

# SJI Board Approves Grants

Once again demonstrating its commitment to judicial branch education, the SJI Board of Directors approved continuation funding for both the University of Memphis' Leadership Institute in Judicial Education and Michigan State University's Judicial Education Reference, Information and Technical Transfer (JERITT) Project when it met in New York City on November 7.

Because of the budget crises most State court systems are facing, the Leadership Institute will not require five-member teams in 2004. Instead, it will offer more flexibility to States interested in participating by accepting teams of between two and six members. This change will enable judges who have assumed educational responsibilities and new judicial branch educators to attend even if their States cannot afford to send a full team. Those interested in participating in 2004 should contact Dr. Pat Murrell, the Director of the Leadership Institute, at (901) 678-2775 or [pmurrell@memphis.edu](mailto:pmurrell@memphis.edu) or Kathy Story, the Project Associate, at (901) 678-5224 or [kstory@memphis.edu](mailto:kstory@memphis.edu).

In 2004, JERITT will continue providing the core services on which judicial branch educators rely: maintaining and updating its 7 databases, the master calendar, and the web site (including publishing on-line issues of the *Judicial Branch Education Directory* and *Issues and Trends in Judicial Branch Education*); operating and monitoring list servers, threaded discussions, and chat rooms; providing technical assistance via telephone, fax, e-mail, and electronic means; and publishing a monograph on budget and resource acquisition and management. In addition, JERITT will post electronic links to SJI "hot products" on its web site this year. For additional information about all of the services available through JERITT, please contact Dr. Maureen Conner, JERITT's Executive Director, at (517) 353-8603 or [connerm@msu.edu](mailto:connerm@msu.edu).

## Changes to SJI Scholarship and Judicial Branch Education Technical Assistance Grant Programs

Although Congress has not yet passed the FY 2004 appropriation, SJI again plans to offer scholarships on a quarterly basis to enable judges and court managers to attend out-of-State educational programs. As in the past, scholarships are limited to no more than \$1,500; however, this year, recipients may use these funds to defray reasonable lodging costs (up to \$150 per night, including taxes) in addition to travel and tuition. You may access the scholarship application forms on SJI's web site ([www.statejustice.org](http://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. Those interested in attending programs that begin between April 1 and July 1, 2004, may submit their applications between January 5 and March 1. For additional information about SJI scholarships, please contact Candice Jackson at (703) 684-6100, ext. 216, or [cjackson@statejustice.org](mailto:cjackson@statejustice.org).

In addition, the Institute also plans to offer its Judicial Branch Education Technical Assistance grants on a quarterly basis in FY 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, the FY 2004 Grant Guideline encourages the use of these funds to support assistance in maintaining judicial branch education programming during the current budget crisis, or development of improved methods for

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evaluating judicial branch education programs. Applicants may submit letters requesting Judicial Branch Education Technical Assistance grants at any time during the year. The SJI Board reviews them and approves awards 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](mailto:kschwartz@statejustice.org).



# NEWS RELEASE

The National Center for State Courts  
300 Newport Avenue • Williamsburg, Virginia 23185  
[www.ncsconline.org](http://www.ncsconline.org)

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## The National Center President Announces He Will Resign in 2004

**Williamsburg, VA** (November 24, 2003) – The Board of Directors of the National Center for State Courts announced today that its President, Roger K. Warren, intends to resign as President and Chief Executive Officer of the Center in August 2004 after eight years of very distinguished service. In commenting on Judge Warren’s prospective resignation, the Chairman of the Board, California Chief Justice Ronald M. George, stated, “We deeply regret Roger’s decision to resign as President of the NCSC. He has established a new watermark in providing leadership not only to the Center, but also to the cause of improving the administration of justice in state courts throughout the nation. It will be a challenge to replace him.”

Chief Justice George announced that the Board of Directors has authorized the formation of a search committee that will be chaired by Wisconsin Chief Justice Shirley Abrahamson, Chair-Elect of the Board. The search for Judge Warren’s replacement will begin immediately. Other members of the search committee include Daniel Becker, Judge Gayle A. Nachtigal, Curtis (Hank) Barnette, and Thomas A. Gottschalk.

The Board seeks to have a new President for the Center by the time of Judge Warren’s departure in August 2004.

Please contact Chief Justice George, (415) 865-7060, or in his absence Michael L. Buenger, Vice-Chair, (573) 751-4377, for additional information.

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### International Committee News:

It is with great excitement that NASJE and the International Committee announce our partnership with the International Organization for Judicial Training (IOJT). This Organization was founded in 2002 and will hold its next international conference in Ottawa, Canada. We are excited that we have been asked to assist with various segments of the program, and to also make some suggestions and recommendations for faculty in partnership with our neighbors in Canada. We have been contacted by both Hon. B. Paul Cotter in Washington D.C. and Hon. Georgina Jackson from Ottawa, Canada.

All NASJE members are invited to attend this meeting in Ottawa next year and you will find attached <click here> a link to the program materials and the registration packet for this exciting event.

In addition, our committee looks forward to working with Canada on developing a booth to showcase the resources NASJE can share with the membership of IOJT and other countries.

Each organization will be sharing websites and resources with each other. We will be sharing information and our memberships as we build a strong education structure together complementing each others' strengths.

These are exciting times in judicial education. This will prove to be an eventful year and we look forward to our role in the international judicial branch community.

In the following paragraphs you will find a brief history of the organization and its vision from the Honorable B. Paul Cotter.

Claudia Fernandes, Chair, International Committee, NASJE

### International Organization for Judicial Training (IOJT)

On March 17 - 21, 2002, following several planning meetings in South America and Israel, the International Organization for Judicial Training (IOJT) was established in Jerusalem. Over 100 educators and judges from 25 countries and the Council of Europe assembled to create the organization. Countries creating the IOJT included Cameroon, Canada, Chile, and China. Colombia, Czech Republic, Ecuador, Estonia, France, Georgia, Ireland, Israel, Kenya, Latvia, Lithuania, Madagascar, Mexico, Moldova, Norway, Philippines, Poland, Romania, Sweden, Togo, and the United States of America.

Dr. Shlomo Levin, then Deputy President of the Supreme Court of Israel, who conceived the organization, proposed that it have the following objectives:

1. Sharing successful methods of addressing issues of common interest regarding judicial training, and
2. Establishing an international mechanism to enable training institutes from one country to learn from another.

He suggested a number of ways to affect these objectives.

“...[The] organization would ...promote cooperation between its members, by exchange of information and by establishing an international library, accessible to its members via the

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Internet. In addition the organization will arrange for local and international conferences and assist its members with the exchange of professional materials. Moreover it will propose judicial training plans and subjects that may be commonly researched. ...[and] the publishing of a newsletter. The organization will also serve to assemble teams of experts who will assist various countries in improving their various respective judicial training systems.”

The attending countries adopted the objectives proposed in the form of Statutes or Bylaws that enunciate the IOJT’s purpose, establishes officers, and creates committees to carry out its programs. The IOJT officers elected at the Jerusalem meeting were:

President:	Dr. Shlomo Levin, Israel
Executive Director:	Professor Amnon Carmi. Israel
Vice President	Judge Haim Porat, Israel
Treasurer	Hon. B. Paul Cotter, Jr., United States
Committees Chairman	Judge J. Clifford Wallace, United States
Vice President: Africa:	Hon. Benjamin M. Itoe, Cameroon
Vice President: Asia Pacific Region:	Hon. Amuerfina Herrera, Philippines
Vice President: Europe:	Hon. Nil Lie, Norway Africa:
Vice President: North America:	Hon. Georgina Jackson, Canada
Vice President: South America:	Leonor Etcheberry, Chile

The following committees were established:

Executive Committee:	Chair: Justice Shlomo Levin (Israel)
Finance Committee:	Chair: Hon. B. Paul Cotter, Jr. (United States)
Education Committee:	Chair: Mr. S. Cao (China)
Library Committee:	Chair: Justice Georgina Jackson (Canada)
Collaboration with Programs in Developing Countries Committee:	Chair: Justice Benjamin M. Itoe (Cameroon)
Internet Committee:	Chair: Justice Nils Eric Lie (Norway)

It was agreed that Canada would host the next international meeting in 2004.

### 2. The Asia Pacific Judicial Educators Forum (2003)

Following the organizational meeting in Jerusalem, Justice Herrera organized a regional conference in Manila of Asia Pacific countries. The February 11 to 14, 2003 meeting was funded by the Supreme Court of the Philippines. Representatives of 12 countries attended and formed the Asia Pacific Judicial Educators Forum (AJEF) as a regional organization of the IOJT. Countries attending included Australia, Bangladesh, Cambodia, India, Laos, Papua New Guinea, Pacific Island Nations, Philippines, Vietnam, and Thailand. Israel and the United States attended as observers. Following a presentation by the Executive Director of the IOJT, two nations joined the IOJT on the spot, the Pacific Island Nations and Thailand, and the rest agreed to recommend joining to their national approving authorities. Australia joined the IOJT subsequently. Thailand volunteered to host the next meeting of the AJEF in Bangkok in 2005.

### 3. The IOJT Canada Conference (2004)

Justice Georgina Jackson, the Vice President for North America, persuaded the National Judicial Institute of Canada to host the next international conference in Ottawa, Canada in 2004. You will find the program for this international conference in the <link> provided in this article.

Conclusion

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Thanks to the generosity of the Supreme Courts of Israel, the Philippines, and Canada, the IOJT has been successfully launched. However, the IOJT needs funds for a permanent secretariat, an operating budget, and travel funding to pursue IOJT goals including establishment of a major Internet resource and full participation by developing countries.

We look forward to our future partnerships and invite you to attend the IOJT conference in Ottawa, Canada this year.

Respectfully submitted,  
Hon. B. Paul Cotter Jr., Washington, D.C.

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### NASJE NORTHEASTERN REGION ACTIVITY REPORT

by Linda Ryea Richard

Vermont Judiciary, NASJE Northeast Director

At the annual NASJE conference held in Reno this past August, the northeastern region had a productive and engaging meeting. Among the topics discussed were a review of past collaboration efforts and identification of future goals. The number one priority identified was the need to reconnect existing members of NASJE's northeastern region and to recruit new members.

Since that time, a regional listserv has been created on the JERITT website to enable northeast members to more easily connect with one another (many thanks to Dawn Horton-Wilson for making this a reality). I have also been reaching out to judicial educators throughout the northeast to learn whether they have an interest in attending a regional meeting to connect (or in some cases, reconnect) with colleagues, share information and resources, and discuss issues that impact our states and region as a whole.

Based upon the feedback I've received thus far, the concept is supported. Late autumn of 2004 appears to be the best time to meet. Although the New York State Judicial Institute in White Plains has graciously volunteered their facilities for this one day event, budget constraints and bans on out of state travel will make it difficult for some judicial educators to attend. For this reason, I am exploring alternative funding sources to help support travel expenses, hotel accommodations, meals, speaker fees and materials. If anyone has suggestions as to potential funding sources, please contact me. I can be reached at [linda.richard@state.vt.us](mailto:linda.richard@state.vt.us) or by phoning 802-828-4767.

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The Western Region has convened a small committee to explore ways in which the Region can connect to exchange information and ideas with one another. Kathleen Sikora, who has recently retired from CJER, was willing and enthusiastic to chair this committee, which includes Liz Strong (CO), Marna Murray (WA), Christina VanHook (NV), Janica Bisharat (UT), Maggie Cimono (CA), Pam Lambert (NM), and Claudia Fernandes (CA). The committee will be polling Western Region members to get their thoughts on topics that might be addresses, either thru a regional meeting, regular conference calls, or some type of distance technology.



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### President's Message

The holidays are now over and I hope each of you got to catch your breath and enjoyed some of that precious time off that you so richly deserved. As your President, I was honored to represent NASJE at a number of events since our last visit.

In September, I was invited to the Criminal Justice Association and the National Traffic Safety Administration Leadership Meeting "Traffic Safety Today" held in Washington, DC. The meeting brought together the national leaders in law enforcement, prosecution, court administration, judges and judicial branch education to discuss what changes need to be made to lower the death rates on our nation's highways. Specific areas of discussion included: Cultural Change - Transforming Speed Management; Performance Measures; Transforming Traffic Safety to a High Priority. The participants were divided into three different groups: law enforcement, prosecution and courts/judges/judicial branch education and were asked to answer the question: *What can we do with these issues? How? When? Who?* The next morning was dedicated to sharing the results of each group, breaking up into multi-disciplinary groups and attacking the original question once again, and then each group reporting their results. It was an eye opening and rewarding experience. In light of the budget cuts we are all experiencing; I encourage each of you to contact your NHTSA representative about available funds for judicial education. I would like to thank Brian Chodrow and NHTSA for extending the invitation and funding the trip.

November brought the Annual William Rehnquist Awards Dinner, again held in Washington DC at the Supreme Court Building. Roger Warren was kind enough to recognize the representatives of the national organizations by introducing us by name and organization.

The Conference of State Court Administrators held their mid-year conference in San Antonio, Texas in December. I drove down from Austin and attended their opening ceremonies at the invitation of Michael L. Buenger, their President. I also had the opportunity to visit with Michael McAdams, President of the American Judges Association as well as Larry Myers, President of the National Association of Court Managers. In comparing notes with all these distinguished individuals, I did not feel too alone in assuming the role of president of a national association.

The National Association of Court Managers and the American Judges Association are holding a joint mid-year conference in Savannah, Georgia at the end of January and beginning of February. The NASJE Board of Directors will hold their annual mid-year meeting at the same time and at the same hotel. The entire board is looking forward to the "networking" we will be able to accomplish during this time. But please rest assured that the networking will only occur after our business (the board meeting) is taken care of first.

I want to thank those of you who responded to the Strategic Plan Ballot. The Board will discuss the results at our meeting in Savannah for finalization and adoption. Other issues we will discuss will be the annual conference, the educational plans for the conference and the fine work that Claudia Fernandez, Tom Langhorne and the International Committee have done in preparation for the International Conference in Canada.

I wish each of you a prosperous and successful new year!

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### From the editor

As we begin the new year, we are looking forward to new things in general and including new features where possible. Two things I want to draw your attention to are somewhat unrelated, and yet, could make a big difference in your professional lives.

Firstly, in this issue there is an article and linked brochure concerning the second international conference on the training of the judiciary. It will take place in Ottawa, Ontario, Canada on October 31 – November 4, 2004. If you are not normally inclined to read articles about international activities, please do so today and take a look at something that we are confident will add greatly to your knowledge base and abilities, while perhaps helping you develop a new dimension in your perspective to your job.

Secondly, next issue we hope to begin including a direct link to an interesting adult education website. Those of you who attended the interactive teaching tracks at the last conference know about it, but for the rest of you, it is a site worth visiting. There are educational games that can be adapted for use in judicial education settings as well as a lot more. We will have more on this next issue, but in the meantime, go to <http://www.thiagi.com> if this kind of thing interests you.

I know you are all busy doing what you do so well, and probably not doing it with enough thanks. Please know that your colleagues around the country appreciate you and look forward to hearing from you by email, phone, or listserv, as well as seeing you in Baltimore in August.

**Readiness for Justice in Courts: The Role of Judicial Education, Part II**  
**By Patricia H. Murrell**

This is the second in a series of three articles addressing areas with which judicial educators should be familiar. Experiential learning appeared as the first article. This article deals with life cycle theory, and cognitive development will be discussed in the last installment.

*I read something that moved me not long ago. I was reading something about one of the Brontes, I think her Jane Eyre. She says you go and look out at the city...you see all those houses...and they look all as if they're the same. And you think of all those people out there going to work and they're all the same. But Bronte says they're not the same. Each one of those persons in each one of those houses and each one of those families is different, and they each have a story to tell. Each story involves something about human passion. Each story involves a man, a woman, children, families, work, lives.*

**-- Stephen G. Breyer to Senate Judiciary Committee in hearings on his nomination to the U. S. Supreme Court (adapted).**

A major theoretical set useful in guiding judicial branch education is the age-related developmental experiences that serve as powerful motivators for the participants and for the teachers. The work of developmental theorists inform our thinking about the stories that each of us has to tell, reminding us of the journey that we have traveled, as well as the paths that others have taken. It sharpens our appreciation for the periods of stability and transitions people experience as they move through the life cycle, while cautioning us to never underestimate what people have been through to get where they are.

**Milestone Exercise**

The importance of events in the life cycle can be recognized and acknowledged by completing a Milestone Exercise that asks for a recall of the major turning points or milestones in our adult life about the clanging that occurs when commitment intersects with an adversarial system of justice such as ours.

Each milestone represents an event that moved us into a new status. There are no "right" ways to develop the lifeline, and it gives us the opportunity to look back at the things that we have done, the concrete experiences, of our lives. We think of what tasks we had to perform or what competencies we had to develop in order to move out of that segment into the next one. This might be an instrumental task such as learning a particular skill or earning a credential, or it might be a developmental task such as becoming sufficiently independent or autonomous to make a decision. This helps us to see the central role that learning plays in growth and development.

This exercise is more meaningful if we recall both personal and professional milestones. While professional accomplishments and work changes are very important, we know that in our lives, the personal and professional are intertwined and one often influences the other. Relationships as well as events often shape our growth. We note the people who have moved in and out of our lives, particularly spouses, partners, or children. The death of parents often marks a major transition as we take on the responsibilities of family leadership. Associating book titles, song titles, and movie titles with time periods often helps us to think about "segments" of our lives that have a common thread.

### Life Cycle Theory

Life cycle theory is particularly pertinent as new information is being generated from census data about different cohorts in our rapidly changing society. We have to be careful to avoid regarding the material as normative, but instead to find where our lives intersect or parallel the material and where they don't. While we may have common tasks and the commonality of change, the individuality with which each of us approaches the challenges and demands of each period prevents our regarding the model as prescriptive.

We are also encouraged to think of other people in our lives and work and how this material might increase an understanding of them. The work of Gail Sheehy (1976, 1995) is especially pertinent, particularly as she uses census data to document age-related changes such as the elongation of adolescence, the increasing need and desire for a second career or retirement job, and increased life expectancy. As age increases, so does diversity within age groups. For example, twenty year olds are much more homogeneous than eighty year olds. Patricia Cross' work (1981) is valuable as we look at ways to make educational programs more responsive to life cycle issues, as is the writing of Chickering and Havighurst (1981).

Erik Erikson's (1963) psychosocial developmental approach is the second perspective. Erikson studied not only individual behavior, but the psychological drives, the sociological circumstances, and the physical maturation that shape that behavior across the life span. His work resulted in the description of eight phases beginning with infancy and extending to old age. It is interesting to note that in Erikson's framework, "elderly" was about sixty-five, the same age that Sheehy now places in mid-life! While we acknowledge the cumulative nature of development and recognize the value of successfully negotiating each phase, we concentrate on *identity*, *intimacy*, and *generativity* as the recurring themes of the adult years.

George Vaillant's recent book entitled *Aging Well: Surprising Guideposts to a Happier Life* (2002) provides strong support for Erikson's work. Utilizing longitudinal data from three separate cohorts of 824 individuals studied from their teenage years through their 80s, he offers a revised model that enlarges upon the concept of generativity. Additionally, Carol Hoare's (2002) extensive synthesis of Erikson's unpublished papers, in *Erikson on Development in Adulthood* adds a freshness and depth to our understanding of adult development through the lens of psychosocial stages.

While *identity* is initially dealt with in adolescence, it is never completely resolved. As changes and crises are met and dealt with, we must address the question, "Who am I?" anew. The major components of identity are an understanding and comfort with our sexuality; a sense of values and views about how societies, nations and communities interact and get along; and some clarity about the kind of work we will do and some desire to invest ourselves in it, or vocational choice. What we do plays a major role in identity and largely we are what we do. It is not, however, all that we are, and a balance between the personal and professional, between family and work is essential for congruence, authenticity, balance and integration in our lives. Relationships also shape identity, and such things as the loss of a spouse or partner, the aging of children, and the death of parents cause us to re-evaluate our identities.

Any educational program that is designed for new court employees or new judges has the opportunity to contribute to the participants' identities and new self images. While there is a need for specific skill building, there is also a need for an "induction" into the vocation that calls for instruction in the values and beliefs of the profession. Challenge and support are important principles to remember—new judges or new court personnel cannot learn everything all at once. They need information that is immediately useful, but not so much that they are overwhelmed.

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Ongoing and continuing support is important as they acquire more skills and assimilate into the profession. Mentoring may be an important part of this process. Courses such as judicial philosophy may be used to assist in identity formation for judges. Judicial branch educators should be especially sensitive and responsive to gender issues around identity since women and men may experience identity formation at different times depending on age and socialization.

*Intimacy*, Erikson's second seminal theme of adult development, is the capacity to commit oneself to a relationship or partnership and to develop the ethical strength to abide by such commitment. Personal and family relationships present an obvious forum in which this plays out; however, the nature of relationships in the workplace also demands this capacity, and without it the danger of exploitation and manipulation are extraordinary. Individuals who have the capacity for intimacy value mutuality in relationships, more effective collaboration, freedom from abuses of power, and trust that survives conflict and sustains the bonds between them.

In the work setting, interpersonal competence or collegial intimacy, a more instrumental role, is certainly required of people who wish to be successful in their professional lives. The ability to work cooperatively with others is a recurring issue in the courts and often shows up as a deficiency on performance evaluations. Interpersonal competence can be taught through courses addressing interviewing and counseling, diversity, human relations, and sexual harassment. Any cross-professional training also contributes to a capacity to work effectively with other disciplines and to an ability to see oneself as part of a larger picture. While judging, particularly, has historically been a very isolated endeavor, there seem to be increasing opportunities to work more collaboratively, especially in dedicated courts such as drug courts or community courts. The ability to compete effectively, to seek and offer help, to influence others and to perform well in one's social roles are all characteristics that make for a more smoothly working organization. The ability to master these tasks while respecting the identity of others and without imposing one's self on co-workers is essential in work settings that are free of abuses of power.

Finally, *generativity*, perhaps the most salient of Erikson's phases for judicial branch education, is the readiness to care for that which has been created, whether it be people, ideas, or institutions. It grows out of a need to be needed and results in caring for the welfare of others and in actively investing in society by passing down traditions, values, and culture. Mentoring and teaching provide avenues for the expression of *generativity* and capitalize on the fact that "generative man needs to teach" (1973) and has an innate psychological drive to care for that, which has been created. Judicial branch education itself seems to be a generative activity. By providing professional development activities in "how to teach," the court system is encouraging and nurturing generative behavior. *Generativity* can also be expressed through other activities in the courts—especially if the court is seen as a "learning organization" where all transactions have the potential for teaching and learning.

The recurring cyclical nature of *identity*, *intimacy*, and *generativity* provoke continuing growth and development and make learning throughout adulthood very powerful, placing the enterprise of judicial branch education in an enviable position. Since development is never "finished," judicial branch educators have the opportunity to contribute repeatedly to the attempted resolution of the issues that judges and other court personnel confront as they face major transitions and move through the life cycle. The individual energy involved in working through these developmental phases is enormous, and educators who can channel that energy into learning stand to make substantial gains. Judicial branch education that addresses these

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themes will be looking beyond programs that simply disseminate information toward a process that contributes to individual and corporate growth and development.

Nurturing new judges and other court personnel as they struggle with their identity, looking at emerging ideas and challenges with courage, and creatively leading the judiciary into a new role in a post-modern society are activities that generative judicial branch educators embrace with enthusiasm. [Providing a climate in which that *generativity* can find expression and support is essential if the judicial branch is to play a major role in shaping its future.]

Peter Senge (1990), in his important work on the art and practice of the learning organization, writes of the need for lifelong “generative learning”—learning that enhances our capacity to create. Such learning is particularly important as the court system struggles with how to provide justice in a society where the issues are increasingly complex, where courts are viewed by many as the source of values, and where the courts are serving as the primary formative institution in the lives of millions of people, both those who work there as well as those who are transients in the system.

Each of us can examine the implications that this material has for our own life and work in the court system. How can this knowledge influence practice? How can courses or activities be designed to respond to these developmental phases? How can a course or activity contribute to the successful “navigation” of the tasks of the life cycle?

Adults approach learning with their own life histories and unique perspectives. The extent to which judicial education programs can plan learning activities and strategies that tap this rich lode of experience and enable people to use new information to make meaning of that experience determines our success in serving them. Work in the area of life cycle and adult development enables us to understand and appreciate those psychic tasks and imperatives that often provide the impetus for adults' engagement with our programs.

### *Conclusion*

As Justice Breyer said in his confirmation hearings, “Each one of those persons in each one of those houses and each one of those families is different, and they each have a story to tell. Each story involves something about human passion. Each story involves a man, a woman, children, families, work, lives.” Telling our own stories, listening to the stories of others, and learning from the accumulated wisdom about life stories that has been collected by scholars, we can arrive at a greater appreciation for “an individual’s psychological journey in the context of the rules and rituals of his subculture” (Sheehy, 1998). Further, the more we know about another person’s story, the more difficult it is to dismiss or disrespect that person. Hopefully, such an appreciation and understanding will assist us in our development of more effective teaching and learning and move us closer to readiness for justice in our courts.

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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.

**Brevity: News and Information About Juvenile Justice From Around the Country and on the Internet**

**By Joey Binard, Senior Program Manager, Technical Assistance, NCJFCJ**

Brevity is an electronic newsletter published weekly by the National Council of Juvenile and Family Court Judges. It is a quick five to 10 minute read with links to longer, more complete sources of information.

- Brevity is available to anyone with an interest in juvenile justice, kids and families.
- It comes free of charge.
- The Brevity mailing list is never made available to anyone.

Brevity is published each Wednesday unless its editor, Joey Binard, is out of town or on vacation. Joey encourages readers to send her information and links for articles and news of interest to Brevity readers around the country.

Here's what some subscribers have to say about Brevity:

"I wanted to let you know how much I enjoy Brevity. It invariably gives me new or improved information about topics of interest and often provides in-depth coverage of developing areas (e.g., the "hard-wired" article about a child's need for "authoritarian communities." I have been enjoying it very much..." -- from a juvenile court judge

"This continues to be such an incredibly useful resource!" -- from the executive director of a program for kids

"Brevity is one of the best things the Council does. Congratulations." -- from a juvenile court judge

"This is one of my best research/resource sources of information. Thank you!" -- from a grant coordinator

"Just wanted to drop you a note to tell you how much I enjoy Brevity....Part of my job is to disseminate latest justice information to the bench officers I work with and the first thing I look to is Brevity. Thank you so much for putting together this publication as it makes my job so much easier. – from a court analyst

"WOW! You did it again! That "prisonsucks.com" is a real treasure of information in the juvenile area. THANKS!" – from an ADHD expert

"Congratulations on your 1,000<sup>th</sup> subscriber. You are doing a great job and a wonderful service." – from a national authority on juvenile law

"As I read about your revelation that staying late on Wednesday [to publish Brevity] might be better than staying late on Friday I realized I've never let you know how useful I find your information. I have been led to many interesting and useful web sites thanks to you." -- from a children's home staff member

"This is such a great website! I am a probation officer and get so much interesting and relevant information from this one handy source. Keep up the good work." – from a juvenile probation officer

"Great issue – passed some of the web sites on to the listerv for child maltreatment researchers." – from a psychologist

"I just wanted to write and tell you how much I appreciate receiving Brevity each week. As an indigent defense attorney who represents juveniles in a rural area of northwestern Oklahoma, this is my primary resource to keep up with the latest developments in juvenile justice and bring them back to the communities that I serve. The programs reviewed are helpful in making suggestions to the local groups I work with to discuss services we could provide. The stats and other information is really great when I am trying to explain to juvenile services or one of the judge why I think a juvenile would or would not benefit from certain programs. Frankly, I



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appreciate how smart you make me look – they wonder where I get all this knowledge!” – from an indigent defense attorney

To take a look at Brevity click on the link below:

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If you want to subscribe to Brevity send an email to Joey Binard at [jbinard@ncjfcj.org](mailto:jbinard@ncjfcj.org) with your email address and your name.

**SOS-USA**

**Judge Helps Bring a Village to Florida to Create Stability for Dependent Children  
By Elizabeth Kirwin, SOS Children's Villages U.S.A.**

State judicial educators who are concerned about children's advocacy issues might like to take a look at SOS-Children's Villages (SOS-CV) approach to a solution. Judge Estella Moriarty of Florida encouraged the world-renowned organization to build an orphanage in her county near Fort Lauderdale in the early 90s. "I was appalled at the lack of resources for dependent children," said Judge Moriarty, "and I knew we needed to help provide stability for these children when reunification or adoption may take years."

Judge Moriarty thought SOS-CV, the brainchild of Hermann Gmeiner, was an innovative solution. Gmeiner helped build the first village in Austria, to provide stable homes to war orphans. Gmeiner's vision was an intimate cluster of houses and people, which formed a neighborhood. The SOS-CV model has spread to 131 countries throughout the world.

Judge Moriarty's efforts to bring SOS-CV to Florida coincided with the work of so many others. The dream to provide more permanent homes to children was realized when the first U.S. village was completed in Coconut Creek, Florida in 1993 and SOS-USA was born. Another village soon followed in Illinois in 1994.

In the United States today, SOS-CV provides consistency and stability to children. Each home has a house parent and sibling groups are not separated. Children attend the same school, and receive tutoring and therapy when needed. SOS-USA Florida is now ten years old, and some of the children who began living there in the beginning are now entering college, or pursuing a career.

SOS-CV was nominated for the Nobel Peace Prize more than a dozen times, and won the world's largest humanitarian award, the prestigious Conrad N. Hilton Humanitarian Prize for 2002.

Judge Moriarty believes, "New concepts in foster care and adoption do work and are proving worthy of further investigation. Agencies could benefit from emulating their examples. For some of these children, the village concept can provide an answer."

"SOS Children's Village in Florida has been held high as a model, because of our unique approach," said Margie Bruszer, Administrator of the SOS-CV in Florida. Representatives from agencies that deal with foster care and adoption issues learn more about the model by visiting the village. Through this sharing process others may cultivate ideas for positive changes in their approach.

If you want to make an impact in your community and are interested in learning more about SOS-USA, now is the time. SOS-CV USA is currently immersed in a media tour and can coordinate local issues within their national scope. For example, they recently coordinated TV interviews with some Texas juvenile judges to bring about public awareness of the issues judges, children and families face every day. For more information on how to participate in the media tour in your city, contact Michelle Tennant at (828) 749-3200 or by e-mail at [michelle@tenant.org](mailto:michelle@tenant.org). More information about the organization is found at [www.sos-usa.org](http://www.sos-usa.org).

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Elizabeth Kirwin is a freelance writer and editor based in Asheville, North Carolina. Her work has been published nationally in magazines such as Packaged Travel Insider and Travel Naturally. Ms. Kirwin also teaches writing and research at the University of North Carolina Asheville.

## Enforcing Child Custody Orders Across Jurisdictional Lines

Darren Mitchell, National Center on Full Faith and Credit

Sarah Jones lived in State A for eight years with her husband, Danny. They have a six-year-old daughter named Annie. Danny abused Sarah for years while they lived in State A, but she never sought help because Danny threatened to kill her if she called the police. Danny never physically abused Annie. Two months ago, Sarah fled with Annie to State B, after Danny choked Sarah.

Danny has figured out where Sarah is living and he has made several threatening calls to her in State B. A month ago, Sarah obtained a domestic violence protection order from a court in State B. The order awards temporary custody to Sarah and forbids Danny from having contact with Annie until he completes a batterer intervention program.

Danny did not attend the protection order hearing, but after being served with the final protection order from State B he went to family court in State A and obtained a custody order granting him sole custody of Annie. Danny never mentioned the existence of the State B protection order. When Sarah was served with the final order from State A (she was too scared to return to State A for the hearing) she filed for sole legal custody of Annie in family court in State B.<sup>1</sup>

Scenarios like this raise many difficult questions. What should the family court judge in State B do in this case? Can he or she take jurisdiction over the custody case despite the existence of orders issued by other courts involving these parties? To what degree must the judge defer to the existing orders, including the protection order? Can or should the judge communicate with the other judges involved to resolve the case?

Judges need to know how to answer those critical questions because survivors of domestic violence find themselves in situations like the one Sarah faces all too often in this country. [To escape abuse and provide for the safety and security of themselves and their children, survivors often are compelled to flee across state, tribal, and/or territorial lines.] The complicated, inter-jurisdictional custody cases that result are among the most challenging for judges to decide, in no small part due to the confusing array of laws that apply. These cases are rendered even more difficult and consequential because abusers use child custody litigation as a weapon of further abuse and because survivors face a heightened risk of physical violence when they take steps to leave abusers. Unless they make careful, well-informed decisions that take into account the effects of domestic violence, judges hearing inter-jurisdictional custody cases risk exposing survivors and their children to further violence at the hands of the abusive parent.

[Judicial educators can help judges to understand the relationships among the relevant jurisdictional laws and to recognize how they can be used to provide safety for domestic violence survivors and their children.] This article is intended to provide a brief overview of the relevant jurisdictional laws, with special emphasis on how they address (or fail to address) domestic violence. Because of the breadth and complexity of the legal issues involved, the discussion is necessarily abbreviated and only touches upon the most salient features of the applicable laws. For further information and assistance on the issues presented by inter-jurisdictional custody cases involving domestic violence, please contact a technical assistance provider listed at the end of the article.

### The Applicable Laws

A threshold procedural question in cases like that involving Sarah, Danny, and Annie is whether a particular court can exercise jurisdiction over the case at all. That question, which implicates jurisdictional statutes at both the state and federal levels, is the principal focus of this article.

The potentially applicable laws are as follows:

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<sup>1</sup> This scenario is adapted from Deborah M. Goelman, "Shelter From the Storm: Using Jurisdictional Statutes to Protect Victims of Domestic Violence After the Violence Against Women Act of 2000," COLUMBIA JOURNAL OF GENDER AND THE LAW, forthcoming (Fall 2003).

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State Laws <sup>2</sup>	Federal Laws
Uniform Child Custody Jurisdiction Act (UCCJA)	Parental Kidnapping Prevention Act (PKPA) (28 U.S.C. § 1738A)
Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)	Violence Against Women Act (VAWA) (18 U.S.C. §§ 2265 and 2266)

In addition to the laws listed in the table above, the Indian Child Welfare Act (ICWA) sometimes applies to child custody cases involving Indian children, but not where the parties seeking custody are the biological parents of the child. A discussion of the ICWA is beyond the scope of this article.

There is one key difference between state and federal jurisdictional statutes. [The state laws determine which court has jurisdiction initially over a particular custody case and also specify when an existing order must be enforced in another jurisdiction.] The federal laws, by contrast, only determine when a court must give full faith and credit to (that is, honor and enforce, without modification) an existing order issued by a court in another jurisdiction. The federal laws do not govern whether a court can take jurisdiction initially in a case.

Although the jurisdictional statutes do not address *how* a court is to decide a custody case, they nonetheless are enormously important, especially in interstate cases. The question of which forum has jurisdiction to decide the case has a profound effect on whether a party can effectively - and safely - litigate his or her case.

### The State Jurisdictional Statutes

#### The Uniform Child Custody and Jurisdiction Act

Developed in 1968 by the National Conference of Commissioners on Uniform State Laws (NCCUSL), the Uniform Child Custody Jurisdiction Act (UCCJA) was designed to prevent the entry of multiple, inconsistent child custody orders by courts in different states. The overarching goal of the UCCJA was to deter kidnapping of children by parents seeking a more sympathetic court. Within approximately two decades of its development, the UCCJA was enacted by all 50 states and the District of Columbia.

At the heart of the UCCJA are the four bases under which a court may exercise jurisdiction over a case. These are known as *home state*, *significant connection*, *emergency*, and *last resort*. The *home state* is the state in which the child lived with a parent, or a person acting as a parent, for at least six months immediately prior to the filing of the custody case. *Significant connection* jurisdiction exists in a state where the child and at least one parent have a significant connection with the state, including substantial evidence in the state concerning the child's life. A court can exercise *emergency* jurisdiction if the child is physically present in the state and it is necessary to protect the child because the child has been threatened, abused, mistreated, or neglected. Finally, where no other state has home state, emergency, or significant connection jurisdiction, a state may exercise *last resort* jurisdiction.

These four jurisdictional bases are *not* prioritized in any way; for instance, one court may exercise jurisdiction because it is in the home state of the child, while a court in a different state simultaneously could exercise significant connection jurisdiction. The UCCJA's failure to prioritize among the various jurisdictional bases undermined its goal of preventing forum shopping.

In an inter-jurisdictional case involving domestic violence, the emergency jurisdiction provision can play a crucial role. For instance, in the scenario above, the survivor, Sarah, may need to ask the family court in State B to exercise emergency jurisdiction over the case because State B is not the home state and it may not have significant connection jurisdiction either. Unfortunately, the UCCJA was not written with domestic violence in mind. Consequently, absent an amendment to the UCCJA or case law holding otherwise, a court can assume emergency jurisdiction over a case only when the child

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<sup>2</sup> State legislatures sometimes change the names of these laws upon enactment.

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herself has been neglected, abused, or threatened with abuse, and not when it is a parent who has been abused or threatened, as is true in Sarah's case.<sup>3</sup> As discussed below, both the Uniform Child Custody Jurisdiction and Enforcement Act and the Parental Kidnapping Prevention Act have broader emergency jurisdiction provisions that apply where a parent, but not the child, has been abused or threatened with abuse.

Other provisions of the UCCJA also can play critical roles in cases involving domestic violence. Pursuant to the UCCJA's *inconvenient forum* provision, a court that has jurisdiction over a dispute may decline to exercise it in favor of a court in another jurisdiction. A court may consider several enumerated factors in determining whether it is an inconvenient forum, including whether:

Another state has a closer connection with the child and his or her family;  
Evidence concerning the child's present or future care, protection, training and personal relationships is more readily available in another state; and  
The exercise of jurisdiction would contravene any of the UCCJA's stated purposes.

Where there is evidence of domestic violence, the inconvenient forum provision authorizes a court to decline jurisdiction in favor of a court in a location that would provide greater safety for the survivor and the children. For instance, in Sarah's case a court in the home state (State A) could decline to exercise jurisdiction in favor of a court in the "refuge" state (State B). This would enable Sarah and Annie to remain safe and work toward achieving financial security without having to travel back to State A to litigate the case. To the extent that evidence concerning Annie's present care and protection is more readily available in State B than in State A, the decision to decline jurisdiction would be based directly upon one of the enumerated factors in the UCCJA.

The UCCJA provides a second basis for declining jurisdiction, often referred to as the "clean hands" doctrine.<sup>4</sup> If a party has wrongfully taken a child across jurisdictional lines or engaged in similar misconduct, a court may decline to exercise jurisdiction where the wrongdoer would otherwise gain an advantage. In Sarah's case, the court in State A may wish to decline jurisdiction based upon Danny's unclean hands in failing to inform the court of the protection order that had been issued against him. Unfortunately, courts sometimes decline to take jurisdiction on "clean hands" grounds when a parent has fled across jurisdictional lines to escape domestic violence and so is in technical violation of an existing court order. As discussed below, legislative comments to the UCCJEA advise courts not to unfairly punish survivors in that way.

The UCCJA includes two additional provisions that are important in cases involving domestic violence. The UCCJA sets forth a requirement that courts communicate with one another when there are custody cases pending in more than one jurisdiction. Such communication may be the only way for judges to make well-informed decisions regarding whether to accept or decline jurisdiction in complex inter-jurisdictional cases, because the evidence regarding domestic violence and the reasons underlying the survivor's flight may be known to only one of the courts involved in the dispute.

The UCCJA also provides for "interstate discovery" where it would be dangerous or difficult for one of the parties to appear in the jurisdiction that is hearing the case. Under the Act, a court in one state may request that a court in the other involved state assist in numerous ways, including by transferring court records and by assisting in the taking of testimony and in the production of evidence. In Sarah's case, if the State A court does not decline jurisdiction, these provisions could enable that court to enlist the assistance of the State B court so that Sarah would not have to return to State A to litigate the case.

### **The Uniform Child Custody Jurisdiction and Enforcement Act**

The Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) was developed by the National Conference of Commissioners on Uniform State Laws (NCCUSL) in 1997 as a replacement for the UCCJA. The UCCJEA was

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<sup>3</sup> Some states have amended the UCCJA to include abuse against a parent as a statutory basis for exercising emergency jurisdiction, while in other states case law has established that emergency jurisdiction is appropriate under such circumstances. *See* Goelman, *supra* note 1.

<sup>4</sup> The formal name of this doctrine in both the UCCJA and the Uniform Child Custody Jurisdiction and Enforcement Act is "Jurisdiction Declined by Reason of Conduct."

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designed to harmonize state laws and make them consistent with the governing federal law, including the Parental Kidnapping Prevention Act and the Violence Against Women Act, which had been enacted in 1980 and 1994, respectively. To date, 34 states and the District of Columbia have replaced the UCCJA with the UCCJEA, and additional states are considering enactment. Unlike the UCCJA, the UCCJEA specifically addresses the effects of domestic violence on inter-jurisdictional custody cases, both in statutory language and in official commentary.

The UCCJEA's four jurisdictional bases are very similar to those in the UCCJA (and virtually identical to those in the PKPA): *home state*, *significant connection*, *emergency*, and *last resort*. However, the UCCJEA prioritizes home-state jurisdiction. Therefore, unless it declines to exercise jurisdiction, the home state court has jurisdiction over a case even if there is another state that would otherwise have significant connection jurisdiction. Moreover, under the UCCJEA's concept of exclusive, continuing jurisdiction, the home state retains jurisdiction over the case unless no party remains in that state or the parties no longer have a significant connection with the state and substantial evidence is no longer available there.

The UCCJEA's emergency jurisdiction provision, unlike that of the UCCJA, authorizes a court to exercise jurisdiction when a parent (or sibling) of the child in question has been abused or threatened with abuse, even if that child has not. That change is of particular importance in domestic violence cases, like Sarah's, where there may be no evidence of child abuse but the mother has been abused.

Emergency jurisdiction under the UCCJEA is *temporary* only. The court exercising emergency jurisdiction is required to communicate with the court in the home state to resolve the emergency, protect the parties and child, and determine the duration of the emergency order. In Sarah's case, if she asks the State B court to exercise temporary emergency jurisdiction to protect her and Annie, that court would be required to communicate with court in State A. This could provide a means of getting information about the abuse to the State A court and may lead the court either to decline to exercise jurisdiction in favor of State B or to take the domestic violence into account and revisit its previous decision, which may have been based solely on Danny's misleading or incomplete averments.

The UCCJEA retains *inconvenient forum* and "clean hands" as grounds for a court to decline to exercise jurisdiction over a case. Unlike the UCCJA, however, the UCCJEA explicitly directs courts to consider domestic violence when determining whether to decline jurisdiction. Courts must consider several enumerated factors in deciding whether another court is a more convenient forum, including "whether domestic violence has occurred and is likely to continue in the future and which State could best protect the parties and the child." In official commentary, the UCCJEA directs courts to determine whether the parties are located in different States because one party is a victim of domestic violence or child abuse. If domestic violence has occurred, courts are authorized to consider which state can best protect the victim from further violence or abuse. In Sarah's case, these considerations may lead the State A (home state) court to decline to exercise jurisdiction in favor of the court in State B, where Sarah has found refuge.

Official commentary explains that the UCCJEA's "clean hands" provision is applicable against an abusive parent who seizes a child and brings him or her to another state to establish jurisdiction. The court should decline to exercise jurisdiction under those circumstances due to the abusive parent's unjustifiable conduct. At the same time, the comments clarify that victims of abuse should not be punished for fleeing the violence, even if the conduct is technically illegal. Courts are directed not to decline jurisdiction automatically in such cases; rather, they should determine whether the flight was justifiable under the specific circumstances. The "clean hands" provision does not apply in cases where a party has asked a court to exercise temporary emergency jurisdiction.

Like the UCCJA, the UCCJEA includes provisions that require (or, in other instances, authorize) courts to communicate with courts in other jurisdictions regarding specific cases. As previously explained, the communication standards can be an effective way to protect survivors like Sarah when an abusive parent remains in the home state and may be in a position to provide a one-sided account of the case.

Finally, the UCCJEA also includes provisions permitting interstate discovery in cases where it would be unsafe or too difficult for a party to travel to another jurisdiction to litigate her case. These provisions are similar to, but more comprehensive than, those found in the UCCJA.<sup>5</sup>

### The Federal Jurisdictional Statutes

In inter-jurisdictional custody cases, state court judges face the additional challenge of determining the applicability of two federal laws, the Parental Kidnapping Prevention Act (PKPA) and the Violence Against Women Act (VAWA). These laws address the question of whether a custody determination, including a custody provision within a domestic violence protection order, should be given full faith and credit in another jurisdiction. State court judges may be less familiar with these laws than they are with the state jurisdictional laws, despite the fact that at least one of the federal laws applies in virtually every inter-jurisdictional custody case.

### The PKPA

Congress enacted the first of these laws, the PKPA, in 1980. The PKPA was intended, among other things, to eliminate the jurisdictional conflicts that arose as a result of the UCCJA's failure to prioritize among the four available jurisdictional bases. [The PKPA governs any inter-jurisdictional case in which the court is asked to enforce or modify an existing custody determination, or when a party requests that a court take jurisdiction over a case involving parties who are subject to an existing custody order.]

Under the PKPA, a court in a non-issuing jurisdiction must afford full faith and credit to a custody determination, but only if the issuing court had properly exercised jurisdiction under the Act's hierarchy of four jurisdictional bases. Like the subsequently enacted UCCJEA, the PKPA provides for *home state*, *significant connection*, *emergency*, and *last resort* jurisdiction. The home state has jurisdictional priority over significant-connection and last-resort states, but not necessarily over states exercising emergency jurisdiction. In addition, under the PKPA's continuing, exclusive jurisdiction provisions, the issuing court retains jurisdiction over the case, including jurisdiction to modify the order, unless no party remains in that state or the issuing court declines to exercise jurisdiction. It is important to note that *ex parte* orders are not entitled to enforcement under the PKPA, which requires both notice and an opportunity to be heard.

The PKPA's emergency jurisdiction provision is of particular relevance to domestic violence cases. Provided the requirements of that provision are satisfied, the PKPA requires inter-jurisdictional enforcement of a custody determination even if the issuing court was not in the child's home state. In 2000, as part of the Violence Against Women Act of 2000, Congress expanded the emergency jurisdiction provision of the PKPA so that it is now consistent with the temporary emergency jurisdiction provision of the UCCJEA. Specifically, courts may exercise emergency jurisdiction when a sibling or parent of the child in question has been subjected to or threatened with mistreatment or abuse, even if that child has not been abused or mistreated.

### The VAWA

The second relevant federal law, [the Violence Against Women Act (VAWA), as amended in 2000, applies in inter-jurisdictional cases in which a party seeks enforcement of a protection order.]<sup>6</sup> The full faith and credit provisions of the VAWA are relevant to inter-jurisdictional custody cases because many jurisdictions authorize courts to include temporary custody provisions in protection orders.

Under the VAWA's full faith and credit provisions, court-issued protection orders satisfying the Act's due process and jurisdictional requirements, including those issued *ex parte*, are entitled to enforcement in all states, tribes, and territories of the United States. Under traditional full faith and credit principles, courts must enforce all relief included in a

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<sup>5</sup> The UCCJEA also includes an optional provision intended to protect domestic violence survivors by limiting the disclosure of identifying information to the other parties or the public.

<sup>6</sup> See the Fall 2003 issue of the NASJE Newsletter, available on the Internet at <http://nasje.unm.edu/current-newsletter/resources-dv.htm>, for a discussion of the VAWA's full faith and credit provisions.

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protection order, even if such relief is not available in the enforcing jurisdiction. The question for state court judges is whether that requirement applies to custody provisions within protection orders.

To answer that question, one must examine the VAWA's definition of the types of protection orders entitled to full faith and credit under the federal law. The definition is very broad, but it contains parenthetical language that excludes certain orders from full faith and credit. The parenthetical reads (after the 2000 amendments to the VAWA): "other than a ... child custody order issued pursuant to State divorce and child custody laws, except to the extent that such an order is entitled to full faith and credit under other Federal law."

Does this language exclude custody provisions within protection orders from the VAWA full faith and credit mandate? Applied to Sarah's case, could she argue that the VAWA requires the court in State A, the home state, to give full faith and credit to the temporary custody provision in her protection order from State B? No court has interpreted the parenthetical in a published decision. Most experts believe that the language makes it clear that custody provisions within protection orders are entitled to full faith and credit if the protection order was issued in compliance with the federal PKPA. There is disagreement, however, over how to handle custody provisions that do not comply with the PKPA (for instance, those found in *ex parte* orders). Some experts interpret the parenthetical, which excludes only child custody orders "issued pursuant to State divorce and child custody laws," and does not mention orders issued pursuant to state protection order or domestic violence laws, to mean that the VAWA establishes authority independent of the PKPA for granting full faith and credit to custody provisions within protection orders. Others believe that all custody determinations, including those within protection orders, ultimately must comply with the PKPA. As attorneys become more familiar with the VAWA's application in inter-jurisdictional custody cases, state-court judges will be called upon to decide this issue of statutory construction.

### Available Resources

Judges confront a confusing array of laws when they are asked to decide inter-jurisdictional child custody cases involving domestic violence. Fortunately, they and judicial educators can draw upon several resources, including technical assistance providers, to help ensure that judges understand the laws and apply them in ways that protect survivors of domestic violence and their children from further harm.

#### Technical Assistance Providers:

Battered Women's Justice Project, Civil  
(800) 903-0111, ext. 2

National Center on Full Faith and Credit  
(800) 256-5883, ext. 2

National Council of Juvenile and Family Court Judges, Family Violence Department  
(800) 527-3223

#### Other Resources:

Statutory and case law summaries, checklists, and other tools are available at no charge from the National Center on Full Faith and Credit at (800) 256-5883, ext. 2.

Articles:

Billie Lee Dunford-Jackson, *The Uniform Child Custody Jurisdiction and Enforcement Act: Affording Enhanced Protection for Victims of Domestic Violence and Their Children*, 50 JUVENILE AND FAMILY COURT JOURNAL 55 (1999) (available on the Internet at <http://www.povertylaw.org/legalresearch/manual/Uniform%20UCCJEA.pdf>.)



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Deborah M. Goelman, *Shelter from the Storm: Using Jurisdictional Statutes to Protect Victims of Domestic Violence After the Violence Against Women Act of 2000*, COLUMBIA JOURNAL OF GENDER AND THE LAW, forthcoming (Fall 2003).

Patricia M. Hoff, *The ABCs of the UCCJEA: Interstate Child-Custody Practice Under the New Act*, 32 FAM. L. Q. 267 (1998).

Joan Zorza, *The UCCJEA: What Is It and How Does It Affect Battered Women in Child-Custody Disputes*, 27 FORDHAM URBAN LAW JOURNAL 909 (2000).

### **Darren Mitchell, JD**

Darren Mitchell is the Senior Attorney for the National Center on Full Faith and Credit (NCFCC), a project of the Pennsylvania Coalition Against Domestic Violence (PCADV). The mission of the NCFCC is to promote and facilitate nationwide implementation of the full faith and credit provision of the Violence Against Women Act (VAWA) and enforcement of the federal firearm prohibitions and the federal domestic violence/stalking criminal provisions. The NCFCC provides ongoing technical assistance and training to law enforcement officers, federal and state prosecutors, judges, court administrators, private attorneys, victim advocates, and other professionals who work with victims of domestic violence and stalking in all states, tribes, and territories. Before joining the NCFCC, Darren worked as a consumer advocate in Washington, DC and as a litigator in private practice in California. Darren graduated from Stanford Law School and has served as a law clerk for a federal district court judge in Montgomery, Alabama. In addition to his experience in adult education, Darren has taught at both the high school and university levels.

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**Side Bar to full faith and credit article:**

**NOW AVAILABLE: Full Faith and Credit: A Passport to Safety, a Judge's Bench Card**

*A Passport to Safety* is a revision of the original bench card on full faith and credit, published by the Family Violence Department of the National Council of Juvenile and Family Court Judges in 1999. The new bench card reflects the changes in the Violence Against Women Act (VAWA) of 2000 and illustrates exactly how judges who issue and enforce out-of-state orders of protection can satisfy and follow the federal Full Faith and Credit Provisions. For more information or to place an order, contact the Family Violence Department at 1-800-527-3223.



Book summaries for busy managers who have to know but don't have time to read about it!

**Today's Book:**

## **Generations at Work:**

# **Managing the Clash of Veterans, Boomers, Xers, and Nexters in Your Workplace**

By Ron Zemke, Claire Raines, and Bob Filipczak  
AMACOM American Management Association 2000

### **Age: a Greater Workplace Dilemma than Any Other Form of Diversity Today**

"At no previous time in our history have so many and such different generations with such diversity been asked to work together shoulder to shoulder, side by side, cubicle to cubicle."

There have always been multiple generations working together, but during our earlier manufacturing-oriented workplace, leadership roles were filled by older employees sequestered in head offices; middle-aged employees tended to be middle managers or in highly skilled seniority-protected positions; and the youngest were on the factory floor or in entry level trainee slots for long periods of time. Employee interactions were primarily horizontal and generational mixing was rare and formal.

In today's environment where the focus is on knowledge and talent, three (and soon to be four) very different generations are vying for position in a workplace of shrinking upward opportunity. Success is measured more in terms of merit and less on seniority. The new workplace is less rigid and the old pecking order is disappearing.

While one positive outcome of a blended perspective is the potential for more creative thinking and problem solving, another more disturbing occurrence is conflict: people opposing each other based on different values and views.

### **The Research**

In this book, the authors summarize data collected for nearly a decade through daily front-line experiences facing intergenerational workplace issues. They administered surveys, conducted focus groups, and interviewed hundreds of managers and their direct-reports. Their findings have been corroborated by generational research conducted by UCLA, Yankelovich Partners, the National Center for Educational Statistics, and Northwestern Mutual Life Insurance Company.

### **The Generational Cohorts**

In their research, the authors group the generational cohorts based on the "feel" as well as the "face" of its people. They found those born between 1943-1946 demonstrated similar values and views as Baby Boomers, a cohort most demographers classify as people born between 1946 and 1964. They dated Generation Xers from 1960 rather than 1965 because they concluded that those born from 1960 to 1964 acted and thought more like Generation Xers than any other group:

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- **Veterans** (born 1922-1943): born prior to and influenced strongly by World War II
- **Baby Boomers** (born 1943-1960): born during or after World War II and raised in an era of extreme optimism, opportunity, and progress
- **Generation Xers** (born 1960-1980): born in the shadow of the Boomer and on the rise of a global market
- **Generation Nexters** (born 1980-2000): born of the Boomers and early Xers into a high-tech, neo-optimistic world

Part One of the book profiles each cohort, including core values, influencing events and their heroes, cultural memorabilia, workplace behaviors (assets and liabilities) and motivators, and their performance as a leader and team member.

- Veterans (one-third of whom are war veterans) prefer consistency, uniformity, and things on a grand scale; they are conformers and history-absorbed, believe in logic, are disciplined, spend conservatively, and believe in law and order.
- Boomers believe in expansion, see themselves as stars, tend to be optimistic, know how to work in teams, seek personal gratification (sometimes at high cost), are soul-searchers, and embrace the notion of being "cool."
- Generation Xers are self-reliant, seek a sense of family, want work-life balance, have a nontraditional sense of time and space, prefer informality, are casual with authority figures, are skeptical, like life on the "edge," and are technologically savvy.
- [The Nexters (also known as Millennials and expected to be the largest generation ever) are optimistic, industrious, civic minded, confident, sociable, moral, and diversity-conscious.] (Read *Millennials Rising* by Neil Howe and William Strauss, Vintage 2000 for a deeper profile of this amazing cohort.)

### **Bringing the Generations Together (The ACORN Approach)**

Using case studies from generationally friendly companies, the authors share five common strategies for creating greater harmony among the generations at work.

- **Accommodate employee differences:** Manage a group one person at a time.
- **Create workplace choices:** Make change a way of life, not just a training seminar.
- **Operate from a sophisticated management style:** Communicate expectations clearly and give feedback regularly; today's managers must be flexible.
- **Respect competence and initiative:** Assume the best and treat everyone as if he or she has great things to offer: this has become a self-fulfilling prophecy.
- **Nourish retention:** Make your workplace a magnet for excellence, not-employee toxic.

This book is a valuable tool for managing, attracting, retaining, motivating and training each of the four generational groups in our workplace today.

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## **Judges and courts abroad – different systems, similar problems**

**Heike P. Gramckow, Ph.D.**

**Deputy Director, National Center for State Courts, International Division, Arlington, VA**

In the US and most industrialized Western nations, the importance of a well functioning judicial sector to a democratic society and its contributions to a stable free market economy is rarely debated anymore. While courts in the US frequently face budgetary problems, look to enhance their operations, strive to adhere to standards and improve their relationship with the public, the general concept of judicial independence, the contribution courts make to upholding democratic principles and supporting economic well being and societal harmony are rarely at the forefront of concern or a matter of discussion.

Not so in most developing countries, newly evolving democracies and nations in transition. There the role of the judiciary as an independent branch of government and what that really means in terms of court structures, operations, policies and legal frameworks is a fundamental part of the development and evolution of the nation, particularly important for defining the powers of the state in relation to the people.

For the past 12 years, the National Center for State Courts (NCSC), well known in the US for its assistance to courts in all matters related to court management and administration, worked with courts and governments abroad to advance their justice system reform efforts. NCSC's close links to the courts in the US are a unique asset to projects in other countries because US courts face issues very similar (while less extreme) than those with which the courts abroad, including those in the developing world, are struggling.

Since the work with courts in other countries often involves broad fundamental changes that reach far beyond the judiciary as well as very specific problems faced by individual courts on different levels, NCSC's international work has to build on the knowledge and expertise of judges, court administrators and other justice system professionals in the US to develop concepts and solutions that fit the courts and other related agencies in a particular country. The courts in the US, judges and court administrators working on all levels of courts, as well as other related professionals, have been a key part of NCSC's international work.

The assistance NCSC provides to judicial sector reform abroad may be delivered by bringing groups of foreign justice officials to the US so they can observe and learn from justice system operations here.

The willingness of judges and courts throughout the US to receive their foreign counterparts and spend time with them so they can observe operations here and discuss possible problem solutions for their countries has been a significant contribution to reform efforts abroad. NCSC receives annually over 300 visitors from abroad who want to learn about US court operations. The importance of allowing them to spend time in courts in the US cannot be underestimated. For example, in 2002 members of the General Council of Courts of Mongolia, the equivalent to a Judicial Council in the US, visited Utah and Colorado to learn more about the role and functions of the Judicial Councils there, their organizational structures and operation, as well as about their role vis a vis the Administrative Office of the Courts. The Chief Justices of both states, as well as other representatives of the courts and of the Administrative Offices of the Courts, graciously opened their doors and spent time discussing the pros and cons of different organizational structures and functions to govern and manage the courts. Their experiences with different operational processes provided the bases for fundamental changes to strengthen the independence of the judiciary in Mongolia. The Mongolian delegation was particularly interested in the committee structures that provide input to the decisions of the Judicial Council in Utah and began implementing similar structures upon their return to Mongolia.

Assistance is also provided by relevant experts who travel to a particular country for a few weeks, months or even relocate abroad for a multi-year period. In addition to short-term assistance that generally involves very specific, targeted activities for two or three-week periods or a few months, NCSC currently has permanent offices in Croatia, Kosovo, Mexico, Mongolia, and Nigeria. A small staff of US experts and local staff, often supported by other short term experts, work in country over several years to provide assistance for fundamental justice system reforms. Finding the right individuals who bring the right mix of experience and

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passion to this often very demanding work under less than ideal conditions is one of the many challenges NCSC's International Division faces.

Since the needs of the courts abroad are often so wide-ranging and related to other fundamental changes in the government structure of a country, the assistance provided frequently extends beyond the courts. The work can range from assistance for legal drafting, to supporting the design of a new governing structure of the courts nationwide, to building national and local level court administration capacities, developing continuing legal education mechanisms, as well as very specific support to individual courts that may involve case flow management, records keeping, enhancing public access, automation, facility design, media relations and reaching out to the community. Without being able to draw upon a broad range of experiences and skills of judges and court administrators in the US, this work would be impossible.

The range of assistance provided by NCSC to other countries is broad and holistic focusing on the courts at their core but involving other justice sector agencies, other legal professions, other government agencies, the legislative branch, and civil society to ensure effective reform programs. In addition to its own staff, NCSC relies heavily on the expertise of US judges, court administrators, prosecutors, and other relevant professionals to provide the assistance needed.

The following sections provide a synopsis of some of the key activities NCSC's International Division and its consultants have been engaged in over recent years.

**Support for legal drafting.** NCSC has played a key role in the conceptual formulation and drafting of new laws and implementation of the new regulations in several countries. Most recently in *Mongolia*, NCSC has provided input to the Criminal Procedure Code, the Civil Procedure Code, legislation for a qualifying exam for legal professionals, a new judicial ethics code and code for judicial selection, a new Law on the Courts and Law on Prosecutors. The input has consisted of commentary on proposed codes, ongoing consultation to discuss problems and facilitation to develop consensus, and suggesting alternative language or ideas that are acceptable to the key decision makers. The focus in all of these activities was on assisting the Mongolian government and parliament to develop and pass legislation that both complies with international standards and is appropriate for the Mongolian environment. A special focus was placed on legislation that provides for efficiency, accountability and transparency throughout the system. In addition, the proposed changes were reviewed for mechanisms to support the independence of the judiciary and to maintain independent operations of the Prosecutor General's Office.

In *Nigeria*, NCSC assisted the judiciary and private Bar and Attorneys General offices in three pilot states in coming to agreements about changes to the civil and criminal procedural rules to reduce backlog, including mechanisms to reduce continuances. These agreements were developed after a solid assessment of the underlying problems was conducted. The results of these assessments were shared with all stakeholders and intensive workshops were held to introduce alternative processing options and ongoing support to develop workable solutions for each state.

**Strategic planning and consensus building for the justice sector.** In *Mongolia*, NCSC played a key role in organizing stakeholder workshops and consultation to develop consensus for reform and strengthening of the judicial sector. NCSC accomplished this by bringing together key counterparts and reform-minded individuals from the judiciary, Prosecutor General's office, Ministry of Justice, Bar association, and relevant NGOs. NCSC played the role of facilitator, assisting in creating the consensus required to develop and sustain the reform process. The Strategic Plan for the Justice System of Mongolia passed Parliament in May 2000, just before the June elections that swept the former communists back into power. The new government quickly adopted the Strategic Plan, a tribute to the plans broad-based support. NCSC now continues this process by supporting consultative processes for the implementation of priority issues outlined in the Strategic Plan.

Another effective tool in developing consensus for reform and its implementation are bench/bar meetings and three-branch meetings. In *Nigeria*, NCSC supports ongoing communication between the judiciary and the bar

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and conducted special three-branch meetings on the state and national level to develop a mutual understanding of the requirements of judicial independence, with an emphasis on the budget process. By involving the Minister of Finance, as well as the Attorney General and key legislators, the representatives of the judiciary were able to communicate their needs. These initial communications led to more intensive meetings and resulted in changes to the budget process that made the process more efficient and easier for the agencies involved, created substantial goodwill, and ultimately resulted in more than doubling the amount appropriated for the Nigerian court sector.

***Developing Frameworks for Judicial Sector Administration and Governance.*** NCSC has assisted several countries in developing the legislative framework to establish or reform its judicial sector institutions and later implementing the changes.

In *Mongolia*, NCSC assists with efforts to strengthen the General Council of Courts (GCC). The GCC is responsible for setting policy for the court system among other duties. The initial analysis was based on an extensive review of judicial governance in the US and other countries. Bringing this comparative information into the reform process allowed the Mongolians to select elements from various systems that are best suited to their needs. Demonstrating the trend away from executive branch dominance in judicial governance, as well as the introduction of efficient court administration practices has been helpful in countering the dominant role that the executive branch exerted.

NCSC also assisted the *Irish* judiciary to plan and implement the move of the court administrative functions from the Ministry of Justice into an independent agency. NCSC was instrumental in assisting the court leaders as they designed a reengineering plan for the 800 staff that became the core of the new Irish Courts Service. In addition, NCSC was called upon to provide leadership training seminars to the new Board of the Irish Court Service as it developed its protocols, by-laws and a plan for the future. Once a mutually agreeable reengineering plan was designed, NCSC was asked to assist in implementing this plan and provide change management training and assistance for various levels of staff as they took on their new responsibilities. Today, the Irish Courts Service has a well-functioning Board of Directors composed of judges and justices of all levels, barristers, counselors, the bar, and the public; has a CEO who leads the implementation of a strategic plan approved by the Irish Parliament; and has a newly organized staff focused on current and future court needs.

***Case management and backlog reduction--*** NCSC is internationally recognized for its expertise in the area of case processing and management. In *Croatia*, NCSC is helping the Zagreb Municipal Court and the Ministry of Justice to identify the causes of case backlogs and develop the means to reduce delays in processing. Establishing solid relationships with Croatian stakeholders helped to overcome initial reluctance about change. The commitment to change took full root as a result of a NCSC-organized study tour for a group of Croatian judges, Ministry IT staff, and a representative of the Bar association. The group met with staff from several U.S. courts, observed activities in the courts and administrative offices, and met with representatives of judicial education institutions to gather information and learn the techniques and strategies used in these courts and institutions. The participants used the information to develop a detailed action plan to tackle their court administration problems, particularly the case backlog. The study tour was key in consolidating political commitment to change and developing the strategy for achieving that change. Implementation is now underway.

In *Egypt*, NCSC assisted two pilot courts in reengineering case management procedures, created new archival and filing systems, and introduced automation. Recognizing that judges are the cornerstones of case delay reduction, monthly meetings with judges were held to emphasize the goal of case delay reduction and to introduce and encourage new judicial attitudes in keeping cases moving towards disposition. The judges who experimented with new techniques to reduce case delay kept a list of best practices and shared these ideas with other judges. Extensive retooling was done throughout the court to integrate an automated Case Initiation and Receipting System and a Case Management Application (CMA) into the Courts' existing processes. The former includes a one-step filing process for civil cases. This enables counsel to file a case in less than an

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hour, replacing a multistage process that required more than half a day and was susceptible to corruption. Judges, court staff, and project staff formed committees to confront the issues presented by the implementation of the automated systems. These changes have reduced the time for disposing of civil cases by 42 percent since the project's inception.

**Improving public access, efficiency, and transparency.** NCSC's assistance has helped to make court operations more open and accessible to the public in several ways. In *Mongolia*, NCSC supported the courts in establishing public access terminals in pilot courts that allow the public to check on the status of a case. Information officers operate these computers as needed. The terminals have eliminated the public's frustration related to finding the right person for information in the courthouse, gradually reducing the number of people who were loitering in the courthouse, and creating more timely and open access to court information, thereby increasing transparency.

In the *Dominican Republic*, automated procedures to allocate cases by crime type resulted in enhanced transparency, a more even distribution of workload for the prosecutors, and better allocation of resources by focusing on high crime areas. The *Fiscalia*, the Dominican equivalent to a prosecutor's office, which has a public information and orientation service for the citizenry that insures better understanding and access to the public.

**Public education.** In *Mongolia*, NCSC supports a nationwide public education campaign that will inform and educate the public about the role of courts and how to access them. The purpose is to inform citizens of what they can expect from the courts, in an effort to create a constituency that will indirectly keep pressure on the government and the courts to provide better services. In addition, educational fliers and posters were created and distributed to all courts, prosecutors' offices, and other government agencies for public display. NCSC is providing special training to the press officers of the courts, prosecutor's office and Ministry of Justice along with training for journalist about the courts to assist in developing improved press relations.

As part of its project in *Kosovo*, NCSC is helping to develop a public and media education element, under which the public will be assisted in filing cases. Brochures on changes to the justice system will be prepared and distributed, and regular briefings of citizens groups and the media will be held to discuss reforms and receive comments and input from the public.

**Court facility improvement.** NCSC has extensive experience in assisting in the design and redesign of court facilities to assure that architectural plans meet court needs. A functionally adequate and safe courthouse is indispensable to the efficient operation of a court. NCSC staff and consultants applied this expertise to several countries. Physical improvements to court lobbies, records and archival rooms, individual court rooms, and libraries have improved efficiency and public access in pilot courts in *Mongolia, Nepal, Nigeria, and Egypt*. In all these countries NCSC found archival rooms with files stored in boxes or piled high on the floor, and remedied the problem with inexpensive steel shelving that allows case files to be stored with the numbered bindings visible. In Egypt, NCSC helped to develop the plans for renovating existing court space to accommodate a Personnel Computer Literacy Lab (PCLL) at the National Center for Judicial Studies, a 40-computer typing pool facility, and a specialized room for filing cases. Most recently, NCSC assisted with the design and equipment of a Special Court for Organized Crime and War Crimes in Belgrade to ensure that it is secure and functional to handle high level notorious trials.

**Training for judges and other legal professionals.** NCSC has been active in developing sustainable training programs in many countries, in a broad variety of substantive law topics, management and leadership, including conceptual and strategic planning, curriculum development, use of adult education techniques to enhance the effectiveness of training, ethics, use of alternate dispute resolution approaches, case management, budgeting and financial management, the role of courts and judges, court administration, and records management.

The Judicial Reform Program in *Mongolia* further entails planning for a comprehensive, sustainable Continuing Legal Education (CLE) system. To build the necessary capacity, NCSC started by assessing the strengths



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and weaknesses of the existing, mostly donor-funded training programs and conducting a baseline survey of legal professional's training needs. The assessment found significant room for improvement in the sustainability of training, information that NCSC has applied in the design of its own activities and in developing the concept for CLE in Mongolia. NCSC also cooperates closely with the World Bank and the Government of Mongolia in the establishment of a National Legal Training Center (NLTC). NCSC staff is providing advice and assistance on the center's proposed management structure to support more systematic and sustainable training.

In *Mexico*, NCSC is now in the process of developing specialized training for judges of the state courts, to state-level judicial training institutes, and to the Federal Judicial Training Institute. In addition to skills and leadership training, and preparing instructor staff to draft curricula, and interactive and practical training methods, NCSC also provides technical assistance in methods of conducting judicial assessments, measuring effectiveness of existing training programs, and strategic planning. NCSC has also supported development of a Judicial Master's Program, the first iteration of which was completed at the end of 2000.

NCSC's International Division is constantly challenged to expand its work to other countries and new areas of expertise. The demanding work and the funders of these projects, which are development agencies such as USAID and the World Bank, set high standards for hiring the most qualified individuals for the work abroad. Solid practical experience, the ability to be flexible, adjust quickly to an often challenging foreign environment, good people skills and the desire to contribute to reform efforts in countries that have a lot of potential but few resources are essential for this type of work. NCSC has been fortunate to find judges and court administrators with these skills who are not adverse to difficult working conditions. Still, the pool of potential candidates for these assignments is limited. Readers who are interested in such work may contact NCSC's International Division in Arlington, VA at 703-841-0200.

## 10 Tips for Productive Meetings

Tracy Peterson Turner, Ph.D.

*Do you hold regular meetings or only on occasion? No matter the frequency, do you want your meetings to be more productive and time-efficient? Do you want those who attend to get a sense that their time was well-invested? Then read on, and you'll learn 10 powerful tips for streamlining your meetings and making them effective and productive.*

Imagine this scenario: You spend five hours per week in meetings held by others. You look forward to those meetings because they are productive, well run, and efficient. As a participant in these meetings, you know your time has been well spent and you leave feeling valued and appreciated. You spend another three hours per week in meetings you schedule and facilitate. You look forward to these meetings, too, because the participants are always prepared, they offer only insightful and relevant comments, and they maintain their focus on the topic of and reason for the meeting.

If you're having a reaction right now that resembles something like this: "Yes, that's exactly what I experience. My meetings are even better than what's described here," then read no further because you're already doing everything I'll recommend below. Congratulations!

On the other hand, if your reaction sounds more like this: "Yea, right! In my dreams! Don't I wish." Please read on. When you facilitate your next meeting, implement the 10 tips below and your meetings will transform from time-wasters to time-maximizers. No longer will your staff and coworkers grumble; no longer will they feel you've wasted their time.

You may not know it, but when a meeting you hold is considered a failure in the eyes of the participants they place all the blame on you. When that happens, the people you need in your meetings will start to find excuses for not being there or they may be less than participative when they do attend.

What constitutes a meeting that fails? When no clear action items are generated, when participants leave the meeting wondering what the purpose of that was all about, when the participants are wishing they could have been anywhere but there. Likewise if the meeting is a success, participants leave energized and ready to take on the rest of the day. Good meetings become a productive part of their work and not just an additional duty.

To help make your meetings productive and worthwhile for all concerned, implement the following 10 tips:

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
6. Establish ground rules for behavior
7. Keep the meeting on topic
8. Create clear action items
9. Prepare minutes and distribute appropriately
10. Ensure a good mix of people

We'll cover the first five tips in this issue and the remainder in the next *NASJE News*.

### **Tip #1: Know the Purpose of the Meeting**

There are only three good reasons to hold a meeting:

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- brainstorming
- delivering info
- gathering info

Brainstorming in a meeting with a group of people for the purpose of solving a particular—known—problem can result in extremely creative solutions. While not all the solutions will be workable, the activity of brainstorming can be energizing and productive because somewhere in all the silliness and far-fetched solutions are one or two viable, workable ones.

Meetings are also excellent places to deliver information to a large group of people. Delivering this information collectively to the group helps ensure all people get the same information at the same time. This will help reduce the spread of rumors and also reduces the amount of time that might be spent delivering the information to individuals or smaller groups.

Meetings are excellent, too, for gathering information from a group of people. If you manage a team on a collaborative project—say writing a proposal in response to an RFP, then getting the team together to ascertain their status on their work on the proposal and to identify any problem areas can help everyone involved in the meeting have access to that information should they experience a similar problem or discover a solution.

Knowing for which purpose you are holding the meeting will help ensure the meeting has a definite reason for being held. Too often, managers will hold meetings without deciding on the purpose or outcome ahead of time. The result is an air of confusion and people who become frustrated. When participants are confused or frustrated, they rarely are productive in meetings and become even more resistant to attending another.

When you can clearly identify the purpose for the meeting to both yourself and the participants, all concerned can begin to prepare for the meeting. Tip #2 will help ensure you are all fully prepared.

### **Tip #2: Prepare an Agenda**

Agendas prepared and distributed ahead of time help participants get ready for the meeting. Unfortunately, too many meetings are held without this essential point of preparation. The result is a group of people called together, but they don't know the purpose or the topic of the meeting. Consequently, they cannot prepare for the meeting. Essentially, they walk in the room—pencil and pad in hand—without any idea what will be discussed. This can be terribly embarrassing, especially when one of them is put on the spot to answer a question or to speak to an issue that they didn't know was going to be discussed.

To help others be successful attending our meetings, let them know the topic of the meeting, the purpose for holding it, and the specific items that will be discussed. Doing this will give them the opportunity to be fully prepared while avoiding the possibility of embarrassment as well as wasted time.

For agendas to be really effective, assign timeframes to each topic of discussion. The timeframes should be published on the agenda so that participants know how long will be spent on each item. This will prevent someone from preparing a 30-minute discussion point for an item only allotted 5 minutes on the agenda.

When allotting timeframes to agenda items, make those timeframes appropriate to the topic. For instance, if we're holding a 45-minute meeting and plan to discuss three items, each item does not receive an equal portion of time. Item A may actually need only 5 minutes of discussion while Item B may require 35 minutes to discuss. That leaves 5 minutes for Item C. But don't forget the summary! You'll need time to wrap up the meeting, recap action items (see Tip #8), and close the meeting.

Thinking through the appropriate time frames for each item will help you as the facilitator or leader of the meeting have a clear picture of your expectations. When you have this clear picture, it's easier to keep the

meeting going according to plan.

A final word about agendas: they must be published ahead of time. It does absolutely no good to prepare an agenda and assign timeframes to the items on that agenda if no one attending the meeting is aware of them. Instead, distribute the agenda ahead of time—at least 24 hours but preferably two to three days ahead of the meeting. This will allow people to prepare and to bring up known problems so that you, as the leader, will be completely prepared.

For instance, if you publish an agenda as outlined above and a participant has more knowledge about Item A than you, this person may bring to your attention that discussing that item will really take 20 minutes. Knowing this ahead of time will allow you to adjust the timing for the meeting or adjust the number of items to be discussed during the meeting. You'll be much better off knowing this ahead of time rather than finding it out at the last minute.

### **Tip #3: Have a Skilled Facilitator**

A skilled facilitator is the person who keeps the meeting on track and on topic. The facilitator is responsible for preparing the agenda and distributing it as well as ensuring the meeting sticks to the agenda. The facilitator doesn't necessarily have to be the person holding the meeting. In fact, sometimes it's better to have someone other than the person who called the meeting to facilitate it. Why? It may be the person who called the meeting who typically derails it.

If there is a designated facilitator present, that person can help keep the person who called the meeting on agenda. Of course, this requires that the person calling the meeting be aware that they are not always the best choice for running or facilitating the meeting. This level of self-awareness can be very beneficial and serve to solve significant relationship problems in the department or organization.

### **Tip #4: Have a Rotating Facilitator for Regular Meetings**

If you hold regular meetings with essentially the same team of people present at each meeting, having each person take a turn facilitating the meetings can help cultivate your team into a group of skilled facilitators. This is especially effective when you want to grow the professionalism and expand the skills of your team.

Allowing a different individual to facilitate each meeting will help them each get a sense of what it's like to have the responsibility for facilitating, to experience preparing the agenda, and to appreciate what meetings are like from the facilitator's point of view. This can be a particularly effective tactic when you have one or two habitual disrupters in your meetings.

Assigning the role of facilitating to someone who generally disrupts the meeting may help that person see just how difficult it is to keep each participant's attention as it is. The disruptions only make it worse. Of course, if you are going to use this strategy you can't simply single out the disrupters and only "make" them facilitate. The lesson must be subtle, so rotating the responsibility through the entire team is most effective.

A third advantage to rotating the role of facilitator among the participants is that doing so removes some of the responsibility for the meeting from your shoulders. Yes, you'll have to mentor your facilitators to help them be successful in their roles; at the same time, however, you'll find that once you've modeled for them what the agenda should contain and how to allot the timeframes they will then be able, for the most part, to run with that responsibility leaving you free for other duties.

### **Tip #5: Invite the Appropriate People**

A serious frustration point and time-waster is when people who need to be in a meeting weren't invited and those that were invited didn't need to be there. Having the right people at the meeting is essential to ensuring

topics can be covered efficiently and completely.

How do we figure out whom to include? By knowing what we want to accomplish (brainstorm, deliver information, or gather information) and what our specific agenda items are we can ensure the right people are present. The clearer we are on these two points, the easier it is to decide whom to involve in the meeting.

For instance, Joe, the head of the production department, might be useful to have at the meeting; but it might really be June, the lead on similar past projects who would be better because of her experience and the light she can shed on potential problems. Perhaps all Joe needs is a summary of what was discussed rather than to take the time out of his day to attend a meeting June could handle.

### **Next Quarter's Issue**

In next quarter's issue, we will address the next five tips for holding productive meetings. But don't wait until then to start making changes in your meetings. Implementing these first five will help you get started on having more effective and productive meetings.

I invite you to write and tell me about your successes and challenges implementing these suggestions. Write me at [info@Mgr-Impact.com](mailto:info@Mgr-Impact.com)

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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.

## TECHNOLOGY IN THE CLASSROOM—REVISITED

JO DALE BEARDEN, PROGRAM COORDINATOR, TEXAS MUNICIPAL COURTS EDUCATION CENTER

We retain 10% of what we read, 20% of what we hear, 30% of what we see, 50% of what we hear and see, 70% of what we say, and 90% of what we say and do<sup>i</sup>. Subsequently, why then is the most widely used type of teaching, traditional lecture? For many, they perceive that it is easier to lecture for an hour than to prepare and run a class with high involvement. Others may fear that allowing the class to participate takes some of their control away. There are many reasons that traditional lecture is still a frequently used training technique and they are all valid reasons. Nevertheless, consider if you will, the entrance of technology into your traditional lecture, taking the class from traditional to participative and through that simple addition increasing the retention percentage.

Visual aids have long been a staple in the teaching repertoire. I was once told that to be a good teacher, the only skill you must possess is the ability to tape a flip chart sheet straight. Well, with new technologies, the days of flip chart taping, copying overheads, and putting in reel-to-reel tape are gone. Today, we have presentation software, document viewers, responder systems, and the ability to show video to large groups (and no television carts). These are not the most cutting-edge technologies, but they are technologies that can take our presentations from 20% retention to at least 50% retention, easy and 90% with a little more effort.

The popularity of presentation software, a.k.a. slideware, has grown over the last fifteen to twenty years. This growth was mainly fueled by private industry, Microsoft's PowerPoint being the most commonly used. Although there is debate over the educational soundness of presentation software<sup>ii</sup>, when used as an accessory and not a crutch, presentation software can improve a presentation. For example, use the presentation software to convey instructions for group work to a large group, use pictures to convey a message or meaning instead of bulleted phrases, or incorporate video into your presentation software as a user-friendly way to show video clips.

*Presentation software can be used to keep the class on task, but it also can cripple a presenter by not allowing any room to stray from the original outline. This can be debilitating if a presenter is unsure of the present knowledge of the audience. For instance, a presenter prepares a class on court technology only to find out when he/she arrives that the majority of the audience do not know how to work a computer. The discussion on how to turn the court into an e-filing mega machine may be more than they can handle. But, the presenter only learns this after polling the audience after about the fifth presentation slide. Should the presenter stray from the original outline, turn the computer off and just lecture?*

Overhead technology has come a long way. Instead of that bulky overhead viewer that worked off mirrors and lights, now there are the sleek document viewers that are camera-based<sup>iii</sup>. Document viewers, a.k.a. visualizers and data projectors, allow images or items to be shown to a large audience with a projector. The viewer displays items from its reading surface. There is no need for transparencies; the viewer displays images off paper and items nearby the unit. By turning the camera head, a presenter could display a birdhouse onto a large screen or use it in lieu of a flip chart by writing on the image displayed.

Increasing retention and the amount of involvement needed in a class are both ideas that presenters balance. Keep in mind that the amount of involvement is dependant on the class objective. For attaining knowledge, low involvement is appropriate and traditional lecture with some pictures for retention create an even balance. Yet, if your objective is enhancement of thinking skills, high involvement is appropriate and the instructor moves away from lecture and into case studies, behavior modeling and other structured activities.

If the objectives for the presentation are not best met through lecture but instead through case studies or behavior modeling, incorporating technology may again increase retention. Videos are easier to use and view

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when digitally used through a laptop or tied into a presentation software. Gone are the days of reading a scenario to a class; instead, play a video of the scenario with a narrator for any necessary background information. The groups then discuss and use the responder pads to vote on the correct answer or correct situation. In real time, the presenter tests for learning.

In discussing technology and how we can use technology to teach, we often get away from teaching for learning and instead use technology as a “wow ‘em” technique or worse, we use technology only to keep up with emerging technology. Introducing some of the aforementioned technologies into a presentation can help to increase retention and in turn helps instructors to teach for learning. Revisit these staples in technology and see what they can do for your presentations.

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<sup>i</sup> Dale & Nyland, 1985.

<sup>ii</sup> See *The Cognitive Style of PowerPoint*, Edward R. Tufte, September 2003. [www.edwardtufte.com](http://www.edwardtufte.com)

<sup>iii</sup> Visit [www.wolfvision.com](http://www.wolfvision.com).

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