couples in conflict. Today he declines to mediate with couples until they have completed the work on the sites. "Compliance is virtually 100%," Asher notes. "Something magical happens when a parent realizes his co-parent isn't his enemy—that his real enemy is all the things that will happen to his children if the parents don't team up; it's that magic we should nurture."

"If parents are persuaded to first work alone in the non-confrontational setting of the website and see there the opportunity to do better, they overwhelmingly want to do better."

_____

After teaching high school English and raising a family, Carole Sanderson Streeter entered publishing where she was an acquisitions editor in the religious book field. She has worked with Charles and Barbara Asher at Freedom 22 Foundation since 1999, particularly in their educational projects. She has authored *Finding your place after divorce* and *Reflections for women alone.* Her B.A. is from Wheaton College in Wheaton, Illinois and her M.A. is from Asbury Theological Seminary in Wilmore, Kentucky.

Effective Techniques for Holding Domestic Violence Perpetrators Accountable

By Judge Jeffrey Kremers

[Excerpt from a Domestic Violence Sentencing Hearing:]

Your Honor:

"…my client is a good man with only one prior conviction for disorderly conduct [DV related]. He got into an argument with his wife about her coming home late from work and he hit her once- maybe twice or so [actually 7-10 times] They have been married for 10 years and have two kids. They weren't hurt during the argument. They want their marriage to continue and I think a short period of probation would be appropriate. I also think my defendant should be required to attend anger management. My client's minister is willing to provide such counseling for the defendant and his wife for as long as you think is necessary- even as long as three months…."

Sound familiar??

Milwaukee has had dedicated Domestic Violence courts for about 10 years. We preside over approximately 5,000 misdemeanor and felony cases per year in the three DV courts. We still get requests like the above which bespeak an almost total lack of understanding of the dynamics of an abusive relationship. We also have a mandated rotation system for judges, which means we are regularly faced with "educating" new judges on the myriad issues inherent to a DV calendar.

While the above scenario lends itself to a discussion of any number of Domestic Violence-related issues, I would like to focus on some sentencing-related issues. Specifically, what, if any, responsibility do judges have to find out about programs offered in their jurisdiction? What are the components of a good batterers intervention counseling (BIC) program? How do we assess a defendant's performance in a court-ordered program? What steps can and should we take to hold offenders accountable while on probation? What should be our role as a collaborative partner with other criminal justice system members in addressing these DV related issues?

In 1998 the Milwaukee County District Attorney's Office issued approximately 6,700 DV related charges resulting in 2,700 convictions. This does not mean 2,700 individuals, as a defendant might and often does face multiple charges. Approximately 900-1,000 individuals were placed on probation and referred to a BIC program. By contrast, the agencies providing these counseling programs recorded only about 400 new intakes in 1998. Where did the other 500-600 folks go? In addition, the average time from offense to an intake interview for those who did show up was an unacceptable 9 ½ months.

Against this backdrop, Wisconsin's First Judicial District (Milwaukee County) applied for a "Judicial Oversight Demonstration Initiative" grant. Milwaukee was chosen as one of three demonstration sites. One of the principal goals of the project is to provide for greater judicial oversight over a collaborative effort to address certain gaps in our system and test whether a variety of new procedures would have a demonstrable effect on victim safety and offender accountability.

It is not my intent to discuss in this article the status of the project or the results of its evaluation. I will leave that to others. Rather, I want to present some of what my colleagues and I have learned in the process of helping to administer the grant as it relates to BIC programs and offender accountability.

I understand that there are a number of unresolved questions as to the correlation between batterers intervention counseling programs and recidivism. **Pull out:** <I accept and believe based at least on anecdotal evidence and my own first hand experience that everything else being equal, an abuser who accepts responsibility for his actions, is required to and does complete (in a timely fashion) a BIC program, gets employed, and addresses any substance abuse problems is less likely to re-offend than someone who does not.**>End pull out** As judges, I believe we can and should require those defendants we put on probation to abide by the conditions we put on them. When they fail to follow through, we must be prepared to sanction them swiftly.

COMPONENTS OF A GOOD BATTERERS INTERVENTION COUNSELING PROGRAM

There are a number of basic assumptions that underlie most BIC programs

- Intimate partner abuse is a crime
- The perpetrator of domestic violence is responsible for the violence
- Violence and abuse are not an inevitable response to anger
- Violence and/or abuse are learned, intentional, and controllable behaviors
- While there may be multiple causes for violence and abuse, the behavior can be changed
- Violence and abuse are not the preferred behaviors for most people.

Quality BIC programs seek to change behavior through education. This educational process can take several different forms. **Pull out <**Most experts agree that, in order for these programs to reach maximum effectiveness, they must address issues related to accountability, respect and cultural awareness, an understanding of the dynamics of abusive behavior, and the need to be a participant in the larger community. **>End pull out** While it is outside the scope of this article to discuss all of these components in detail, I think a strong argument can be made that accountability is the most important.

Essentially, we are talking about changing one's unacceptable behavior. It would seem fairly obvious that if one pattern of behavior is getting you in trouble and causing negative consequences, like jail or loss of employment, and simply changing your behavior would end the problem, why wouldn't you just say no to the violence? No one is forcing you to act this way; just stop and avoid all the hassle. This would seem especially so since most people don't "want " to be violent towards their partner.

Unfortunately it is not that simple. Perhaps one reason for that is we as a community have not been good at holding abusers accountable for their actions; and once cases are adjudicated, judges are not requiring the kind of compliance we should. Even when confronted with less than acceptable performance, how many times are we talked into "one more chance" by these master manipulators? That is not to say that we should never excuse a misstep or give an extension to complete some task, but is it the exception or the rule?

BIC programs must ensure that the rights of all victims are respected. I attended a BIC session where a defendant of mine was doing quite well in the group. When asked how he was able to make such a dramatic turnaround in his behavior, he said, "It was easy. I just got rid of the snake." Outrageously, he was not referring to a pet. What was even more audacious, he knew I was sitting there and he would be facing me the following week for a review hearing. The facilitator jumped all over him, as did some of his fellow group members.

It is important that the BIC programs incorporate into their curriculum an understanding of, and respect for, the different cultures that make up their community as well as information on the dynamics of an abusive relationship, the perspective of victims, strategies for changing behavior and alternatives to violence. In addition, I believe offenders need to realize and accept that they are members of, and have a stake in, a larger community. Too many abusers are self-focused. If they can be shown how their actions impact the larger community, it is my experience they are more amenable to changing their negative behavior.

Finally it is imperative that the BIC programs be part of the larger coordinated community response to DV. Prosecutors often take into consideration a defendant's willingness to go into a counseling program, judges often require counseling as a condition of probation, and probation officers are often left the task of monitoring a defendant's performance. For their part, BIC programs should be sensitive to the needs of these and other members of the criminal justice system. They depend on some of them for referrals. Many times the agencies are publicly funded. Clearly, a certain level of trust and communication among these groups is necessary for a truly coordinated response to DV. Therefore, BIC programs need to incorporate into their structure a methodology for interacting with other agencies.

ACCOUNTABILITY

As noted above, I believe **Pull out <**accountability is key to the successful monitoring of DV offenders who have been placed on probation and ordered to counseling. The key to accountability is information.**>End pull out**

First, of course, the offender must be placed in the correct program. While there are certainly some similarities inherent in all abusive personalities, there are also some significant differences. Some abusers have Alcohol and Other Drug Abuse (AODA) issues, some do not; some have cultural issues not present in others; some are abusive with many people in their lives while others "limit" their abuse to their intimate partners, to name but a few differences. The context within which the violence was committed is likewise important. BIC programs recognizing this often have target populations for their groups. A judge needs either to know what is available in his or her jurisdiction to determine the appropriate placement or to have confidence that someone else will make the appropriate determination.

For their part, BIC programs need to understand what a court order means and what information the court expects to receive from them. They should understand what to expect from a court in response to a negative report. Will the offender be allowed to continue? What is the program's attendance policy? What if the offender is locked up and misses a session or two? What kind of qualitative versus quantitative report is the program willing to provide? Some programs decline to opine on the quality of an offender's participation, fearing civil liability if the defendant commits a new offense.

Courts, of course, need similar information from the programs. What does a good report mean? Is he just showing up? Is he contributing to the discussion and showing some level of understanding? Some of the information is quite fairly subjective. For this reason, I think judges should arrange to sit in on the BIC programs in their community. Many of us have done "ride alongs" with police. In the same vein, it is important to see first hand how the groups are run and the different styles of facilitators. Some are confrontational, while others prefer a more didactic approach. Armed with this information, a court can make a better assessment of feedback received from the programs.

When they place someone on probation, courts expect that certain conditions will be met. In a typical DV case, offenders might be required to comply with some or all of the following:

- BIC
- AODA counseling
- Parenting classes
- Mental Health counseling
- Maintenance of sobriety
- No contact with the victim
- Obtaining employment
- Obtaining GED
- Possessing no firearms
- Paying restitution and or costs

Most importantly of course, defendants need to "know" that information is being shared by the Court, BIC programs and probation officers. Many abusers are master manipulators and will try and get away with as much as they can. They need to expect that there will be consequences for their actions. Many of them have been accustomed to setting rules for their partners. They demand absolute compliance and impose severe and immediate sanctions (abuse) for noncompliance. If we are to have any success with defendants, we should use the same philosophy, without the violent sanctions, of course. We should, and do set rules, called conditions of probation. If we expect to achieve any meaningful change in behavior, penalties for their noncompliance must be swift, certain, fair, and ***expected***.

Mindful of the gap between the number of defendants ordered to counseling and the number that actually checked in, as well as the time lag from sentencing to counseling intake, we instituted a system of post conviction review hearings. The hearings were to be set 30-60 days after sentencing. This required the ongoing cooperation of the probation department, BIC agencies, the prosecutor's office, the public defender's office and the courts. We would schedule around 30-40 hearings one Friday a month for each of our three DV judges. This meant that there would be about 30 sets of offenders and probation agents at each session. Armed with a report from the probation agent that included feedback from any treatment providers, including BIC and any AODA test results, we could reward defendants who were doing well with

fewer review hearings, fewer conditions of probation, and shortened periods of probation, and, where appropriate, allow contact with the victim. [Contact with the victim was premised on the victim's wishes, agent approval, and substantial completion of the counseling program.] On the other hand, we can and often do impose immediate sanctions (jail) for violations. Other potential sanctions include increased review hearings, more counseling, job search requirements, community service, etc.

By conducting these hearings en masse, we could use the court setting as an educational tool. By calling a few "good" cases first, the defendants who were waiting saw what rewards they could strive for. Then we would call a few "bad" cases and the defendants would see what happens when they screw up. Instead of leaving through the front door, they were taken out the back in handcuffs. Some defendants stepped up ready to be taken into custody because they knew they had done poorly, while others tried harder the next time to get into the "good" group. Some took the conditions a little too literally, such as the defendant who showed up with positive tests for cocaine. When asked why he was now using cocaine, (no previous history) he pointed out that at the previous hearing I had told him "no more marijuana," so he switched to cocaine.

Defendants now know that they will be held immediately accountable for failing to follow their agent's orders. We have stressed to agents and defendants alike that our role is not to be looking over the agent's shoulder but rather to stand behind the agent and back him/her up. While the final evaluation of the Milwaukee project is still to be written, it appears that offenders placed on probation subsequent to instituting review hearings are less likely to be re-arrested than those placed on probation prior to the start of the hearings.

COLLABORATION

This type of integrated approach to the handling of DV cases requires the cooperation of law enforcement, victim/witness advocates, prosecutors, defense attorneys, probation officers, treatment providers, and judges. The various agencies need to have a clear understanding of each other's roles, responsibilities, and authority to act. There must be a system in place for the expeditious exchange of information. **Pull out<**The partners must be made to feel that each has a stake in the community's response to domestic violence with the ultimate goals being increased victim safety and increased offender accountability.**>End pull out** Courts, however, must also ensure that an individual defendant's due process rights are not lost in the process.

Too often in the past, the approach to domestic violence has been like the story of the three blind men and the elephant. It all depends on what part of the problem you are "touching." Courts often focus on calendar management. Can the case proceed or not? Is the next case ready to be called? Many judges feel that once you pass sentence, it is someone else's concern. Victims and their advocates have a totally different perspective. They want safety, they want support, they want food and shelter, their want their family back together, etc. Treatment agencies generally focus on all the offender issues. Defendants and their attorneys want the case dismissed, are concerned about how evidence was collected, whether the victim will show up, and if their due process rights are being observed.

When viewed from a community perspective, however, with a view towards everyone's long- term best interests and an emphasis on changing behavior patterns, maybe we can do more than just "resolve" the present case. Maybe we can avoid future ones as well. This requires a community-wide commitment and a willingness to sit at the same table and listen to each other.

Jeffrey Kremers, presently the presiding Judge of the Civil Division in Milwaukee County, Wisconsin, has served on the bench since 1992. He is Associate Dean and a faculty member for the Wisconsin Judicial College and serves on the faculty of the National Judicial Institute, Enhancing Judicial Skills in Domestic Violence Cases, a joint project of the National Council of Juvenile and Family Court Judges and the Family Violence Prevention Fund and funded by the Office on Violence Against Women of the US Department of Justice. He served as presiding judge of his county's domestic violence courts during its first three years as a demonstration site in the Judicial Oversight Demonstration Project and is a member of Wisconsin's Violence Against Women Act Justice System Training Program Advisory Committee and of the curriculum advisory committee for a National Judicial Education Program. Judge Kremers earned his JD from the University of Wisconsin in 1975, spent five years as an assistant DA for Milwaukee County where he directed the Sensitive Crimes Unit, and was in the general practice of law for eleven years before taking the bench.

Is Your State Re-examining its Canons of Judicial Ethics? The National Council of Juvenile and Family Court Judges Recommends Modifications

Hon. Thomas Hornsby, ret.

Many states and national organizations are in the process of re-examining their Canons of Judicial Ethics. The National Council of Juvenile and Family Court Judges has some suggestions.

In response to an increasing demand to provide judicial leadership to improve the legal system and the administration of justice relating to juvenile and family court issues in their communities, states and the nation, the membership of the National Council of Juvenile and Family Court Judges (NCJFCJ) at its annual conference in San Antonio on July 23, 2003, endorsed the NCJFCJ Recommendations for Modification of the ABA Canons of Judicial Ethics.

The Chief Justices encouraged judges to become involved in their communities to improve the quality of justice. The NCJFCJ Recommendations for Modification of the ABA Canons of Judicial Ethics (hereinafter referred to as "the NCJFCJ Canons") is an initiative in response to the Chief Justices' resolution passed at their annual meeting in August 2000 recognizing and encouraging judges to become involved in their communities to improve the quality of justice. The NCJFCJ Canons are positive in nature and will enable judges to act in leadership roles without fear of disciplinary proceedings.

The increasing demand for judicial leadership is exemplified by Utah Supreme Court Justice Michael Zimmerman's call for action, where he stated that as the public and legislatures, not to mention the federal government, increasingly demand more participation and coordination by the judiciary in addressing social problems that are presented in the courts, [the judiciary is going to face a new cultural reality]. The model of detached magistrates from the days of law school will no longer be the preferred model in the trial courts. Trial judges are going to have to become more adept at managing social problems and coordinating social services to address those problems. And more judiciary resources are going to have to be committed to supervising and providing social services—a fact that has large implications for the ability of judges to handle their more traditional work in the old, somewhat hands-off manner.[1] In a recent ***Florida Supreme Court Judiciary Advisory Committee Opinion***, No. 98026 (Nov. 10 1998), wherein the committee opined that a judge could serve on The Mayor's Victims' Assistance Advisory Council "since the VAAC is concerned with the improvement of the law, the legal system or the administration of justice," one member of the committee in support of the decision, reasoned "that in light of the Supreme Court's announced desires that judges become more active in areas of enhancing the image of the judiciary, it would appear that participation in the VAAC program is encouraged within the bounds of the Canons." In ***In the Future of Children***, published by the David and Lucille Packard Foundation, Vol. 6, Number 3, Winter 1996, ***Executive Summary***, several recommendations are made reflecting the need for judicial leadership. For example, Recommendation 11 states: "Every juvenile court in the country should work with local child welfare agencies to improve their effectiveness in providing abused and neglected children safe and permanent homes in a timely manner as specified by law"; Recommendation 12 states: "Juvenile court judges should be educators and spokespersons in their communities on behalf of abused and neglected children. [Judges should advocate for adequate court resources] and community systems to respond promptly and appropriately to child abuse and neglect."

The NCJFCJ's Judicial Ethics Committee, co-chaired by Judge Thomas E. Hornsby (ret.) and Judge Patricia Macias, was given the charge to review the ABA Model Code of Judicial Conduct, State Codes of Judicial Conduct, and other relevant materials and make recommendations to the NCJFCJ for review and approval at the 2003 annual conference. The final draft of those proposed revisions was completed and endorsed by the entire NCJFCJ membership at the General Membership Meeting in San Antonio, Texas, on July 23, 2003.

Go to www.ncjfcj.org/ethics to read the NCJFCJ Canons with commentary. [The NCJFCJ Canons are positive in nature and will enable judges to act in leadership roles without fear of disciplinary proceedings.]

[1] Comments by Justice Michael D. Zimmerman, Utah Supreme Court, in Judicature, 82(3) (Nov.-Dec. 1998).

Judge Thomas Hornsby, ret. is an NCJFCJ Past President and law professor at Florida Coastal School of Law in Ponte Vedra Beach, FL. He may be reached at thornsby@fcsl.edu

Getting Judges Off the Bench and Into the Community -- The NASJE Role

By Judge Karl B. Grube

Several years ago the National Center for State Courts, in conjunction with Indiana University and the University of Nebraska, conducted a nationwide survey concerning the amount of trust and confidence that the public reposed in various public institutions. The institutions that those surveyed were asked to rate were: the medical profession, the U.S. Supreme Court, their state legislature, the office of the Governor, courts in your community, public schools, the local police, and the media. The results of the survey were disappointing for us judges who serve our communities through our local court systems. They showed that of the eight, five of the public entities ranked higher in terms of public trust and confidence than did our courts. Only 23% of the public had a great deal of trust and confidence in courts in their communities. The scores were as follows:

Medical Profession	46%	
Local Police		43%
U.S. Supreme Court		32%
Office of the Governor	30%	
Public Schools		26%
Courts in Your Community	23%	
State's Legislature	16%	
The Media	10%	

The full 45 page survey report is available at: http://www.ncsconline.org

What does this survey indicate? To me it says that there is a lot of room for improvement in terms of how the public perceives us. If we believe we are doing our jobs in court, then maybe the problem lies with our failure to get out into the community to help the public better understand us and our roles. Given the proposition that most citizens receive their first and most lasting impression of what justice means to them in the lower tier trial courts, it is also arguable that judges of those courts would have a particular interest in and need to help improve the public's trust and confidence in their courts.

Judicial Community Outreach and the 4 Es

I have learned that when I try to urge my people's court judicial colleagues to involve themselves in community outreach activities, they legitimately have concerns about engaging in activities that the Code of Judicial conduct refers to as "extra-judicial activities." If there are ethical issues, they justifiably want no part of it. Other concerns that we judges have are, what I call the other three "Es." In addition to ethics, judges are reluctant to take on extra judicial outreach activities unless they are also "Easy, Economical, and Efficient." Finding outreach programs that are attractive to judges and satisfy all four "E" requirements is a challenge that we judges are reluctant to undertake on our own. Enter the roll of the state judicial educator.

Judicial educators have a role in promoting and facilitating judicial outreach programs. First judges, particularly those of us in the people's courts, need to be made aware of the need for and desirability of engaging in community outreach activities. Second, we need to know that there are ethical concerns about writing, speaking, and dealing with public and how to address those ethical concerns. Third, judges need to know the sources of ethically sound outreach programs and activities that are also easy, economical, and efficient for them to participate in. This would include hearing from our colleagues who have ethically engaged in outreach activities successfully. Lastly, judicial educators need to assist us in connecting with the entities and organizations that will provide the opportunity for us to become involved. With the motivation, involvement, and assistance of state judicial educators, we judges can successfully take on the challenge of community outreach to help improve our own image as well as the judiciary as a whole.

The Importance of Ethics In Outreach

Where should you begin? Judicial educators can start by recognizing that the subject of community outreach activities is a legitimate subject for continuing judicial education programs including segments dealing with ethical behavior. Judicial

educators can provide judges with sources with which they can evaluate the ethical propriety of involvement in certain activities. The commentary to Canon 4 of the Model Code of Judicial Conduct which has been adopted by the majority of states has helpful commentary and is a good stating place. It provides:

"As a judicial officer and person specially learned in the law, a judge is in a unique position to contribute to the improvement of the law, the legal system, and the administration of justice, including revision of substantive and procedural law and improvement of criminal and juvenile justice. To the extent that time permits, a judge is encouraged to do so, either independently or through a bar association, judicial conference or other organization dedicated to the improvement of the law. Judges may participate in efforts to promote the fair administration of justice, the independence of the judiciary and the integrity of the legal profession and may express opposition to the persecution of lawyers and judges in other countries because of their professional activities."

Judges can be assisted in the interpretation and application of Canon 4 and its commentary by being educated as to the availability of ethics advisory committee opinions and judicial disciplinary committee rulings that have defined ethical boundaries involved in outreach activities. Sources of relevant opinions and research can be obtained through the websites of the American Judicature Society (AJS) Center for Judicial Ethics http://www.ajs.org/ethics/index.asp and the American Bar Association (ABA) Center for Professional Responsibility http://www.abanet.org/cpr/links.html. Ethics advisory opinions such as Illinois 94-17 and Washington 93-19, while not controlling in other states, are nevertheless instructive in helping judges analyze the propriety of contemplated community outreach activities. We also need to be made aware of the activities of our colleagues throughout our Nation who have successfully engaged in community outreach activities and who have not been reprimanded but, who rather have been lauded and praised for their efforts. Our judicial educators should showcase the successful activities of such judges so that they might instruct and inspire their fellow jurists.

Help is Available

Judicial educators would benefit by familiarizing themselves with entities and organizations that will assist judges in reaching out into their communities with programs that will promote understanding and help judges make their communities better and safer places to live. There are many entities that would welcome the opportunity to help judges make successful outreach presentations. One of my favorites is the National Judicial College (NJC), with its Courage To Live program. Developed by NJC program attorney Mary Ann Aguirre and supported by the National Highway Traffic Safety Administration (NHTSA), Courage To Live has been successfully presented by judges throughout our nation. Excellent materials and a step- by-step manual are available by calling 1-800 25-JUDGE. My other favorite entities include the American Bar Association's Division for Public Education, which offers a comprehensive "Law Day 2004 Planning Guide," and the national and regional offices of NHTSA.

NHTSA has recently implemented a regional Judicial Outreach Liaison (JOL) program in cooperation with the ABA. I have the pleasure of serving as the JOL in Region 4 which encompasses the states of Kentucky, Tennessee, North and South Carolina, Mississippi, Alabama, Georgia, and Florida. Region 10 which encompasses Alaska, Washington, Oregon and Idaho will be served by Judge Judith Eiler of Washington State. Region 6 will also have a JOL shortly who will be serving the states of New Mexico, Oklahoma, Texas, Arkansas, and Louisiana. The regional JOLs are specialized court judges like me whose duties include being a teacher, writer, and community outreach activist. We will work closely with NHTSA's Judicial Fellows to accomplish certain specified milestones. The milestones include developing a network of contacts with judges and judicial educators within our region and with various professional organizations to provide educational materials, information and outreach assistance to help support educational efforts in traffic safety. For more information as to how a Judicial Outreach Liaison can assist you in organizing a judicial community outreach education program, contact Rebecca King at the ABA Judicial Division (312) 988-5742 or kingre@staff.abanet.org.

Educating judges and motivating them to take off their robes and step down from the bench into their communities is a legitimate educational endeavor and roll for state judicial branch educators. It is an endeavor that will pay dividends not just for judges, their courts, and their communities, but for the entire judicial branch of government of which we are all a part.

Judge Grube has served as a County Court Judge in St. Petersburg, Florida since 1976. Prior to assuming the bench, he served as an assistant public defender followed by private practice, which included being city attorney for Redington

Beach, Florida. Judge Grube was elected president of the Florida Conference of County Court Judges and has served as assistant dean of the Florida New Judges College In 1991 he was elected chairperson of the American Bar Association's National Conference of Special Court Judges and has been active in the ABA's Judicial Division, including occupying an elected seat on the ABA's Judicial Council

A frequent presenter at state judicial organization and bar association education conferences, Judge Grube is well known for his civil and criminal law update programs and the effective use technologically current presentation techniques In 2004 he celebrates his 22nd year as a member of the faculty of the National Judicial College where he has annually taught courses including: constitutional criminal procedure, search and seizure, sentencing, the role of the judge, judicial community outreach and the admissibility of evidence from defendants and other sources His mock trial programs have been utilized nationally to provide judges with hands on training in resolving current legal and evidentiary issues. In 2000 he was elected chairperson of the National Judicial College Faculty Council.

Judge Grube received his Bachelor of Science degree in Business Administration from Elmhurst College, in Illinois, his Juris Doctor degree from Stetson University in Florida and in 1992 was awarded a Masters Degree in Judicial Studies from the University of Nevada. He resides in Treasure Island, Florida with his wife Julia.

Disparity in the Criminal Justice System: Issues and Solutions

By Mary Ann Aguirre, Esq.

I believe that it is vitally important that unwarranted racial and socioeconomic disparities in the criminal justice system should be addressed aggressively and publicly. These issues are often not easy to discuss because they force us to explore our own stereotypes and biases. Nonetheless, this article attempts to address the issues surrounding disparities in the criminal justice system to provoke thought on this important topic and to promote the idea of more judicial education in this challenging area. Open communication, facilitated by professionals with expertise in this field, can provide valuable and effective lessons in the field of judicial education.

What is Disparate Treatment? Disparate treatment is when people are treated differently by the justice system on the basis of factors such as race and/or socioeconomic status for similar acts and/or crimes. The issue of how much the victim's socioeconomic status affects the results of a case has not been widely studied. However, Nebraska has recently conducted such a study. The Nebraska study found as follows:

"This is a classic example of *disparate treatment*, that is, people are treated differently on the basis of factors that have nothing to do with their culpability but rather on the socioeconomic status of the victim that they have killed." The study went on to conclude that: "[I]t's a system-wide influence that exists in both the major urban counties and it exists in greater Nebraska, and you can see it in the decisions of both the prosecutors and the sentencing judges." I am afraid that Nebraska is not an isolated incident.

Furthermore, study after study has shown that people who kill whites are more likely to get a death penalty than people who kill blacks. Racial bias in the death penalty is not limited to the state systems. A Department of Justice study found that, in the past five years, 80 percent of the cases submitted by federal prosecutors for review for the imposition of the death penalty involved racial minorities. Currently, 19 of the 25 prisoners on federal death row are people of color. Whether you favor the death penalty or not, there is no looking past the fact that the race of the defendant, victim, prosecutor and jury play an overwhelming role in determining who will receive a death sentence.

The widely discussed phenomenon of "driving while a minority" also illustrates the potential for abuse of discretion by certain law enforcement officers. This concept is known as "racial profiling." Thus, many states are taking action to require the police to record the race of the individuals stopped for questioning both in vehicles and in stop and frisk situations. For example, traffic stops recorded on Interstate 95 in Maryland over a two-year period revealed that African Americans represented 70% of drivers stopped and searched by police, while only 17.5% of all drivers-as well as speeders-were black.

A New York state study found that minorities charged with felonies were more likely to be detained than whites. Ten percent of minorities in Upper New York State and 33 percent in other parts of the state would have been released prior to their arraignment if minorities were detained at the same rate of comparably situated whites.

The impacts of racial disparity are clearly seen in the adult criminal justice system as well as the juvenile justice system. Forty six percent of prison inmates and forty two percent of jail inmates are African American, compared to their 12 percent share of the overall population. Hispanics constitute 18 percent of the prison population and 16 percent of the jail population, compared to their 12 percent share of the population. In the United States, a black male born in 1991, has a 29 percent chance of spending time in prison at some point in his life, a Hispanic male 16 percent and a white male 4 percent.

While African American youth represent 15% of their age group within the general population, they represent: 26% of juvenile arrests, 31% of referrals to juvenile court, 46% of waivers to adult court, and 58% of juveniles sentenced to adult prison.

A child from a middle class or wealthy family who is disruptive in school or engages in delinquent acts will often be evaluated for: 1) learning disabilities, 2) get substance abuse counseling, and 3) receive medical/therapeutic help. They

often have the resources to deal with the problem outside of the juvenile detention system. Accordingly, they are not detained at as high a rate as poor juveniles.

Why Does Disparity In Sentencing Happen? One of the likely factors contributing to the racial disparity is the lack of diversity in the decision makers – that includes prosecutors, judges, and juries. Another likely factor is non-access to resources. Furthermore, policy and practice regarding plea negotiations and sentencing are shaped by: 1) public opinion, 2) a defendant's access to resources for an effective defense, and 3) a defendant's access to alternative means of treatment and problem solving.

The fact that statistics consistently show poor and minority persons to be over-represented among those arrested and convicted by the system must be tempered by the realization that these groups are the ones most lacking in the resources needed to avoid arrest and criminal justice punishment. Intensive law enforcement efforts in certain low income and minority communities are also a contributing factor.

Solutions For Addressing Racial Disparity. There are three key aspects to addressing racial disparity in the criminal justice system:

1. The problem of racial disparity is one, which builds at each stage of the criminal justice process--from arrest through parole, rather than the result of the actions of any single individual or agency.

2. To combat unwarranted disparity, strategies are required to tackle the problem at each stage of the criminal justice system, and to do so in a coordinated way. Without a systemic approach to the problem, gains in one area may be offset by reversal in another.

3. System-wide change is impossible without informed criminal justice leaders who are willing and able to commit their personal and agency resources to measuring and addressing racial disparity at every stage of the criminal justice system, and as a result, for the system as a whole.

Overall, the data suggest that a variety of factors, including crime rates, law enforcement practices, and sentencing legislation all play a role in the degree of racial disparity in incarceration. I, however, strongly believe that:

"America, the most racially diverse and wealthy nation on the planet, will find answers to tackle these tough issues because we are a strong and great nation, because fairness and justice are the cornerstones of our democracy, and because we have the courage to talk about these tough issues. Frankly, our democracy depends on it." (Aguirre, 2004)

Fairness and a commitment to due process is an absolute societal and personal goal that all should be striving to achieve. I encourage all judicial education specialists to tackle these tough issues because the benefits to our society as a whole are well worth it. When one considers that the cost to incarcerate a person in prison is the same as one year's tuition at Harvard, education not incarceration is the answer.

The National Judicial College's course entitled: "Building a Bias Free Environment In Your Courtroom" will be held on October 27 and 28, 2004. Scholarships are available for eligible judges for this course. Please contact The National Judicial College Registrar's office and/or Nancy Copfer at 1-800-25-JUDGE for more information.

Note: The information for this article was obtained from an outstanding report, entitled: Reducing Racial Disparity In The Criminal Justice System-A Manual For Practitioners and Policymakers (2000) that was written by "The Sentencing Project" in Washington, D.C.

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.

Potential Uses for Wireless Technologies in Judicial Education

By Jo Dale Bearden

In the last tech corner article, I stood high on my soap box and reminded us all that technology is to assist us with educating and that we should never buy technology just to have the technology. Many of you may be thinking, doesn't wireless technology fall into the cool gizmo category? Well, yes and no. Wireless technology comes in all shapes and forms, from wireless LANs to point-to-point connecting of equipment. The possibilities created by wireless technologies create an endless discussion of wireless. This article will only touch on a small part of what is available in the wireless world.

The most common form of wireless technology is the use of the wireless LANs (local area networks). Put simply, a wireless LAN is a LAN where the computers are linked together without using cables; instead the data is transferred through radio signals or infrared lights. Why is this important to judicial educators? The use of wireless LANs presents us with a number of teaching possibilities because they allow computers not only to be situated wherever required, but also to have an internet connection wherever needed.

To illustrate the mobility issue, let's look at a real world example. Using the *Portable Training Network*[i], TMCEC taught approximately 120 municipal court clerks how to use the Internet for legal research. As TMCEC does not have their own training facility, we do the majority of our training in hotel meeting rooms; this makes any thoughts of internet type training difficult in the past, but through the use of the *Portable Training Network* the class was able to follow along, visiting the same websites that I visited. The *Portable Training Network* consists of 21 laptops with wireless network cards, a wireless base station, and shipping cases. Therefore, the only additional hardware we needed at the training site was a high-speed Internet connection. The idea here is not new, but the fact that this could be done easily in a hotel meeting room versus a hard wired technology classroom was new.

Before we continue, it is appropriate to discuss the technologies that make wireless possible. Presently there are unlimited numbers of standards for wireless technologies and new standards are developing everyday. The main standards being used presently are:

- Wi-Fi – Also known as 802.11b, Wi-Fi is the most widely available standard presently;
- 802.11g – An upgraded Wi-Fi that raises the available bandwith (compatible with 802.11b with some interference); and
- Bluetooth – A short range and low bandwith connection that is more for point-to-point or peer-to-peer connection versus networking.

In looking at the wireless technology, look first for interoperability with the least amount of interference, then to price.

As previously mentioned, wireless LANs are just the beginning. Wireless technologies also allow our audiovisual needs to be met more easily. For example, InFocus[ii] has a wireless multimedia projection adapter called LiteShow. LiteShow allows the user to send images from a computer to a compatible projector, all wirelessly. This allows a meeting room to be set with a computer and a projector anywhere in the room, cords no longer are a problem. Many of you are already using the wireless mouse for presentations: same philosophy. Audiovisual limitations no longer have to restrict your room set-up possibilities.

On a more gadget or gizmo line of thinking: if you are with a high tech group, most of them will have some sort of PDA. Why limit them to paper agendas? Instead, beam the agenda to the participants' PDAs, creating more options for your constituents. Also, digital nametags[iii] are being implemented in corporate training (mainly for security purposes or for ease of controlling traffic flow). Imagine beaming messages that announce class time changes to participants in addition to posting signs of the changes.

Through wireless, computers can be used wherever needed: in a classroom, hotel meeting room, or exhibit hall at the convention center, resulting in the ability to incorporate technology into education instead education into technology. The availability of wireless technologies will continue to expand. Although, we have a responsibility to be mindful that our methods do not interfere with our main goal–the transf of knowledge, technology that makes us more "user friendly" is necessary and welcome.

10 Tips for Productive Meetings, Part II

by Tracy Peterson Turner, Ph.D.

In the last issue of NASJE News, we discussed the first five tips for making meetings memorable. Those tips are:

1. Know the purpose of the meeting
2. Prepare an agenda
3. Have a skilled facilitator
4. Have a rotating facilitator for regular meetings
5. Invite the appropriate people

In this issue, we'll complete the list with tips 6 through 10.

Tip #6 Establish Ground Rules for Behavior

I mentioned disrupters in meetings in Tip #4. Unfortunately, these people disrupt in a variety of ways. Through interrupting, holding side conversations, smirking at comments made by others, making inappropriate comments and jokes, and a variety of other methods. Each of these sorts of disruptions detract from the quality of the meeting and waste time for the others in the room.

While the person or persons doing the disrupting may be doing it to "keep it light" or have a little fun, what they are really doing is distracting others in the room from the agenda topic at hand and keeping the meeting from moving forward to its prescribed conclusion. Though perhaps unaware of it, they are violating meeting etiquette.

To eliminate or at the very least curtail these sorts of violations, you can establish a list of ground rules for your meetings. These ground rules should be focused on ensuring the meetings move forward. While it may take time for participants to get used to these rules, the ultimate result will be meetings that are conducted more professionally and productively. Often it's because of these violations of etiquette that the quieter members of your team will refuse to speak up—even when you know they have good information to contribute.

Through working with various clients, I've compiled a list of situations that commonly degrade the quality of a meeting. Use my list to get started in creating your own list, then share the list you develop with those who participate in your meetings.

Situations to address in terms of meeting etiquette:

- starting late and running over the end of the meeting time
- ignoring or overrunning timeframes designated on the agenda. If a topic appears as though it will run over its allotted timeframe, table it for further discussion, make it an action item, or schedule another meeting specifically for that item
- holding side conversations
- interrupting other speakers
- making inappropriate comments (whispering, snickering, etc.)
- arriving late
- rambling on about a topic
- arguing about a topic
- presenters being unprepared for their part
- bringing up good points though unrelated to the topic
- offering irrelevant or unworkable suggestions

Once you've developed your list of behaviors that degrade the quality of your meetings, ask those who regularly attend your meetings for suggestions of how to handle these situations when they occur. Sometimes all it takes is raising awareness of what is disrupting behavior to get those disruptions to stop.

When the behaviors take place, it is the facilitator's job to curtail the behavior through whatever means the group has agreed upon. Note here, though, that it may be the facilitator who is the disrupter when you use the rotating-facilitator strategy. In cases where this is possible, I recommend having a backup "etiquette enforcer" to support the facilitator in these instances.

A simple strategy for reminding participants of the rules of etiquette you follow during your meetings may be to write the rules on a board and place the board in the meeting room for all to see. Another alternative is to print those rules at the bottom of each agenda you publish.

Tip #7 Keep the Meeting on Topic

I've mentioned repeatedly the importance of keeping meetings on topic. The only way to possibly stay within the allotted timeframe for the meeting is to remain on the appropriate topic and not get sidetracked by other ideas or conversations. Not only do the participants in the meeting need to stay on topic; the leader and facilitator need to be able to stay on topic as well.

It's very easy to get sidetracked into other conversations—especially when they are interesting or fun. However, getting sidetracked steals time from that available for each agenda item and tends to derail the meeting. As the leader of the meeting, having a clear picture of the purpose of the meeting and the expected outcomes will help you keep the topic of each agenda item in mind. Having prepared that agenda ahead of time and thoughtfully invited the right people will reinforce the items to be discussed and help you remain focused.

Knowing, too, that your team will be generating action items and next-steps for each topic of discussion will again keep you focused on the topic. What I've described here is a tremendously large job for the leader of the meeting and one that takes practice. That should explain why skilled leaders and facilitators of meetings are few and far between. And that's why we appreciate them when we have the privilege of attending one of their meetings.

Tip #8 Create Clear Action Items

As a result of every meeting, a list of action items should be generated at the end of the meeting. Not after the meeting is over but in the last several minutes of your time together designated for Action Items. The time set apart for this should be an agenda item, and it should have a timeframe associated with it expressly for the purpose of recapping the meeting and generating those action items so everyone in attendance knows what they are.

Every meeting should have clear action items or next-steps as a result of holding that meeting. And each action item or next-step should have a timeframe associated with it—for reporting back, for completing the action item, or for whatever action is necessary. These then may become a brief overview or introduction at the next meeting to apprise everyone in attendance of what's taken place on those items since the last meeting.

Tip #9 Prepare Minutes and Distribute Appropriately

Do you need to generate minutes of each meeting you attend? Well, someone should be taking notes to keep track of what has taken place during the meeting. At the very least, these notes should include any questions that came up that couldn't be answered during the meeting, the action items that were generated as a result, any key decisions that were made, and any information regarding future topics of discussion.

The minutes or notes should then be distributed to the people in attendance or those who didn't *need* to be there. (Remember Joe in Tip #5? He didn't need to be there because June attended since she had the better insight. Copying Joe on the minutes, though, is a good way to keep him informed of what took place.)

The people who receive the minutes or notes should be invited to make any changes or additions to them as is relevant to the outcome of the meeting and its action items. If there are any changes to make, those receiving the minutes or notes

will have an opportunity to make those changes immediately rather than having to wait until the next meeting. These minutes or notes can be distributed via email or paper, whichever is most efficient for those receiving them. Distributing these minutes or notes creates a history of what's taken place. This history helps in cases of disputes about events and changeover in personnel.

Tip #10 Ensure a Good Mix of People

Finally, Tip #10 is what will ensure meetings can actually be productive: That is to have the right mix of people present in the meeting. A good mix of behavioral styles will ensure that not only will people be present who can generate ideas (the brainstormers), but the people who can actually put those ideas into work will be there also (the implementers). We'll also need the analyzers to help us determine whether the ideas and actions have a possibility of succeeding and to what degree their success can be measured.

Without the right mix of behaviors in the room, we might end up with a room full of brainstormers who come up with fantastic ideas—that are also fantastically unworkable. Or we might end up with a group of directors and no one to do the work.

To ensure the right mix is present, doing an analysis of the staff in your organization might be in order. If that's an area you want to explore, write to me at info@Mgr-Impact.com and request a complimentary behavioral analysis.

You now have 10 strategies at your disposal for making your meetings effective and productive. Using these 10 strategies will ensure that you as the leader of the meeting will have a clear focus on the purpose for the meeting, know who should be involved, and have a plan for keeping that meeting on topic and within timeframe.

I invite you again to write and tell me about your successes and challenges implementing these 10 tips for making your meetings more effective and productive. Who knows? Your successes and situations may just appear as part of an article in a future issue of *For Managers Only!* Write me today at info@Mgr-Impact.com

Dr. Tracy Peterson Turner has spent the last three years as a business owner, consultant, trainer, and workshop leader in the U.S., Canada, and Australia. Dr. Turner is an expert in both written and verbal communication. She knows—and clearly communicates—the traps most professionals fall into when attempting to communicate with those in their work environments. She provides her clients with clear, specific, and proven strategies to avoid those traps while projecting a credible and professional image. Her background contains a myriad of experiences from six years in the United States Air Force, three of which were spent as a jet engine mechanic on the SR-71 "Blackbird." This experience taught her about the perils and pitfalls of miscommunication. She spent five years as a field service agent and systems analyst in the defense-contracting world, which taught her about managing conflict. She spent six years teaching in a variety of academic environments—from a high school dropout recovery program to the Texas University system. This allowed her to hone her skills at communicating to people of differing backgrounds and interest levels. Dr. Turner earned her Ph.D. in English from the University of North Texas at Denton, Texas. She has owned and successfully operated her business, Managerial Impact, to bring her expertise to those corporations and organizations that want to develop their managers into leaders and to individuals who want to get their messages heard. She is the author of 5 Critical Communication Vehicles, an informative and readable book that helps managers communicate more effectively in every day situations.

Silberman, M. L. (1999). *101 ways to make meetings active*. San Francisco, CA: Jossey-Bass/Pfeiffer.

By Carol L. Weaver, Ph.D, Seattle University, Seattle, WA

Always interested in making better the third of my life that I spend in meetings, I pulled Silberman's book off the shelf to see what it had to offer. In a word, "lots." The strategies identified in this book are useful in meetings, workshops, conferences, and other group events. Some of the strategies are very well known; others offer fresh ideas for group facilitation. The author calls his book a "cookbook offering enticing recipes to obtain the most out of the time spent…"

The strategies are organized into categories related to meeting facilitation and planning, generating active participation, resolving conflict, building consensus, and meeting closure. Each strategy is rated using three measures: group size, time required, and activity tone (serious to fun). The most novel of these measures is the activity tone which will be useful in matching methods to a group's tolerance level for less-than-serious activities. Please note that this book provides solid evidence that "serious" does not have to be dull or inactive.

Silberman offer wise words at the end of his introduction. He cautions the reader not to get too carried away with the strategies and try to use them all. He recommends trying one method at a time, selling the new ways as an alternative to the status quo, and providing clear instructions for the new activities. He cautions, "less is often more." If a group has a long history of inactive "attendance," participatory strategies may, at first, be uncomfortable. Choose your strategies wisely and carefully integrate them into the meeting agenda. Seek feedback about how the strategies worked, not just whether or not they were "liked."

The first section of the book, "Nuts and Bolts of Active Meetings," provides a great review of the basic considerations for meeting facilitation. Suggestions for room layout, facilitating discussion, dealing with difficult participants and what to do when a group is "stuck," are included in this section. One list in this section offers ten questions to process a meeting, an essential activity if we really care about improving the quality of meetings we manage. The following questions are included in this list:

"How well did the meeting match your expectations?"
"How could we have been more efficient today?"
"What was the best part of our meeting? The worst?"
"What should we do differently next time? What should we continue doing?"

"Preparing Active Meetings," section 2 of the book, includes agenda building and agenda management strategies. "The first strategy in the book describes the process for preparing an agenda to ensure active participation. The author recommends defining the purpose of the meeting, the outcome, and the plan for achieving the purpose and outcome (POP). Each item placed on the agenda is labeled by category of action needed: "for your information; for initial discussion and feedback; for developing action ideas; for a decision; or for detailed planning and implementation." Time estimates and the person responsible for the item are also listed.

Sections three through five offer nearly 80 strategies designed to involve participants, stimulate discussion, develop solutions, generate new ideas, resolve conflict and build consensus. More than six different approaches to brainstorming are developed in the problem solving section. So, if "regular" brainstorming is no longer effective, you may want to look at suggestions for brainwriting, brainwalking or negative brainstorming.

The final section of the book focuses on bringing closure to meetings and generating post-meeting support and action. While many meetings end in haste when the allotted time is over, Silberman offers fifteen strategies for ending meetings in a more meaningful way. One strategy is called "gallery of achievement." Participants are asked to identify what they achieved at the meeting and list them on butcher paper. Lists are shared and compared to highlight meeting outcomes. Another strategy, "What? So What? Now What?" provides an end-of-meeting debriefing that identifies meeting processes, outcomes and future action.

An hour reviewing this book could spark renewed enthusiasm for meeting planning and facilitation, provide a new strategy to use in an upcoming meeting, or refresh your knowledge of a forgotten strategy. And, if your next meeting is a two hour

meeting with ten people, more than 20 people-hours are at stake. Seems worth it to me. Maybe I'll experiment with strategy number 27 tomorrow . . .

Carol Weaver is an associate professor in adult education at Seattle University where she teaches courses on program design, instructional methods and program evaluation, as well as continuing professional education. She has been active in judicial education since 1982 when she became manager of judicial education for the state of Washington. She has served as a consultant with numerous judicial education projects across the US, including the initial Judicial Education Leadership Institutes.

---

[i] The Portable Training Network is maintained by the Texas Judicial Committee on Information Technology/Texas Office of Court Administration

[ii] Visit www.infocus.com for more information.

[iii] *Badges Get Smarter*, Meetings and Conventions, February 2004, page 20.

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.