

# NASJENEWS – FALL 2005

## STATE JUSTICE INSTITUTE CONTACT INFORMATION

FROM: Kathy Schwartz

I retired from SJI on September 2, 2005. If you have a question or need information about any of the grants I monitored, please contact Gerald Wilson at [gwilson@statejustice.org](mailto:gwilson@statejustice.org) or 703.684.6100, ext. 229, or LaVerne Durham at [ldurham@statejustice.org](mailto:ldurham@statejustice.org) or ext. 217.

If you have a question about scholarships, please contact Candice Jackson at [cjackson@statejustice.org](mailto:cjackson@statejustice.org) or ext. 216.

If you have questions or need information about other aspects of SJI and its grant programs, please contact Kevin Linskey, SJI's Executive Director, at [klinskey@statejustice.org](mailto:klinskey@statejustice.org) or ext. 215.

## CHANGES IN WASHINGTON AND ARIZONA

The State of Washington has currently merged two of their educational units. The Judicial Information System Education (JIS), which trains judges and court personnel on the State's computer systems, and the Judicial Services Division (JSD) Education Department, which educates judicial officers and court personnel much like many of the NASJE members. Their new name is Judicial Education Services and is managed by Doug Ford with support by NASJE member Judith Anderson, who acts as the liaison between the two units. This is a new and challenging time for the State of Washington. Over the next year the merged units will become instrumental in providing education and training to the judiciary.

After six and a half years in Washington State, on August 1<sup>st</sup>, Marna Murray began as the Education Services Director for the Arizona Supreme Court.

## IMPROVING THE DWI SYSTEM -- Share your Successes with Other Professionals

It is now widely acknowledged that DWI system improvements are needed to increase the efficiency and effectiveness of the criminal DWI system and prevent offenders from slipping through the cracks. Repeat offenders in particular are savvy to the weaknesses and loopholes in the system and know how to avoid the sanctions and programs designed to protect the public from them. In an effort to close these loopholes and streamline the DWI system, priority problems and solutions have been extensively documented at all levels of the system -- enforcement, prosecution, sanctioning, and supervision -- as part of a unique, multi-year study by the Traffic Injury Research Foundation (TIRF) involving several thousand front-line professionals across the country.

Promoting practical, widely-supported solutions to these problems has become a priority of a newly formed coalition -- The Working Group on DWI System Improvements -- involving 14 different criminal justice organizations from across the country ([www.tirf.org](http://www.tirf.org)). Led by TIRF and supported by a charitable contribution from Anheuser-Busch, this coalition is spearheading efforts to make the DWI system more effective. A core activity of the coalition involves the creation of an inventory of programs, practices, and policies that address system problems -- i.e., who is doing what, and where, to make the system work better.

The recently launched, electronic inventory is designed to be a resource for professionals, practitioners, legislators, and others who are seeking information about unique, practical and effective ways to address problems in the DWI system. Entries are organized according to six priority areas where criminal justice professionals believe improvements are needed -- communication and cooperation, training and education, technology, records, legislation and resources. The inventory includes national, state-wide, regional, and local initiatives. Each is clearly identified in terms of its relevancy to the various professional groups - police, prosecutors, judges and supervision - and includes a brief description of the initiative along with other relevant information such as the agency administering it, the target group, where it operates, who funds it, and who to contact for more information.

You are encouraged to submit information about your programs, policies and practices that are designed to improve the effectiveness and efficiency of the DWI system. Others can benefit directly from your experiences and successes.

Submissions can be made electronically at [www.tirf.org](http://www.tirf.org). Click on the inventory of initiatives and follow the "submit information" link.

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The Traffic Injury Research Foundation (TIRF), based in Montreal, produces a variety of reports and other resources to help reduce traffic injuries and fatalities in North America. To keep up on developments and establish their own priorities, they consult annually with representatives of law enforcement, prosecution, probation and parole services, and the judiciary. Paul Biderman of New Mexico has twice represented NASJE in TIRF's working groups, and forwards this recent announcement from them. It describes the electronic inventory of initiatives that they have compiled through these working group sessions and other submissions throughout the year. It could be a valuable resource for your courts, especially if they are considering instituting new initiatives.

#### **KAREN THORSON RECEIVES DISTINGUISHED SERVICE AWARD**

The Judicial Council of California announced the winners of its 2004–2005 Distinguished Service Awards. The awards, the highest honors given by the Council, are presented to those who demonstrate extraordinary leadership and make significant contributions to the administration of justice in California.

Recipients of these awards include NASJE member Ms. Karen Thorson, who received the Judicial Administration Award, which honors individuals in judicial administration for significant contributions to and leadership in their profession. The citation reads as follows:

**Karen Thorson**, Director of the Education Division/Center for Judicial Education and Research (CJER) of the Administrative Office of the Courts, has shown leadership in spearheading and developing new approaches to the design, development, and delivery of education for the trial and appellate courts.

Under her leadership, Education Division staff have worked with more than 20 education committees, representing judges and court personnel, to identify educational needs and develop a series of curriculum designs for numerous target audiences. This curriculum initiative, which includes entry, experienced, and advanced levels of content, will revolutionize how educational needs are identified, how education is developed and delivered, and how that education is evaluated and enhanced.

In addition, she has led the division in establishing and enhancing numerous distance education alternatives to supplement and complement existing seminars and conferences. Included is the creation of a broadcast system with more than 200 downlink sites in California courts, which brings live, interactive training to judges and court personnel, and a continually expanding series of online courses addressing a wide variety of content areas.

She has been instrumental in extending the services and expertise of the Education Division not only to the other divisions of the Administrative Office of the Courts but throughout the judicial branch. Because of her leadership, the Education Division/CJER is far more effective in meeting its goals and objectives, more engaged in the work of the Administrative Office of the Courts and the judicial branch, and more essential to the work of the Judicial Council in enhancing the administration of justice.

Prior to joining the California AOC in 2000, Ms. Thorson directed the Education Service Division for the Arizona Supreme Court and the Arizona Administrative Office of the Courts, from which she received the 1999 Distinguished Service Award for judicial administration. She was the key organizer for the 1999 National Symposium on the Future of Judicial Branch Education and has provided assistance to more than 20 states regarding various aspects of judicial branch education. She was the recipient of the 2002 Warren E. Burger Award from the National Center for State Courts.

#### **FROM THE PRESIDENT**

Dear Members,

As I begin my term as President, I want to thank you once again for the privilege to serve you. I am in awe of those that have filled these shoes before me and while we each place our own soul into them, I hope not to bend them out of shape too much for those that follow. I especially want to thank William Brunson for his guidance, leadership, and sense of humor this past year, and I look forward to his continued presence on the Board. We fondly say goodbye to Kenny Miller as he takes a much deserved break after his many years of service to NASJE. I welcome with great enthusiasm Robin Wosje as the new Vice President. She joins a phenomenal Board with decades of combined experience and dedication to NASJE and our profession.

The 2005 Annual Conference in Savannah was a great success. The Education Committee, led by co-chairs Debra Koehler and Martha Martin along with Sherry Carson serving as the local host, provided wonderful opportunities for learning, laughter and networking. It was a wonderful time to reflect on where we have been over the last thirty years and look forward and dream of where we want to go in the future.

Mark your calendars now for the 2006 NASJE Conference, August 14-17 at the Radisson Plaza Hotel Downtown in Minneapolis, Minnesota. The Conference will be right in the center of the Minneapolis entertainment district, with restaurants, theaters, and shops all within easy walking distance. The Mall of America is just a short drive away so plan to bring your family and enjoy the hospitality of the Midwest.

There are many opportunities for each of you to be involved in shaping this Association. I know many of you approached me at the conference or through email expressing an interest in being involved, either through committee participation, mentoring or in whatever capacity was needed. If you have not heard from me or from a committee chair, holler back loudly! We need everyone's ideas and energy.

My goal for this year is simple. I would like to continue the work of building collaborations with other national organizations that share a common interest in improving the delivery of justice. To that end, NASJE can take the lead in supporting and promoting the Judicial Education Reference, Information and Technical Transfer Project. JERITT, as we fondly refer to it, has been an important justice partner. JERITT is the national clearinghouse for information on continuing judicial branch education for judges and other judicial officers; administrators and managers; judicial branch educators; and other key court personnel employed in the local, state, and federal courts. JERITT is funded through a grant from the State Justice Institute (SJI). It is cosponsored by the National Association of State Judicial Educators (NASJE) and the School of Criminal Justice at Michigan State University.

JERITT provides state, national, and federal-system judicial branch educators access to the latest information on judicial branch education programming; educational theories, methods, and practices; and educational research and reference reports and publications through databases, publications, electronic communications, and technical assistance offerings. As a judicial educator I found these resources and the JERITT staff a phenomenal post to lean on. It is like having my own personal research staff waiting and willing to help. All I had to do was ask.

As many of you know, SJI funding for JERITT will end in two years. The Board is discussing many ideas to help support the continuation of JERITT. We want to know your ideas too. If you are interesting in becoming more involved in these efforts, please let me know.

We are also working towards recommending core competencies for our profession. A committee worked tirelessly on developing these recommendations. The core competency recommendations are the result of two years of research and analysis into what the role of judicial branch education is, what judicial branch educators know and do, and what infrastructure and management is required for the development and maintenance of an effective judicial branch education organization. You will see and hear more about these over the next several months.

These are only a few of the many initiatives and projects being developed by our dedicated membership. I look forward to sharing the work of NASJE with you over the next year.

--Liz Strong

## **PRESIDENTIAL AWARD RECIPIENTS**

*Editor's note: Then President William Brunson awarded four President's Special Service Awards during the business meeting on Monday, August 22, 2005. They went to Maureen Conner, Karen Thorson, Brenda Williams, and Philip Schopick.*

Maureen and Karen received the awards for their many years of support to NASJE. More recently, they both were instrumental in drafting not only NASJE's strategic plan, but also the Recommended Core Competencies of Judicial Branch Educators. These two documents strengthen NASJE in many ways and will help to sustain NASJE in the future.

Brenda Williams received the award because of her tremendous support of NASJE behind the scenes. She is always helpful and courteous and has always gone above and beyond the call of duty in ensuring that our association's needs are met. Not only is she quick to respond to requests, but she does so with excellent attention to detail.

Phil Schopick received the award because of his hard work over many years on the NASJE Newsletter. I don't know of anyone who has worked more tirelessly in seeing that the NASJE News is published on a regular basis and that the publication is helpful and well written. Without his leadership there would, in my opinion, be no NASJE News. I know that the work of an editor is often thankless, and I didn't want that to be the case in his situation.

The NASJE Board agreed with my assessment of those who should receive the awards. It was my pleasure and honor to serve as your president and to have the privilege of recognizing these four people.

#### **THIAGI NEWSLETTER – SEPTEMBER 2005**

From: thiagi@thiagi.com

Sent: Friday, September 09, 2005 1:16 PM

To: Schopick, Philip

Subject: Play for Performance: September 2005 Issue Ready

I am very happy to announce the September issue of my free electronic newsletter, "Play for Performance".

You can retrieve it from  
<http://www.thiagi.com/pfp/september2005.php> .

I am excited about this issue. It includes

- \* An interview with Dr. Ellen Kaye Gehrke
- \* STICKS, a metaphorical simulation game by Ellen
- \* An article about crowd control techniques for facilitating large groups
- \* A 99-Seconds piece about systems thinking and making hidden things visible
- \* A cryptic-cluster puzzle about leadership characteristics
- \* An online game, YIN-YANG, for translating messages between direct and indirect modes of communication
- \* Advice on handling resistance to interactive lectures

Enjoy this issue. Read it and play it!

Playfully,

Thiagi  
Sivasailam "Thiagi" Thiagarajan  
[www.thiagi.com](http://www.thiagi.com)

## THIAGI NEWSLETTER – OCTOBER 2005

From: thiagi@thiagi.com

Sent: Friday, September 30, 2005 2:04 PM

To: Schopick, Philip

Subject: Play for Performance: October 2005 Issue Ready

Hello:

I am happy to announce the October issue of my free electronic newsletter, "Play for Performance".

You can retrieve it from

<http://www.thiagi.com/pfp/october2005.php> .

This issue includes

- \* An interview with Clark Aldrich, the computer games guru.
- \* An opener called INTRO.
- \* KARMA, a metaphorical simulation game that requires mindful decisionmaking. You can play this game with a deck of playing cards or on the web.
- \* A puzzle dealing with workshop violence. Plus a free online tool for creating your own puzzles.
- \* Another set of strategies for handling resistance to interactive training.
- \* A pithy saying about training design and delivery.

Enjoy this issue. Read it and play it!

Playfully,

Thiagi

Sivasailam "Thiagi" Thiagarajan

[www.thiagi.com](http://www.thiagi.com)

## FACILITING ADULT LEARNING DVD

The University of Wisconsin-Extension is proud to announce the release of Facilitating Adult Learning, a DVD featuring sixteen video interviews with nine renowned educators in the field of adult education.

Facilitating Adult Learning provides adult educators with supplemental materials designed to complement existing adult learning content. The video interviews are also accompanied by a User Guide detailing possible educational uses, as well as a thorough bibliography of suggested readings.

Overarching issues addressed in the interviews include: Understanding Adult Learners and Learning, Recognizing Different Ways in Which Learning Occurs, Facilitating Meaningful Learning, and Adult Learner Motivation.

Featured educators include: **Jerry Apps**, Professor Emeritus, Continuing and Vocational Education (CAVE), University of Wisconsin-Madison; **Stephen Brookfield**, Distinguished Professor, University of St. Thomas, Minneapolis and St. Paul, Minnesota; **Joan Cybela**, Professor and Distance-Education/Teaching-Learning Specialist, University of Wisconsin-Extension, Stevens Point, Wisconsin; **Terry Gibson**, Professor, School of Human Ecology, University of Wisconsin-Madison; **Elisabeth Hayes**, Professor, Department of Curriculum and Instruction, University of Wisconsin-Madison; **Alan Knox**, Professor, Department of Educational Administration, University of Wisconsin-Madison; Larry Martin, Professor, Department of Administrative Leadership, University of Wisconsin-Milwaukee; **Jose Vasquez**, Southeast District Director, University of Wisconsin-Extension, Milwaukee, Wisconsin; and **Raymond Wlodkowski**, Professor and Director, Center for the Study of Accelerated Learning, Regis University, Denver, Colorado.

To order additional copies, please go to <http://cecommerce.uwex.edu>

NASJE 2005 Annual Meeting, Savannah, Georgia

#### WELCOMING REMARKS BY PRESIDING JUSTICE CAROL W. HUNSTEIN

On behalf of the Supreme Court of Georgia and ICJE of Georgia, I am honored to welcome the members of the National Association of State Judicial Educators. As a beneficiary of continuing judicial education, I am grateful for all you do and sincerely hope you enjoy your visit to Georgia. Georgia's judiciary owes a special "Thank you!" to Rich Reeves, Executive Director of ICJE in Georgia, and his wonderful staff, Sherry Carson, Kathy Mitchem, Lynda Hanscome, Susan Nunnally, and Barbara Teskey.

I know you will enjoy staying in Savannah which is also known as the hostess city of the South. Some call it the most haunted city in America, but perhaps that's just since they read *Midnight in the Garden of Good and Evil*. Savannah is Georgia's first city and was founded in 1733 by James Oglethorpe. He laid out a distinctive pattern of streets and public squares, actually small parks. 22 of them remain today, gracing the city with fountains, flowers, live oaks and Spanish moss.

Savannah is a city rich in history. It has many buildings dating from the eighteenth and nineteenth centuries. Historic streets are lined with charming old homes, and the river front area is still paved with cobblestones. Savannah is also the home of Juliette Gordon Lowe, founder of the Girl Scouts of the United States, and that famous Southern author, Flannery O'Connor. Both of their homes are open for tours.

Those of you from Northern climes may find Georgia, especially South Georgia, a bit steamy this time of year. Fortunately, just about everything in our state is air conditioned. Some farm buildings and tractors and even most chicken houses are airconditioned. That, of course, is to keep the chickens from laying boiled eggs. There *are* those who believe air conditioning is unhealthy and point out that our ancestors got along without it. Don't forget they all died! But, if you prefer a cool dip to an air-conditioned room, Tybee Island and the ocean are only a few miles away.

In the past 20 years, judicial education has become more and more essential. When I took the bench 1984, cases were tracked in paper docket books, research was done in the law library and documents were prepared with typewriters. Today, we simply turn to our computers and hit a few buttons to see docketing information. We research the law on line, and I don't know when anyone has actually typed a document right onto the paper! And who introduced us to all that fancy technology and taught us to use it? You did. I saw my first demonstration of computer-aided legal research at an ICJE seminar.

All classes of court benefit from your efforts. Here in Georgia ICJE conducts seminars for judges of the superior, state, juvenile, probate, magistrate and municipal courts and provides training for clerks, law clerks, probation officers, court administrators, administrative law judges, and administrative assistants, as well as for volunteer agents like jury commissioners, foster care review panelists, and lawyer disciplinary hearing officers. They keep us current on everything from rules of evidence to judicial administration to professionalism.

In 1989, I was appointed chair of the Supreme Court Commission on Gender Bias in the Judicial System, which conducted a two-year, in-depth study before making its recommendations to the Supreme Court of Georgia. Since 1999 I have chaired the Commission on Access and Fairness in the Courts (formerly the Commission on Equality), which is charged with implementing the recommendations of the Gender Bias Commission and the Commission on Racial and Ethnic Bias. Who helped us educate the judiciary as to our findings and recommendations? ICJE. They have developed courses on Gender Equality, Racial Equality, Family Violence, and Ethnic Differences, just to name a few.

Recently the Commission on Access and Fairness expanded its scope to encompass access to the courts for the physically or mentally challenged. We make available to the courts a list of qualified sign language interpreters and just published *A Handbook for Georgia Court Officials on Courtroom Accessibility for Individuals with Disabilities*. Shortly thereafter, Lynda Hanscome invited me to speak at a cross-court ICJE on Access and Disabilities. The seminar will cover individuals with hidden disabilities, the physically and mentally challenged, pro se litigants, all forms of bias, and access issues for immigrants. They're always on top of things and up-to-date on the latest issues.

Robert Frost said that "Education is the ability to listen to anything without losing your temper or your self-confidence." Who needs that ability more than judges? Thank you for all you do to educate the judiciary.

I hope you have a great visit. There is no lack of things to do here. Savannah has an abundance of attractions, wonderful restaurants and loads of Southern charm and hospitality so enjoy yourself in what Margaret Mitchell dubbed “that gently mannered city by the sea.”

## **JUDICIAL BRANCH EDUCATION: PAST REVEALED, FUTURE EXPOSED**

Presented by Hon. Scott Brownell, Circuit Judge, 12<sup>th</sup> Judicial Circuit, Bradenton, Florida

The Learning Objectives for this brief presentation were:

- a) Recognize what judicial branch education has meant from a judicial perspective and
- b) Discuss the significance of judicial branch education in developing the highly developed judge.

The participants were asked first to consider and write, and then to discuss in groups at each table, what their judiciary would have been like without them. In the personal thinking and writing, the goal was to evaluate their judicial education efforts by thinking about a judicial world that had none. This is not a common way to assess what one’s profession has accomplished. Thus, sharing one’s ideas with the group and having the group then report to the class creates a more significant way to “Recognize” the information sought, than by listening to one participant’s opinion. If there is time, the presenter’s opinion is added at the end.

The participants were then given a second task of evaluation. After reviewing Professor Murrell’s qualities of the Highly Developed Judge (HDJ), each class member is asked to identify a judge (or some judges) who possess one of the six qualities identified by Professor Murrell. Each was then asked to evaluate what he or she and the team they work with has done to foster or support that HDJ quality for that judge. This was repeated for one or two additional qualities of the Highly Developed Judge. The individuals again shared their findings with others in their group, and then with the class.

## **OBSERVATIONS ON THE ROLE OF THE JUDICIAL EDUCATOR: AN OPPORTUNITY OF LEADERSHIP**

by Henry “Skip” White

Senior Attorney, Legal Affairs and Education Division

Florida Supreme Court, Office of the State Courts Administrator

In this session Mignon U. “Dee” Beranek reminded participants that their respective judicial education organizations have the potential to become what author Peter M. Senge describes as the transformational learning organization. In his 1990 book entitled *The Fifth Discipline* Senge describes his vision of the learning organization, as (1990:3):

“organizations where people continually expand their capacity to create the results they truly desire, where new and expansive patterns of thinking are nurtured, where collective aspiration is set free, and where people are continually learning to see the whole together.”

Senge articulates five disciplines or challenges that he sees as central to the learning organization, which Dee Beranek summarized as follows.

### **Challenge 1**

#### **Systems Thinking**

Requires a shift from an isolated or compartmentalized perspective to a systemic view.

### **Challenge 2**

Establish and maintain a commitment to life-long learning, by continuously developing intellectually, emotionally, and spiritually.

### **Challenge 3**

#### **Mental Models**

Develop the capacity to challenge assumptions and generalizations through reflection and inquiry – avoid mindsets that impede learning and change.

### **Challenge 4**

#### **Building A Shared Vision**

Creating an environment where common aspirations can take root and grow.

### **Challenge 5**

#### **Team Learning and Doing**

Nurture meaningful dialogue, listening and discussion, and model these behaviors for others.

Ms. Beranek reminded participants that within our respective learning organizations we each fall into at least one of what Dr. Senge describes as the three “communities of leaders”:

- Local Line leaders
- Internal Networkers
- Executive leaders

We each have an opportunity to be leaders, and to help grow new leaders, as we engage in our daily judicial education efforts.

## **FROM HAPPINESS SCALES TO DISCOVERING IMPACT: WHICH LEVEL OF EVALUATION IS RIGHT FOR YOU?**

Dr. Maureen E. Conner, Executive Director of the JERITT Project , and a long time NASJE member, presented a hands-on workshop to assist judicial educators in identifying their clients to be evaluated, determining how to assess their information requirements, and matching those requirements with the requisite type of evaluation.

We learned the 4 types of Donald Kirkpatrick’s levels of education:

Level 1	Reaction
Level 2	Learning
Level 3	Behavior
Level 4	Results

Level 1 is your basic evaluation – providing educators with information regarding future programming. Level 2 allows the educator to identify what skills were achieved by the participants during the session; how the knowledge was used; and the strategic skills that were identified. Dr. Conner went into detail on what influences of the work climate are related to the learning experience. Level 3 shows that work climate dictates behavior change in the workplace and Level 4 which is the most difficult attempts to determine how education and training changed the organization.

Participants in this workshop were given a copy of “Conducting Impact Evaluation for Judicial Branch Educators” authored by Dr. Conner as a reference guide. This extremely useful guide identified the steps needed to conduct a successful evaluation. This workshop was attended by seasoned as well as new judicial educators and was most interactive and educationally rewarding.

## **EXPERIENTIAL LEARNING: AN ADULT LEARNING AND TEACHING MODEL FOR PERSONAL AND PROFESSIONAL DEVELOPMENT**

Carrie A. Brooks  
Project Coordinator  
Institute for Faculty Excellence in Judicial Education

David Kolb’s Experiential Learning model, a learning model adopted by many judicial educators, is a cornerstone for teaching adult learners. In judicial education, there are many opportunities to apply Kolb’s model. But knowing fully the best means by which an educator can complete the “circle of learning” according to Kolb is something that requires the educator to explore, *as a learner*, a variety of experiences in tandem with the processing of the experience. By participating in such a learning experience, the educator can more clearly understand how the unfolding of a story in a novel, a tour of a museum, or listening to people share personal accounts of their lives can be an effective and comfortable way for learners to explore and make meaning of difficult topics such as ethics, values, justice, and decision-making.

In Track II, the judicial educator reviewed the tenets of David Kolb’s Experiential Learning Model in the first session and learned about ways they can integrate experiential learning into their educational sessions. They then were given guidance on how to lead those in their classroom through the same type of process. In this track, participants were then immersed in three experiential learning opportunities (ELOs) from the perspective of a learner. For session two, or the first ELO, participants had been asked to read the book, *Midnight in the Garden of Good and Evil*, prior to their arrival at the conference. In this session, they processed the literature piece and learned a basic outline of how to successfully process literature as a means for teaching and/or addressing substantive topics. During session three, or the second ELO,



participants navigated Jim Williams's and other "Midnight" characters' journey during the murder trials. During session four, or the third ELO, Sonny Seiler, the local defending attorney for Jim Williams in three of the trials and the man who portrayed the judge in the movie, spoke about his experience during the trials and the filming of the movie.

## **EXPERIENTIAL LEARNING IN THE GARDEN**

Jennifer Rains Schoenfeldt  
Program Attorney  
National Judicial College

According to Savannah tour guide Miss Wendy, any good southern story begins with, "Y'all are not gonna believe this." The participants in Track II of the NASJE conference packed into the bus to visit the sites depicted in John Berendt's book *Midnight in the Garden of Good and Evil* and hear Miss Wendy's insider details. The tour was the first of two experiential learning opportunities (ELOs) for participants (most of whom actually read the book before the conference) to engage in Kolb's learning model. Miss Wendy pointed out places from both the book and the movie (and highlighted differences between the two) as she drove through the narrow streets of Savannah. Participants passed such landmarks as the site where Jim Williams first began restoring homes, Miss Emma Kelly's bar, homes occupied by Joe Odom, Mr. Sonny Seiler's law office, and the nightclub where the Lady Chablis still performs once a month. The tour culminated outside Mercer House, which is owned by Williams' sister and is open for tours.

During the second session, Mr. Frank W. "Sonny" Seiler, Esq. shared background information and brought several of the trial exhibits to show the participants. Seiler served as Williams' defense attorney during three of his four trials and played the judge in the movie. Seiler first became involved in the case because he was a friend and neighbor of Williams. Seiler served as Williams' civil defense lawyer in the suit brought by Danny Hansford's mother. Seiler pointed out that no money was ever paid in connection with that suit. Seiler inherited the criminal case because he first served as co-counsel and then lead counsel due to a scheduling conflict for Williams' criminal lawyer. The Williams case went on for eight years.

Williams was actually in jail when Berendt moved to Savannah. Berendt originally planned to simply write a book about Williams' trial but continued to meet people who told stories that he could not resist including in the book. There were 127 photographs taken at the crime scene. At least twelve police officers spent five hours at Mercer House investigating the scene. The officers even made coffee in the kitchen. Despite this volume of evidence, Seiler discovered new evidence with each new trial. During the third trial, Seiler learned about a hospital admissions record that had previously been overlooked. He called the nurse on duty in the emergency room on the night Danny Hansford was admitted. She and other hospital staff testified that the hands were bagged in the emergency room. This directly contradicted the testimony of a police officer who testified repeatedly that he had bagged the hands at the scene before transporting Hansford to the hospital. The third trial ended in mistrial.

After the third trial ended in a mistrial, Seiler received a tip from a juror. The juror told Seiler to "play up" a picture of Williams' cat Sheldon walking through the crime scene that the State asserted had been secured. Everyone involved had overlooked the cat's presence in the crime scene during the first three trials. (The book was almost titled *The Cat Did It*.) Seiler emphasized this evidence in the fourth trial. The fourth trial resulted in an acquittal after the jury in Augusta deliberated for thirty-one minutes.

As a character in the book and a local resident, Seiler shared some of the impact that "The Book" has had on Savannah. For a time, people lined up waiting their turn to drink martinis in Bonaventure Cemetery, and the famous Bird Girl statue in Bonaventure Cemetery shown on the book cover was moved to the Telfair Museum of Art largely because curious onlookers trampled the grounds surrounding the statue. As an aside, curious readers can visit <http://www.savannahnow.com/goodandevil/#top> to read more.

When asked his reflection on the practice of law, Seiler advises judges to be aware of what is going on in their communities because there is no ethical rule against using common sense. Seiler maintains that the Savannah juries were convicting Williams of being gay rather than for committing a murder. The change of venue to another community was necessary for Williams to finally receive a fair trial.

## **WHERE WE WERE, WHERE WE ARE & WHERE ARE WE GOING**

Rita G. Culbertson

Twelve judicial education pioneers attended the birth of NASJE on August 25, 1975 in Chicago. The ensuing 30 years have been a period of pioneering and development of a profession. On Tuesday afternoon in Savannah we will discuss how NASJE, as an organization was influenced by events that served as change agents for the profession of Judicial Education.

We will explore NASJE from the time when the organization reacted to change agents, through the period when NASJE was the change agent. Can NASJE and its members define the next 30 years of Judicial Education? Can/Should NASJE through its members lead the change movements in Judicial Education of the future or will NASJE react to future change agents?

To see PowerPoint slides of this presentation, visit the NASJE website.

## **REGIONAL REPORTS**

### **Northeast Regional Meeting**

August 24, 2005

Submitted by Linda Richard, Employee Education Manager  
Vermont Judiciary Employee Education Department,  
Office of the Court Administrator

#### **Attendees:**

This year's meeting was led by Regional Director Linda Richard (VT) and attended by Merry Hofford (DC), Barbara Sweet (NH), Chip Epperson (VT), Mira Gur-Arie (DC), Mary Kennedy (PA), Karen Carroll (VT), Stephen Feiler (PA), Ellen Marshall (DC), Laurie Canty (VT), Bunny Baum (PA), Jennifer Schoenfeldt (NV), Theresa Davidson (VT) and Damaris Torrent (NY).

#### **Spring Regional Meeting:**

After a brief welcome and introductions, Linda reported on the regional meeting that was held in New York in April, 2005. A program on NACM core competencies and how they pertain to judicial education was presented by Jan Bouch, the primary author of the NACM core competency on education, training and development. The day concluded with a business meeting, a best practices discussion and a guided tour of the New York Judicial Institute. The Institute donated the space for the meeting, provided continental breakfast and lunch, and picked up all underlying costs for the presenter, including travel arrangements. Franny Haney and Mary O'Connor have volunteered to plan next year's regional meeting which will once again be held in the spring. Members were encouraged to send topic ideas via e-mail to Franny.

#### **Exceptional Programming/Faculty:**

A discussion of innovative programs and identification of exceptional faculty followed. Among the programs discussed:

- Villanova Sentencing Workshop (PA). Offered through Villanova University School of Law, this program brings together students, Pennsylvania trial judges, prosecutors, defense attorneys and other sentencing experts for intensive sessions to discuss the crucial issues of sentencing and punishment through the lens of real cases. The workshop not only provides an outstanding opportunity for students, but also serves as a laboratory for sentencing reform.
- FISH!: Catch the Energy and Release the Potential (VT). Modeled on the customer service philosophy adopted by the Pike Place Fish Market in Seattle, this day long training and team-building opportunity is presented to teams of judiciary employees comprised of judges, staff, security officers, law clerks, etc.
- Coping With Change (NH). Designed to address and assist judiciary employees with major changes in the workplace.
- Joint Judicial Management Conference (DC). This year's theme was mental health issues. Approximately 150 judges and senior court managers attended this 2½ day conference. Speakers included persons who had experienced the court system as users of services (litigants, victims, etc.)
- A Tri-State Conference focusing on family law (NH, VT and ME) included a discussion on parental abduction.

Outstanding speakers identified during the meeting included:

- From the National Judicial College: Dr. Isaiah Zimmerman, American University (judicial stress)
- From Vermont: Dr. Ahnna Lake, psychiatrist and author (judicial stress)
- From DC: Kim Bloodsworth (the first person released from prison on DNA evidence) and Tim Jenkin (the author and attorney who represented him)
- From PA: Dr. Steven Chanenson, Villanova University School of Law (criminal sentencing)

Additional Discussion:

- Barb Sweet (NH) is seeking ideas and information on mentoring programs for new judges and staff.
- Linda Richard (VT) is seeking ways to provide automated docketing systems training for staff. This led to a discussion on the challenges and opportunities afforded by distance learning, on-line learning and using CDs to train.
- Jennifer Schoenfeldt, a program manager for the National Judicial College, shared resources and assistance offered by NJC.

2007 Annual Conference:

Suggestions for the FY-07 NASJE conference (western region) were solicited. They included San Diego and Phoenix.

**Midwest Regional Meeting**

August 24, 2005

- Introductions 8:30 – 8:45
- Agenda was finalized and affirmed.
- Midwest Regional Meeting – The March 2005 one in Ohio was successful but small. Would the group (regional members) like to do another in 2006? St. Louis was a suggested location. About half the members indicated they would be willing/\$ able to go.

Suggested: to use JERITT to send out questions about possible dates – Jan., Feb., March and gauge response.

2006 NASJE 31<sup>st</sup> Annual Conference will be in our region: Minneapolis. Robin Wosje and Jill Goski will be wonderful assets in helping to plan the conference.

- Exceptional Programming/Faculty  
Kenny Miller of Texas: ABA traffic law seminar (SF, Cal.) Wonderful conference they brought it home – replicated it in Texas.
  - Highway patrol showed how Radar works.
  - Case law regarding speed detection devices.
  - Elderly drivers.
 Other remedies besides losing their licenses were discussed.  
 October 2005 in New Orleans – Funds available to send judges for two and half days. Great environment to scout out speakers.  
 Debra Weinberg from Ohio is willing to help folks find funding for NASJE members or their judges to attend.  
  
 Robin Wosje of the National Judicial College: NHTSA – Traffic Grant
  - Possible on-line DUI course.
  - NJC offers a CDL course (includes a faculty development component)

Philip Gould of Nebraska – Judge Jim Dehn staggered sentencing around DUI offenses located in Cambridge, Minn.

Vicki Davis of Indiana – Mike Witte (of Dearborn Sup. Court.) good faculty for CDL.

Suggestion made to use the space on NASJE website to suggest and scout speakers.

Robin, NJC – announced that Judicial Educators can audit one NJC course every two years for free (no registration costs).

Kevin Bowling from Michigan –

NIC – on “female specific” programming.

Faculty: Female specific programming – Sandy Metcalf highlights differences in male vs. female effective programming. Good for judges and court staff.

Mike from Iowa – Ethnic diversity training

Dotty from Texas – Judge Patrice Garcia (el Paso) – program on Juvenile female Hispanics and drugs.

Judge Pirraglia – ABA – hundreds of millions of dollars were put into the recently passed transportation bill for traffic safety education. Please contact him to help bring in judges for training.

- Judges will come to your state to do these (3) programs.

Attacks on Judiciary – physically and politically

▪ Where is the Judiciary going: 2010-2015

▪ When and how to effectively talk to the media

▪ Changing role of Judge: not just hear facts, but save families, heal victims

See summer’s NASJE News for content information. [RIJudge@cox.net](mailto:RIJudge@cox.net).

Cathy Springer from Indiana – Diversity – Kathleen Sikora, Michael Roosevelt and a judge. Cathy can help create a model curriculum on cultural competency. Cultural competency seminar went well.

Gordon Zimmerman – communication skills for judicial offices and fairness.

Ron Hofer, court administrator in Wisconsin – Judicial writing - Good faculty, funny.

Tim Terrell – legal writing at Emory University is expensive.

Daisy Floyd – Mercer University Law School

Jill Ramsfield – Georgetown University

Faculty Development: Louis Phillips from Georgia – NJC – Train the Trainer.

NJC: January faculty development class – they reserve spots for speakers recommended by state judicial educators. Send judges you want to develop.

Gene Terry: recusal.

Bill Hughes from Indiana – Evidence; Sexual Assault

Robin, NJC:

- Grant funded 4<sup>th</sup> Amendment courses in old Miss. (Great location) – \$500 for travel and lodging is funded.
- On-line courses: ethics, evidence, DUI, rural courts, small claims.
- Will come to your regional conference to do a three-hour program. Ex: on substance abuse, decision making, traffic, judicial writing.

Judge Michael Keasler from Texas – Judicial Ethics

PRI – prevention research institute

- Ray Dortty

- Tom Frostman

- Substance Abuse

- Eye witness identification in criminal cases

Jerry Wells from Iowa State University; 1-3 hour programs.

- ADA – Peter Blank, Professor at University of Iowa Law School; very engaging.

Choose top 5 recommendations

- 5 presenters and 5 presentations
  - NJC coming to your state conferences for 3 hours
  - Louis Phillips – training the trainer
  - Gary Wells – Eyewitness ID in criminal cases
  - Jim Dehn – Alt. Sentencing in Sub Abuse
  - Bill Hughes – Indiana Evidence

Dr. Otto Kak and Jim Clark – Importance of permanence and attachment in youth.  
Diversity issues in home – contribute to long term psychiatric problems

- West Regional Meeting – April 21<sup>st</sup> in Tuscon, Arizona. April 18-20, larger conference for court staff.
  - Nevada – Faculty development
  - California – Forensic Elder Abuse - Peter Jaffe
  - Montana – Ron Hofer – Tim Terral
  - Washington – Steven Moore – Law and Literature
  - New Mexico – Robert Henry – Judicial Independence
  - Oregon – methamphetamine
  - Utah – cultural competency
  - Nevada – ICM – caseflow management
  - Vermont – Fish program: Court staff, Job behaviors
  - New Hampshire – Change in work place program
  - Washington, D.C – Addressing mental illness - mother growing up with mental illness; now has mentally ill children

## **Western Regional Meeting**

Western Regional Director, Diane Cowdrey, opened the meeting and welcomed all members. Everyone introduced themselves.

The first part of the meeting recognized the activities of the Western Region during the past year, including:

- Two Conference calls related to Board business
- Five training conference calls, hosted by different members of the Region
- Two states contributed to the Annual NASJE Conference as sponsors
- Two national organizations contributed to the Annual NASJE Conference as sponsors
- Needs assessment conducted for the region, as part of the planning process for a regional conference
- Agenda developed for a Regional Conference; however, the conference was cancelled due to lack of registrations

Following this, there was a discussion about the regional conference and what might work better in the future. The group decided that it would be a good idea to link a regional conference with a program that another state is already doing, and give NASJE members the option of coming to view the host state's program. Arizona members were still willing to host the regional conference, and suggested attaching it to the program they are holding April 18-20, 2006 in Tucson. The program will include education for staff and managers on ethics, customer service, management issues (recruitment, retaining staff), and court interpreters.

Diane will send out information on this date and do a straw poll of members to see if attendance would be sufficient to continue planning.

Others who are interested in helping to plan or to develop programming for the regional conference include Claudia Fernandes (professional development piece), Joseph Sawyer (planning distance learning), Michael Bell and Jennifer Schoenfelt. Arizona members are willing to assist with local arrangements and conduct conference registration.

Another idea from the group was to link our conference schedules. Diane will ask each state to send their schedule to her and will circulate to the region.

One member asked about satellite video, and whether other states were interested in developing general topics to share.

After this discussion, Western region members went around the table and shared one to two successful program ideas and/or outstanding faculty that they used during the past year:

Nevada. Conducted court staff training around the state. Sharon Bowman (NV) did faculty development for staff and was excellent. Evie reported that she used Mary Sammon from ICM to do a caseflow management program and she was well-received. They are running people through the Court Management Program from ICM.

Utah. Justice Court Clerk day-long seminar on stress. Their conference also included a session on processing DUI case, done as a musical. Pam Gardiol is an excellent instructor in management or team building issues. Kris Prince talked about a Traffic Safety program that was conducted for Justice Court Judges, and included Judge Michael Witte and Judge Bob Perraglia, which was very successful. Diane told the group that they had conducted the first-ever program for Presiding Judges, focusing on communication skills, using the book "Difficult Conversations." Her faculty recommendation was Randee Levine, who taught a series of cultural competency training program to clerks.

California. David reported that Dr. Laura Mosquda did an excellent presentation on forensic elder abuse for probate judges. Michael used Professor Jody Armor (USC) to talk about unintentional bias in decision making. He also recommended Kimberly Papillon-Turay (CA), who is an attorney and Judge David Krasnha, who did a session racial profiling. Claudia discussed the Court Clerk Institute which is held regionally, with broadcasts to supplement the program. The program is held in collaboration with the Clerks' Association. Karen noted the "Justi-Corp" program which uses college students to work in self-help centers. They are partnering with universities in specialty areas, such as science. Video training called "Judicial Shorts" are featured on their web page or available on DVD. They are using the Churchill Institute for leadership training, which is based on Winston Churchill's leadership style.

Washington. In the future, they will be developing a mobile computer lab, which will be added to their Judicial College. Dr. Peter Jaffe did a presentation there on domestic violence. Judge Steven Moore - a judge who is also a priest - did a session entitled "Holy Rollers" which was well received.

Montana. Ron Hofer did an excellent program on legal writing. They recently conducted a 2 -day class for law clerks.

Arizona. Pam Lizardi reported that she is teaching a class for Mesa Community College so that court staff can receive an associate's degree in applied studies in judicial studies. They have a program of tuition reimbursement. They will be taking this online, perhaps even a national program. Their New Employee Orientation was recently revamped. Marna Murray reported on a program she did in Washington State for appellate judges on the death penalty. They used both book and film, and included a tour of the Walla Walla prison, including the death penalty chamber. Molly Croisan (OR) mentioned that she includes such a prison tour in their new judge orientation. Marna also had a law professor/film critic speaker who did a session on the Washington constitution. Julee Bruno talked about the Court Leadership Program, aimed at improving succession planning in the courts. They have ICM do their concluding program in Arizona and hold 2 ICM classes per year there. They recently received a BJA grant for judicial education. They used an excellent speaker on teens and brain development for their juvenile court bench.

New Mexico. Pam Lambert reported on Judge Robert Henry (OK) who did a great session on judicial independence. Paul talked about the on-line DUI Resource Library. They will be adding seat belt information in the near future. They recently did a sexual assault web-based program, and have put their staff orientation online. They used Tim Terrell (GA) for legal writing and Tom Langhorne (VA) to evaluate their magistrate programming. Debbie said that they are using the Michigan State University Judicial Administration Program, and had a great program with Terry Curry (MI) teaching human resource management.

National Judicial College. William Brunson noted a program using Judge Joseph Troy (MI) on search and seizure was very good. He utilizes film in his program.

Oregon. Mollie held a regional judicial education program this year, which was a big success. They partnered with the University of Oregon. They had appellate and trial court judges together in sessions, and the interaction was very beneficial to both groups. They used a "buffet" style of training for security training for staff. Dr. Jack Stump (Vancouver) did a great presentation on meth.

**FROM THE BENCH:  
INSIDE THE MINDS OF JUDGES  
WHO ARE THEY? WHAT ARE THEY ABOUT? HOW DO I REACH THEM?**

**Part I: Universal Judicial Truths**

Judge David M. Gersten

**Foreword**

Let me introduce myself. My name is David Michael Gersten. My Grandfather was a judge. My Father was a judge. I, too, am a judge. Having been around judges all of my life, they do not scare me. They do not intimidate me. Yet, many people are fascinated by judges. Why? This article will address some of the universal truths about judges that many people (including judges) think, but would never dare say and will help you understand the nature of the beast you are dealing with.

Let's start with my family. As a child, I remember people calling my Grandfather "Judge." I did not know what that name meant. Why did they seek his favor? He was only Poppa Joe, didn't they know that?

And then there was my father. Why did he want to be a judge when he had a very successful law practice? Why would he seek a reduction in pay and take on this great responsibility? What is so special about being a judge?

Well, starting at age twenty nine, and now after twenty five years on the bench as a trial court and appellate judge, I know. Being a judge is simply the best job in the world of law. What could be more rewarding than to know that every day, you do good, do right, make a difference and positively affect the lives of many human beings. Life is good . . . if you are a judge.

Let me take you, the gentle reader, into the mind of the judge. It will be a running series that will expose the good and the bad . . . the soft underbelly of the judiciary. I will guide you through the inner workings of a judge's mind and some of the immutable truths of judging. Let us explore what you know to be true but are probably afraid to say. Are you ready?

**Universal Truth # 1:**

**All Judges Have a Big Ego**

This will not come as a surprise to you, the NASJE readership. How many of you have received phone calls, letters, or emails from judges who think the world revolves around them and whose needs come before anyone or anything?

This is not to say that all judges complain. Or, that all judges are obnoxious, mean, irascible or otherwise hard to deal with. It is to say, however, that most judges expect that, "Their will, will be done."

Query? How many judges have you worked with that take the word "no" gently? How many judges have been known to say, "I'm Judge So and So" in order to get something quicker, or more favorable?

The underlying concept is that it takes an ego to presume that you have the ability to sit in judgment of another human being. Compound that with the fact that once you become a judge, all of your jokes are funny and all of your old war stories immediately become interesting. Once you get used to your ego being stroked, you begin to feel entitled to more. It is a vicious cycle that has led more than one judge into troublesome waters.

**Universal Truth # 2**

**All Judges Want to be Right**

No judge that I have known or heard about has woken up in the morning and said, "Yep, today I think I'm gonna be wrong." This concept underlies the truism that all judges want to be right.

Remember Universal Truth # 1 that already establishes that all judges think rather highly of themselves. Combine that with this Universal Truth that judges truly want to be right . . . all of the time. After all, isn't that what being a judge is

supposed to be all about? Getting it right comes with the job description. You are the judge and you are very smart and you know what you are doing. Therefore, what you do is right. Besides, a judge is on the side of justice. Though it may be the judge's concept of justice, it is the side of justice nonetheless.

Now, the appellate judge has a much more difficult task in always being right. It takes a majority of the votes to decide which opinion is right and which is the dissent. The appellate judge needs at least one vote in his favor to be right. Without a vote(s), the appellate judge is the dissent. And let's face it; the dissent is plain wrong because if it were right, it would be the majority. Compound this problem with a clash of Universal Truths #1 and #2 and it can make for some interesting dynamics found only on a collegial court, for example, the U.S. Supreme Court . . . eh?

Query? How many have heard a judge say, "I know that I am wrong, but I'm going to be wrong anyhow?" Or, how many of you have heard a judge say, "I am sure that I am wrong?" You just don't hear those words.

In the rarest of cases, the judge may say, "it is possible that my ruling MAY be incorrect but I would hope that the appellate court would revisit this issue." This is a political statement that could be framed in such a way that the appellate court may indeed revisit the issue because the lower court judge was, after all, right.

### **Universal Truth # 3**

#### **All Judges Have an Agenda**

If you ever want to aggravate a judge, or if you ever want to get the hair on the back of a judge's neck to stand upright, ask them if they have an agenda when they don their robes and walk in the courtroom. My odds are 99 to 1 that the judge will bristle at the thought and then promptly dismiss the concept. If you change the question to, "Judge, do you have a point of view on the bench?", then you may get a milder response of "perhaps." But, the judge will say that they try their best to leave their beliefs outside the courtroom.

The judge will dismiss the concept because they are judges and judges come into the courtroom without any preconceived notions, biases, and predispositions or anything other than cold neutrality. I say Balderdash!

Judges are human beings (in spite of the fact that some judge's spouses call them "judge" when they first walk into their home). It is presumptuous to believe that a judge is no longer a human being on the bench and that they can truly leave their feelings, inner workings and soul behind. It just cannot be.

Basically, judges cannot help being who they are. Their view is always egocentric and based around their views of right, wrong, proper, ugly, fair, etc. Basically, I call it, "The world according to Judgie."

Query? Here is the following question that I have posed to more than two thousand judges, lawyers and law students (future judges):

You are a judge in a jurisdiction where physical custody of minor children can only be awarded to one parent. The law does not recognize concepts of shared, rotating or joint custody. After a two week trial you have determined that both parents are equally good parents. They have similar parenting skills, jobs, income and religious beliefs. They have a 3 year old girl and there is no tender years doctrine in the jurisdiction. Which parent gets the child?

If the past is any predictor of the future, then most judges (usually 80+%) will award custody to the mom. This question is a rather simple, yet graphic example of how the underlying bias of a judge can affect his or her decision. This bias is impossible to leave outside the courtroom.

One thing to consider, however, is that if a judge truly follows the law, then the bias can be filtered out and the law will dictate the result. This is preferable to the amorphous and gossamer-like dictates of the judge's agenda.

#### **Conclusion**

In the end, we all have to realize that judges are human. That is a good thing. It is good because we operate in a world of humans and a system that has been devised by humans. Anything less, would deprive the litigants, court staff and even NASJE members of a person with warm blood and feelings to sit on a case and pronounce judgment. These feelings are the substance we often need in order to receive a just and fair result. A side effect of having someone with



these feelings is the set of characteristics outlined in this article that come with the territory. Understanding what makes judges tick can help in appreciating them. *Fratres conjurati*.

## **COURTS UNDER ATTACK – AND WHAT YOU CAN DO ABOUT IT**

by Rhode Island District Court Judge Bob Pirragalia (Ret.)

2005 has not been a good year for the nation's judiciary: A state trial judge cut down in his own court room by a criminal awaiting sentencing; Members of a federal judge's family brutally murdered-execution style-in a revenge killing; Judges attacked from the right and the left for simply doing their job-and worse, these judges threatened with the loss of benefits, removal and in some cases, even physical harm.

Nor have these unwarranted attacks happened without effect. Despite everything judges and court personnel have done to educate the public, a recent ABA poll has revealed serious gaps in the American people's understanding about the function of judges and the wherewithal needed to do so effectively.

But is the recent spate of attacks just another bump in the judicial road, thus hurtful but temporary, or do they suggest the acceleration of a long term strategy by forces inimical to the rule of law that threatens the heart of the judicial function? Does this strategy threaten the very checks and balances of the constitutional system that are the basis of every American's individual rights?

More importantly, if these assaults on courts and judges do pose such a threat, is there anything judges and you as judicial educators can do about it?

### The Threat and the Challenge

While some judges and some lawyers downplay the very real threat the recent attacks on the judiciary poses to the public's trust and confidence in our courts and in our legal system, leading members of the nation's bench and bar surely do not.

At the Annual Meeting of the ABA in Chicago this past August, The House of Delegates, the Association's policy making body, unanimously passed a resolution recognizing the threat such attacks pose to the independence of the country's judicial branch and urged the nation's attorneys and the public – including elected officials – to condemn such criticism and to join together to educate the people of the high stakes they have in the outcome of this historic struggle.

A number of indicators clearly demonstrate such concerns are not unfounded.

In recent years, in state elections from Michigan to Ohio and from Alabama to Tennessee, special interest groups have supported or opposed judicial candidates not based on their education, legal skills, or temperament but rather on their perceived positions on such "hot button" issues ranging from abortion to gay marriage to gun rights, just to mention a few. While such groups have the constitutional right to inform the public of their position in such elections, we the people ought not to let them divert the judicial election system from its intended purpose: the election of judges able and willing to decide cases fairly and in accordance with the law irrespective of their personal view or ideology respecting a matter.

Nor should the public remain silent in the face of unwarranted attacks upon particular judges for simply doing what judges do. Threats of removal, cutting benefits, taking away or not providing judges the resources they need to do their job is not only unfair and wrong but contrary to the public interest as well.

I could go on in this vein but the point is that ample evidence is there for those open minded enough to see that the recent attacks on our nation's judiciary pose a threat to our constitutional system and to the body of rights this system protects and that the time has come for judges all across America to confront them in a way that is both effective and consistent with ethical standards regulating judicial behavior.

### WHAT YOU CAN DO TO HELP YOUR JUDGES

The challenge and the threat presented by the orchestrated campaign against the nation's judges by self-interested advocacy groups require judges to recognize that threat and to consider ways to deal with it. The ABA's National Conference of Specialized Court Judges has three educational programs to offer that do this.

We offer a program that specifically addresses the new threats to the independence of the judiciary and what to do about it.

We offer a program that will help judges “engage the public in a conversation about the role of courts” through the development of skills enabling judges to deal effectively with the media.

Finally, we have a program which talks about the changing role judges are being asked to play in a changing society, both inside and outside the court room and more importantly, how judges can do so without violating the canons of judicial behavior.

While we stand ready to work with you in this regard, the important thing is that NASJE nationally and through its membership in the states join the battle to protect our courts and judges by providing them the education and training needed to help them meet the challenge presented by the enemies of our constitutional system. Knowing you as I do, I know you will do just that and for that, the judges you serve and work with owe you their gratitude and support.