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TEACHING JUDGING IN LAW SCHOOL: PART 4

Last of a series

by Paul Biderman

The Judging seminar that I developed for the University of New Mexico School of Law with Law Professor Ted Occhialino concluded in April, 2005. This final installment of my series on the development and implementation of the course will discuss some of the last class sessions and provide an overview of how it all went, at least from my perspective as adjunct faculty.

The concluding sessions of the seminar provided an array of topics, presenters and formats. Since we have treated this project as a work in progress with the hope of offering an improved version next time, we wanted to experiment with a variety of approaches. The final sessions included a presentation by U.S. Magistrate Leslie Smith from New Mexico on the requirements and expectations of law clerks in the federal court system. Another U.S. Magistrate, Andrew J. Wistrich of Los Angeles, fortuitously read my first installment in this series and called to offer a presentation for a class scheduled, even more fortuitously, for a date on which he was already planning to be in New Mexico. Judge Wistrich's presentation gave our class an advance look at an article he had co-authored, reporting on the results of a study into whether judges could really disregard evidence of which they had knowledge, but which they could not consider due to evidentiary constraints. As you might expect, for some kinds of evidence, judges found it difficult to disregard the information that they knew but were barred from considering.

Using an alternative format, the class was presented with a former and current family court judge who applied very different philosophies on family court. The current judge generally felt bound to resolve disputes according the law and rules of procedure to provide predictability and consistency. The retired judge preferred whenever possible to apply alternative dispute resolution techniques to bring the parties to agreement outside of formal proceedings. The students peppered them with reactions and questions to help explore the advantages and disadvantages of each approach.

For their course grade, students were each asked to write papers of about twenty pages in length considering some aspect of judging. The students chose a wide range of topics, including the surprisingly thin legal underpinnings for the widely accepted idea that state courts are not bound by rulings of their federal circuit courts on federal constitutional issues; the validity of recess appointments of federal judges; several papers on the interactions between judges and juries; and judicial selection in New Mexico, among other topics. Students' grades were determined by a combination of the quality of their research and analysis in their papers and the extent of their contributions to class discussions.

As adjunct faculty for this seminar, my overall impression is that we achieved part of our objectives, and learned some valuable lessons for future offerings. For one thing, our

efforts to recruit judges and others as guest speakers brought in the personal experiences and specialized expertise of these speakers far more effectively than any faculty presentation alone could have done. The students seemed very receptive to and even excited by the numerous presentations by leaders within the judiciary. By scheduling those presentations in proximity to more traditional caselaw analyses, we found that the judges' descriptions of their philosophies and experiences enriched the class discussions.

On the “needs improvement” side, we found invaluable insights but less fruitful ground for class discussion than we had hoped in the textbook that we assigned, *Keeton on Judging in the American Legal System* (see Article II in this series). Next time we will probably concentrate on continuing to develop our own cases and readings. We also recognized some of our own materials that did not elicit the kinds of discussion we had wanted and would look elsewhere for materials on those topics.

For judicial branch educators who are lawyers and who have relationships with law schools in their communities, I strongly recommend considering developing such a seminar. We have a great deal to offer through such a class because of our familiarity with and contacts in the judiciary. We also may well be getting a jump on preparing judges of the future to undertake highly professional careers on the bench or as law clerks. And for ourselves, offering such a seminar gives us an opportunity, second only to that of performing as judges ourselves, to understand the perspectives and challenges of those in the judiciary whom we serve as educators. If you do undertake to develop such a course, be prepared for a major time commitment—even if you find as many willing judicial faculty to lead sessions as we fortunately did.

I look forward to reading the student evaluations of the seminar, which we are not allowed to see until we submit the grades—which we will not complete until after the deadline for this issue of NASJE News. But subject to hearing from the students formally, I am confident that our first venture into this class, while imperfect, has provided a good start for a promising addition to the UNM School of Law curriculum.

Paul Biderman has been director of the Rozier E. Sanchez Judicial Education Center at the University of New Mexico School of Law since the Center's inception in late 1991. He was NASJE president in 2001-02 and NASJE News editor for three years prior to that. He is an attorney whose past service has included a term as the state's Secretary of Energy and Minerals, as well as years working in the Attorney General's Consumer Division, legal services programs, and private law practice.

News

Transitions

Please join us in welcoming the following new NASJE members:

Margaret R. Allen

Program Manager, Court Personnel Education, Supreme Court of Ohio Judicial College, Columbus, Ohio

Stephen M. Feiler

Director, Judicial Education Department, Administrative Office of PA Courts, Mechanicsburg, Pennsylvania

Mary Kennedy

Judicial Education Specialist, Judicial Education Department, Administrative Office of PA Courts,
Mechanicsburg, Pennsylvania

Mary Mentaberry

Executive Director, National Council of Juvenile & Family Court Judges, Reno, Nevada

Danica W. Winter

Senior Attorney, Office of the State Courts Administrator, Court Education, Tallahassee, Florida

Effective July 12, 2005, **Guy K. Tower** stepped down as Director of the Educational Services Department of the Office of the Executive Secretary of the Supreme Court of Virginia. He will become the Executive Director of The Virginia Bar Association, effective September 1, 2005. His new email address, effective immediately, is guytower@vba.org. On and after September 1, he will be at The Virginia Bar Association, 701 East Franklin Street, Suite 1120, Richmond, VA 23219; (804) 644-0041).

Messages for or relating to the Educational Services Department should be directed to Caroline Kirkpatrick, Assistant Director (ckirkpatrick@courts.state.va.us; (804) 371-6063) or Marsha Busic, Conference Coordinator (mbusic@courts.state.va.us; (804) 786-7522).

From: Buttrey, Jennifer [mailto:JButtrey@aspensys.com]
Sent: Tuesday, July 12, 2005 6:18 PM
To: All CJEG Members
Cc: Lange, Andrea; Fox, Daryl
Subject: CJEG July 2005

Greetings from the National Criminal Justice Reference Service!

The July 2005 order form with new releases from the OJP agencies and ONDCP is now available at: www.ncjrs.org/cjeg. The monthly message below features information we encourage you to share with your readers, including publication summaries and links to new COPS resources and news from NCJRS and OJJDP:

NCJRS Spotlights Human Trafficking

The National Criminal Justice Reference Service (NCJRS) announces a new online resource: In the Spotlight: Trafficking in Persons! This Spotlight provides links to publications, statistics, legislation, training opportunities, and other resources on topics such as sex trafficking, forced labor, and child sex tourism. To visit, go to: <http://www.ncjrs.org/spotlight/trafficking/summary.html>.

Register for OJJDP's "Communities Respond to Youth Gangs"

Videoconference

<http://www.trc.eku.edu/jj>

On August 11, 2005, at 1:30 p.m. ET, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) will air the 90-minute satellite videoconference "Communities Respond to Youth Gangs in America." The videoconference, which may be viewed online, will feature community programs and strategies that effectively address the youth gang problem. It will explore strategies to leverage existing resources, provide examples of partnerships across disciplines, highlight innovative strategies, and share information on faith-based responses.

New Resources

The following are new releases from the Office of Community Oriented Policing Services (COPS). We encourage you to share the publication information with your readers. Please note that NCJRS is not the ordering source for documents from COPS, however, ordering information is included in each abstract:

COPS

Drugs and Crime CD-ROM

Drugs and Crime, one of the latest resource CD-ROMs from COPS, includes information on club drugs, cocaine, ecstasy, methamphetamine, marijuana, and drug- and crime-fighting policies and research. This resource is not available from NCJRS. For availability and ordering information, please contact the COPS Office Response Center at 1-800-421-6770.

Campus Safety CD-ROM

The Campus Safety CD-ROM contains more than 50 publications and resource links from COPS, the U.S. Department of Justice, and other government agencies related to drugs, alcohol, and violence on campus. This resource is not available from NCJRS. For availability and ordering information, please contact the COPS Office Response Center at 1-800-421-6770.

If you have any questions regarding this month's CJEG message or if you have any comments or suggestions about the way NCJRS shares information with you, please contact me.

Thank you,

J.B.

Jennifer Buttrey

CJEG Coordinator

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**DEPARTMENT OF JUSTICE ANNOUNCES MORE THAN \$24 MILLION IN
FUNDING TO PROMOTE ANTI-GANG INITIATIVE**

Funding and Projects Highlighted at National Youth Gang Symposium

ORLANDO, FLA. — The Department of Justice's Office of Justice Programs (OJP) today announced more than \$24 million to support a school-based, law enforcement officer-instructed classroom curriculum through the Gang Resistance Education and Training Program (G.R.E.A.T.) and highlighted OJP anti-gang initiatives at the National Youth Gang Symposium.

“Eliminating the threat of gangs to our families and our communities means intervening and preventing gang membership among our youth, while enforcing laws to protect our

citizens,” said Tracy A. Henke, Acting Assistant Attorney General for the Office of Justice Programs. “The Department of Justice is committed to supporting a unified community approach, which includes partnerships at every level of society to combat gang violence.”

The G.R.E.A.T. Program, administered by OJP’s Bureau of Justice Assistance, includes funding to support a curriculum that aims to prevent youth violence and gang involvement in elementary and middle schools by developing positive relationships with law enforcement, families and youth. The G.R.E.A.T. Program consists of four components: a 13-week middle school curriculum, a six-week elementary school curriculum, a summer program, and family training. Five regional training centers provide training to sworn law enforcement officers to certify them to teach the G.R.E.A.T. curriculum in elementary and middle schools across the country. Regional training centers are located in Phoenix, Ariz.; Orange County, Fla.; Portland, Ore.; Philadelphia, Penn.; and LaCrosse, Wis.

The Office of Justice Programs is the primary sponsor of the National Youth Gang Symposium, which attracts representatives from law enforcement, juvenile and family courts, juvenile corrections, schools, faith-based and community-based organizations, and social service agencies. The symposium provides a venue for open discussion about innovative and successful gang-related programs and strategies, including prevention, intervention, suppression strategies, and trends from top national experts.

The Office of Justice Programs provides national leadership in a variety of anti-gang efforts. In 1994, OJP’s Office of Juvenile Justice and Delinquency Prevention (OJJDP) established the National Youth Gang Center (NYGC) to expand and maintain information about youth gangs and develop effective responses. In addition to conducting research and analysis, the NYGC provides training and assistance to OJP-funded projects and hosts the National Youth Gang Symposium.

The Gang Reduction Program (GRP) was launched by OJJDP in four communities in 2003 as a pilot to test multi-disciplinary, community-based approaches in response to gangs. GRP’s primary goal is to reduce youth gang crime and violence in communities through an integrated application of proven practices in primary prevention, secondary prevention, gang intervention, gang suppression, and reentry. The GRP sites are targeted communities of limited geographic area, approximately five square miles, which are characterized by significant existing program investment, strong indicators of citizen involvement, and high crime and gang activity. The four sites are located in East Los Angeles, Calif.; Milwaukee, Wis.; North Miami Beach, Fla.; and Richmond, Va.

The Office of Justice Programs also previewed several upcoming gang-related reports and research. *Violence by Gang Members, 1993-2003*, from OJP’s Bureau of Justice Statistics, presents data based on the National Crime Victimization Survey to estimate the number and rate of violent crimes committed by offenders that victims perceived to be members of gangs. The report provides data about the proportion of violent crime committed by street gangs, the type of violent crime most likely to be gang related and

the extent to which gang-related violent crimes are reported to the police. Publication is scheduled for the end of June.

A publication from OJP's Office of Juvenile Justice and Delinquency Prevention (OJJDP) includes *Highlights of the 2002–2003 National Youth Gang Surveys*, which summarizes the National Youth Gang Survey findings for 2002 and 2003. It includes data on the number of gangs, gang members, and gang-related homicides in urban, suburban, and rural areas. This report will be available the end of June.

OJP's National Institute of Justice also funds research on gangs and gang-related crime. A recently funded examination of police responses to gang problems, *Specialized Gang Units: Form and Function in Community Policing*, describes the specific gang-control activities carried out by gang units in Indianapolis, Ind. and San Diego, Calif. The research focused on the functions and activities of gang units, the development of gang-control policies, and measures to determine attainment of policy goals. The report is available at www.ncjrs.org.

The Office of Justice Programs provides federal leadership in developing the nation's capacity to prevent and control crime, administer justice, and assist victims. OJP is headed by an Assistant Attorney General and comprises five component bureaus and two offices: the Bureau

of Justice Assistance; the Bureau of Justice Statistics; the National Institute of Justice; the Office of Juvenile Justice and Delinquency Prevention; and Office for Victims of Crime, as well as the Office of the Police Corps and Law Enforcement Education and the Community Capacity Development Office, which incorporates the Weed and Seed strategy and OJP's American Indian and Alaska Native Affairs Desk. More information can be found at <http://www.ojp.usdoj.gov>.

Mentoring available
Kathleen Sikora, Consultant, Berkeley, CA

Mentoring has long been recognized as a valuable learning opportunity, perhaps one of the most valuable, if done well. It has obvious benefits for persons mentored, but it also benefits mentors in the sense that they are "giving back," transferring knowledge, and guiding those who will continue the work they do--all forms of "generativity." NASJE has long been dedicated to matching new members with mentors and has recently undertaken efforts to strengthen and expand its mentor program.

The NASJE Mentor Committee matches new NASJE members with trained, experienced judicial branch educators to assist in professional development at

the early stages of a new member's career, provide specialized content expertise for relatively new members who are new to a specific subject area, and serve as a link to resources within the organization.

Since the last Annual Conference, 19 experienced NASJE members have volunteered (perhaps "re-enlisted" is a better term) to serve as mentors. Many of them will attend an advanced Mentor Training Workshop at the Annual Conference in Savannah to polish their skills and discuss ways to improve the mentor program.

The Mentor Committee has also engaged in outreach to new NASJE members, including members who have joined within the last two years. It plans further efforts to make these members more aware of its services and expand those services to experienced NASJE members who are new to specific subject areas.

NASJE members who have generously agreed to be mentors this year are: Judith Anderson (Washington state), Paul Biderman (New Mexico), Carrie Brooks (Tennessee), Maureen Conner (Michigan), Zella Cox (New Mexico), Philip Gould (Nebraska), Kathleen Gross (West Virginia), Franny Haney (Delaware), Leslie Johnson (Mississippi), Martha Kilbourn (California), Tom Langhorne (Virginia), Ellen Marshall (Maryland), John Meeks (Ohio), Kay Palmer (Arkansas), Rich Reaves (Georgia), Phil Schopick (Ohio), Liz Strong (Colorado), Blan Teagle (Florida), and Christy Tull (Ohio).

If you would like to have a mentor (there is still time before the Annual Conference to get one), contact any member of the Mentor Committee:

Kathleen Sikora, Chair, California (sikorakt@aol.com)

Paul Biderman, New Mexico (biderman@unm.edu)

Philip Gould, Nebraska (pgould@nsc.state.ne.us)

Hope Lockridge, Texas (hope@tmcec.com)

Christy Tull, Ohio (tullm@sconet.state.oh.us)

From the President
By William Brunson

Have you ever wished that you could create a curriculum electronically through the NASJE website that would prompt you for information and lead you through the process? Have you ever thought that it would be great if you had a way in which to measure whether you have attained all of the skills necessary to be an excellent judicial branch educator? Or, have you felt that it would be great if you could find new products and

services at the annual meeting, but no vendors were present? Because of the tireless efforts of many NASJE members, these things will be possible very soon.

In my last column, I informed you that Pamela Castaldi led a team to attend the Leadership Institute in Judicial Education in Memphis, Tennessee. During the institute, Pam and the members of the team including Steve Circeo, Judge Peter Evans, Joseph Sawyer and Liz Strong began formulating the design of an “online curriculum builder.” Phil Schopick and Ray Foster will also assist in its development. The idea is that an educator will go to the NASJE site to develop a curriculum. The online curriculum builder will cue the educator to draft learning objectives. In doing so, the site will instruct the educator on Bloom’s taxonomy, so the educator can ensure that the objectives build on one another. Next, the “online curriculum builder” will cue the educator to design “active” learning activities. It will provide information on developing learning activities that address the different learning styles of the audience as studied by David Kolb and others. The “online curriculum builder” will feature pull down menus, tutorials, and reference materials to assist educators. The team plans to complete the online curriculum builder in May 2006. With this tool, not only will state judicial branch educators benefit, but the NASJE site will likely attract educators from many different disciplines, which will raise NASJE’s profile in the adult education community. This is truly an exciting plan!

Now that you’ve created that great curriculum, you may be wondering what other skills are necessary for you to become a well-rounded judicial branch educator. In drafting the “Recommended Core Competencies for Judicial Branch Education,” Chair Maureen Conner, Vice-Chair Kay Palmer, Jim Drennan and Karen Thorson worked for more than two years. They produced a document that sets forth and explains 11 competencies: (1) governance: roles, responsibilities, structures, and functions of boards, advisory and planning and committees; (2) developing and implementing curriculum and program development; (3) instructional design; (4) faculty development; (5) selecting and managing instructional delivery mechanisms, including distance education; (6) managing logistical arrangements needed for instructional delivery mechanisms; (7) building and maintaining support for judicial branch education budgets and resources; (8) human resources management; (9) leadership, visioning, organizational planning, and building and maintaining support for judicial branch education; (10) needs assessment; and (11) evaluation. With the NASJE board’s support and assistance, Kay Palmer has agreed to build upon the core competencies further by seeking a grant from the State Justice Institute. The plan is to create individual curricula for each of the core competencies. Ultimately, the competencies and the curricula would be published in a JERITT monograph, so NASJE would again benefit from the excellent work of Maureen Conner. Like the online curriculum builder, the JERITT monograph will create more links between NASJE and the adult education field.

As a well-rounded judicial branch educator, you will need products and services to assist you in your work. Because of the tireless efforts of Chair Christy Tull and Dottie McDonald, the fundraising committee has created a structure and accompanying forms for attracting vendors to future NASJE meetings. Further, the fundraising committee has

been hard at work in attracting suitable vendors that will showcase items of interest to NASJE members. The vendors also will assist in financially supporting the annual meeting. With this groundbreaking work, vendors should be a part of all future NASJE conferences.

With these developments, NASJE will continue to remain at the forefront of judicial branch education. At the annual meeting, please assist me in thanking Steve Circeo, Maureen Conner, Jim Drennan, Judge Peter Evans, Ray Foster, Dottie McDonald, Kay Palmer, Joseph Sawyer, Phil Schopick, Liz Strong, Karen Thorson, and Christy Tull. I look forward to seeing you all in Savannah.

News: From the Editor

Praise and thanks to the Newsletter Team

This year the NASJE News Quarterly continued to present articles within a structure similar to what you might find in a paper version of a newsletter or journal. The benefits have been a closer look in the areas of adult education, domestic and family violence, and family courts. We have also consistently been able to give you articles for the manager/supervisor and the beginning technology user. And in this issue, we are beginning the presentation of a course curriculum in monthly installments.

NASJE News has brought you articles written by experts in various fields. Some of these experts have been members of the newsletter committee, and I want to thank them now:

- **Joey Binard**
- **Ray Foster**
- **Kathleen Gross**
- **Martha Kilbourn**
- **Liz Strong**
- **Robin Wosje**

I would also like to thank those guest editors who contributed their expertise and insight to NASJE News throughout the year:

- **Jo Dale Bearden**
- **Paul Biderman**
- **Maureen Conner**
- **Beth Ann Gillia**
- **Ellen Marshall**
- **Kay Palmer**
- **Marguerite Stenquist**

We continue to find ourselves indebted to our web developers, **Pam Castaldi** and **Steve Circeo**. So much of how user-friendly and attractive the newsletter is has resulted from them and their efforts.

And finally, the following very dedicated and articulate people have left or are leaving the newsletter committee and our group of guest editors during this past year. We miss or will miss their contributions and wish them the best:

- **Joy Ashton**
- **Jo Dale Bearden**
- **Beth Ann Gillia**
- **Billie Lee Dunford Jackson**
- **Mary B. O'Connor**
- **Hon. William P. Williams**

The NASJE News would not have been as good as it has become without the personal contributions made by those mentioned above and the people they recruited to submit articles to us. Thank you to all of them. And thank you to all of you who have read our efforts and shared your thoughts about them with us. We will continue to try our best to bring you an interesting and informative publication in the coming year.

Assessing and Fulfilling the Special Education Needs of Traffic Court Judges

By Judge Karl Grube

I have long had the privilege of being involved with educating judges who preside in those lower tier, limited jurisdiction courts that we often refer to as “the people’s courts.” Chief among these so called “people’s courts” are our nation’s traffic courts. My experience with judges who preside in “traffic” is that they are sometimes overlooked when it comes to the specialized education and training needed to address the legal and evidentiary issues that confront them daily. Those who fund judicial education, but who are not themselves experienced judicial educators, may believe that the issues and cases that confront traffic court judges are simple and require little if any training to be competently adjudicated. This misperception may be perpetuated by the fact that in a number of states, traffic court judges work part-time and are not lawyers.

Traffic Courts Address Technologically and Constitutionally Sophisticated Issues

Some equate traffic court with speeding and running red lights and question how much education is really necessary to handle such cases. This perception unfortunately overlooks the reality that traffic court cases routinely involve issues that are technologically complex and involve critical constitutional issues of search and seizure, confession admissibility, and the law of arrest. Those judges who handle impaired driving cases, in particular, are routinely confronted with medically and technologically sophisticated evidentiary issues such as retrograde extrapolation, blood alcohol pharmacology, blood/breath partition ratios, infrared spectrometry, horizontal gaze nystagmus, passive alcohol sensors, and the admissibility of drug recognition experts’ testimony. Even those supposedly simple speeding and red light cases now involve complexities related to electronically monitored intersections, photo radar, laser speed detection, and the myriad of defenses in radar and Vascar enforcement cases.

Traffic Court Judges' Needs Assessments and the Survey Approach

What kind of judicial education and training do judges who handle motor vehicle cases need? What are the cutting edge issues that confront them? Being a judge who routinely presides in traffic cases and having had the privilege of designing and teaching traffic law courses for the National Judicial College, I have some thoughts on these subjects. First and foremost, to fulfill the education needs of traffic court judges, I believe that one needs to survey the judges who preside in those courts. Rather than asking what they would like to learn about, experienced judicial educators know that the key to curriculum design is to ask, "what are the problems; what are the issues" that confront these judges. The result of such a needs assessment will often yield distinct differences based on the rural versus urban court venues, whether the responding judge is an attorney and whether jury trials are routinely accorded to defendants. Such differences may indicate a need for education program segments that are divided into tracks or that use discussion groups that separate judges according to their jurisdiction or bar status.

What are the Issues, What are the Problems?

When surveying judges who handle motor vehicle cases it is often appropriate to have them rank issues or problems that confront them rather than to require them to describe the issue or problem in their own words. The ranking process would utilize a list of possible or probable issues, or problems from which those surveyed would be asked to select the top 5 or 10 to be designated in order of importance. The ranking process would also provide space for those surveyed to describe and list other issues or problems that they believe are important. The list that follows contains 40 examples of potential problem areas and issues that routinely confront traffic court judges particularly those who handle impaired driving cases.

- How to supervise defendants without a government funded probation service
- How to avoid being reversed by an appellant court
- Designing forms and writing orders and judgments
- Ethical judicial community outreach activities
- The admissibility of Field Sobriety Tests
- Issuing search warrants to draw blood in breath test refusal cases
- New U.S. and state Supreme Court decisions that impact traffic cases
- The judge's role in plea and sentence bargaining
- Evidence issues including relevancy, admissibility, materiality, judicial notice, and opinion evidence.
- Effective communications and dealing with the media
- Driver license records admissibility and accessibility
- Zero tolerance laws and juvenile traffic offenses
- Sentencing juveniles and dealing with their parents or guardians
- Rural courts and their special issues and needs

- Sentencing impaired drivers effectively
- Handling large dockets efficiently while according due process
- Understanding blood/alcohol pharmacology and toxicology
- Efficient and effective jury management and selection
- Collecting fines and providing for restitution; using collection courts
- The use of contempt when defendants fail to pay fines and costs
- Handling motions regarding the operation and maintenance of breath testing equipment
- The role of the judge and the professional in treating addiction
- Ruling on motions to suppress involving search and seizure issues
- Ruling on motions to suppress involving confessions and admissions
- Ruling on motion to suppress involving the law of arrest
- Admissibility issues with expert witness testimony
- Dealing with law enforcement and lay witnesses who fail to appear
- Conducting trials and sentencing proceedings without a defendant
- Roadblocks and sobriety check points
- Motions to compel and matters related to discovery issues
- Dealing with commercial motor vehicle (CMV) issues and cases
- Probation revocation proceedings and issues
- Identification and other issues in cases involving electronically monitored intersections and photo radar.
- Issues involving the maintenance and testing of speed measurement devices
- The function and appropriateness of ignition interlock devices
- The function, design and implementation of DUI/Drug courts
- Dealing with habitual traffic offenders
- How to deal effectively with the suspended or unlicensed drivers
- Data processing innovations and the paperless court
- Electronic monitoring of defendants on probation

The survey process can also be utilized when education needs are being determined through the use of education committees such as those that often function in conjunction with judges associations or conferences. When curriculum decisions are being made through the use of such committees, it is important that those involved in the survey process be the same judges who routinely preside in the types of cases for which issues and problems are to be identified.

The National Conference of Specialized Court Judges Stands Ready to Help

Once the needs of traffic court judges have been identified it may be helpful and productive to contact the American Bar Association's National Conference of Specialized Court judges (NCSCJ). This ABA Judicial Administration Division Conference represents our nation's limited and specialized court judges. It offers traffic court programs and curricula as well as a cadre of nationally recognized presenters to fulfill the

education needs of judges who handle motor vehicle cases. The NCSCJ has successfully cooperated with state judicial educators to design and present highly acclaimed traffic court programs in states including: Georgia, Texas, Michigan, Rhode Island, Kentucky, Utah and Washington. Information concerning available assistance and sample curricula can be obtained by contacting Rebecca King, Conference Administrator, ABA Judicial Division, 321 N. Clark ,19th Floor, Chicago, IL 60610, phone: (800) 238-2667 Ext. 5742 e-mail address: (kingre@staff.abanet.org)

In closing, the education needs of those who labor in the people's courts are truly special. The National Conference of Specialized Court Judges stands ready to assist members of NASJE in fulfilling those needs.

Judge Karl B. Grube has served as a State Trial Court Judge in the County Court for Pinellas County, Florida since his election to that office in 1976. Prior to assuming the bench, he served as an assistant public defender followed by private practice, which included being city attorney for Redington Beach, Florida. Judge Grube has served as president of the Florida Conference of County Court Judges and as assistant dean of the Florida New Judges College. He was also elected chair of the American Bar Association's National Conference of Special Court Judges and has been active in the ABA's Judicial Division, including occupying an elected seat on the ABA's Judicial Council.

Judge Grube is a member of the academic faculty of the National Judicial College and the University of Phoenix. He also lectures at the Stetson University College of Law in St. Petersburg, Florida. He has published legal articles through the American Bar Association, the National Judicial College, The Florida Bar Journal, The State Court Journal, Stetson College of Law's Law Review and the Journal of Law and Technology. He received his Bachelor of Science degree in Business Administration from Elmhurst College, in Illinois, his Juris Doctor degree from Stetson University in Florida, and in 1992 was awarded a Masters Degree in Judicial Studies from the University of Nevada.

Judicial Responses to Batterers: Effective Court Sanctions

By Judge David M. Gersten

This article is the second in a series dealing with domestic violence issues and the second dealing specifically with batterers. This installment focuses on a judicial perspective. It examines the various techniques that judges employ to achieve justice while preventing further harm to a victim.

After a judge has listened to the evidence and determined that a perpetrator is indeed a batterer, several judicial options are available. A judge may attach special conditions to a sentence of probation. They include: stay away orders, restitution, batterer's intervention programs (BIPs), monetary support, and

possession of the home to the victim. Bear in mind, imposing a jail sentence is always an option.

Let's discuss these options and how judges use them to accomplish the dual goals of justice and prevention. First, a stay-away order means that the perpetrator is to stay away from the victim. This requires a perpetrator to maintain a certain physical distance away from the victim, usually 500 to 1000 feet. Additionally, a stay-away order prohibits a perpetrator from engaging in any behavior that would constitute harassment such as phone calls, email, letters, and 3rd party contact.

Next, restitution may include payment for hospital bills, loss of physical property, or damage to the victim's home. Realize, of course, that the perpetrator may be unemployed or unable to pay restitution immediately. The judge can also order the perpetrator to pay child support and living expenses to the victim and may award possession of the home to the victim. This becomes necessary especially when the victim has insufficient funds to maintain a residence and pay for the children's needs.

Now, we'll discuss BIPs. Note, at the outset, that there is still ongoing research concerning their efficacy and their ability to reduce recidivist behavior. These programs are based on the premise that, because domestic violence is learned behavior, it can be "unlearned." Further, BIPs emphasize that batterers are accountable for their actions rather than placing blame on outside forces or the victims' behaviors. The perpetrator must attend the program regularly and for as long as possible in order to maximize benefits.

Jail, is the last option. Jail definitely stops the violence, yet jail is not necessarily the desired goal. Many times the victim needs the perpetrator to remain out of jail and working so that the family has a means of support. Also, the victim may prefer that the perpetrator simply stay away rather than be placed in jail.

The judge's order imposing any of the foregoing options stands hollow without a mechanism for enforcement. That mechanism, known as judicial review, holds perpetrators accountable for their actions through constant judicial supervision. The judge imposes increasingly severe sanctions against the perpetrator for each instance of non-compliance.

For example, if the court has monthly judicial reviews of the perpetrator's progress, the perpetrator knows that the court is ever watchful for any digression from the court's order. If the perpetrator does not follow the judge's order, the judge can take quick enforcement action. The judge can order monetary relief, impose further sanctions or conditions, and sentence the perpetrator to jail.

Jail is a particularly effective tool because it sends the perpetrator a strong and decisive message that the judge means what the order states. The first jail term

may be a day or two to “tune-up” the non-compliant perpetrator. Thereafter, each violation will result in a longer jail sentence. The perpetrator will soon learn who is large and in charge.

The judge also needs to have a mechanism in place for the victim or a program coordinator to notify the court of any violations. That way, again, the court can respond quickly and let the perpetrator know that the court will not tolerate digressions.

The bottom line analysis is that probation, in conjunction with constant judicial review, works to accomplish justice. The judicial system holds the perpetrator accountable and stops the violence.

Judicial Sanctions checklist for bench:
As allowed by each state’s law

1. No Contact Orders: Complete or “no violent” contact.
2. Child Support: Provide where allowable by law. Do not send the victim to another court, like the family court, to obtain child support.
3. Firearm surrender: Have a procedure and create forms to effectuate firearms removal.
4. Living expenses: For example, alimony and what is allowable by law.
5. Exclusive possession of the home: Also, provide that the perpetrator stay at least 500 feet from the residence.
6. Restitution: Items like moving expenses, therapy change locks etc. should be part of this category.
7. Batterer’s Intervention Program: May be mandatory. Also include: substance abuse, mental health or other suitable program.
8. Ongoing judicial supervision: This should be graduated both for timeframes and sanctions. For example, at the beginning, 30 day reviews. If the situation is stable and the perpetrator is doing well, then 90 day reviews. Sanctions should start out with shorter and graduate to longer terms. Thus, 1 day jail sanction graduating to longer jail terms for repeat violations. It is imperative that the judge adopt procedure and forms for the court to be notified immediately upon an alleged violation. Swift court intervention shows that the court is interested in putting teeth into its orders and may save a life.

9. Jail: As long as the judge sees fit.

10. Combinations as required.

Benefits of Judicial Branch Education

By Diane E. Cowdrey, Ed.D.

We judicial branch educators are keenly aware of the value of what we do. We understand that training and education have benefits to the individual, to the system in which we work, and to the community at large. As a result, most of us are hard at work every day, implementing conferences, programs, and other methods to support the professional development of our audiences. Our commitment and passion, however, can blind us to the fact that not everyone is as aware of the benefits of education. A few years ago, our system underwent some reductions in budget and personnel; one result was some vocal detractors of judicial branch education. I realized that we needed to become better public-relations oriented, and developed the following list of "Benefits of Judicial Branch Education" to include in various written and oral communications. As is appropriate, the education committees and staff are able to bring some of these points home and increase the awareness of the value of what we do.

Benefits of Judicial Branch Education

To the individual judge or employee:

- ◆ Continuing education is a major employee benefit
- ◆ Employees and judges are given appropriate training to succeed in their jobs
- ◆ Education provides an opportunity to learn from experts and from each another
- ◆ Taking a break from the regular work routine energizes people, provides an opportunity to reflect on one's work, and on the "bigger picture"
- ◆ Continuing education "professionalizes" one's respective jobs
- ◆ Courses on topics such as stress management, dealing with difficult people, etc. improves the working environment for everyone

To the court system:

- ◆ Employees are trained in the necessary competencies in order to do their jobs
- ◆ Training that is aimed at the entire system can move the organization forward in strategic areas as determined by management

- ◆ Appropriate training can make a difference with customer satisfaction (increased public trust and confidence in the courts)
- ◆ Appropriate training for employees helps create a more satisfied workforce
- ◆ Ongoing training and education encourages employees to be lifelong learners
- ◆ Ongoing education gives everyone a wider perspective (a “bigger picture”), so they can continue to develop and be open to new perspectives
- ◆ Staff motivation can be increased through achievement, recognition, responsibility and advancement - education supports all these factors

To the public:

- ◆ Court employees and judges have the skills to perform their jobs in a competent manner
- ◆ Court employees and judges have training in dealing effectively with people, including customer service skills, communication skills, and cultural competency skills
- ◆ Through ongoing training, court staff and judges can reflect some of the core values of the court system, including fairness, access to justice, and the rule of law
- ◆ Judicial education is part of the accountability to the public through the retention election process

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

Parently Wisely
By Joey Binard

Parenting Wisely is an interactive CDROM/Video program developed to teach parents of children and adolescents important parenting skills in an entertaining, efficient and inexpensive manner. These skills prevent or reverse the development of serious problems, such as:

Delinquency
Academic failure
Truancy
Substance abuse
Violence
Irresponsible and reckless behavior
Chronic family conflict
Depression

The effective parenting skills in this program were chosen because experts have judged them to be critical not only in helping children and adolescents avoid delinquency and substance abuse, but also in improving common family problems.

Parenting Wisely is based on the Functional Family Therapy model. Problems are depicted and effective solutions are presented within a family system context, emphasizing the interrelatedness of family members' thoughts and behaviors.

The program provides these advantages to the parent:

- The scenarios are highly relevant, promoting parental interest
- No self-disclosure is required
- Defensiveness is decreased because feedback is made by the computer
- Effective and ineffective parenting methods are demonstrated
- Tutoring in needed skills begins immediately, without the necessity of building a trusting relationship
- The parent is in control and makes many choices so that parent involvement is intensive
- The learner must think and respond to get the program to continue, thus it is self-taught and self-paced
- The learner receives interesting, detailed feedback after each response
- Computer experience is NOT required.

PW is geared to a fifth-grade reading level, but literacy is not required. All instructions and text can be read aloud by the computer. The entire program lasts two and one-half hours, but can be divided into three or more sessions. Some families have been court-ordered to use the program and it has been part of a social services case plan to others.

Parenting Wisely has been chosen as an Exemplary or Model Program by CSAP (Center for Substance Abuse Prevention), SAMHSA (Substance Abuse and Mental Health Services Administration) and OJJDP (Office of Juvenile Justice and Delinquency Prevention) as an effective program for treating and preventing delinquency and substance abuse in children and teens. It has also been listed as an effective program in the Child Welfare League of America's Research to Practice initiative. It continues to be evaluated and user satisfaction is very high, as rated in eight controlled studies.

It is currently in use in 48 states, Canada, Australia, the United Kingdom, Ireland, Switzerland, Germany, and France. It is used in such settings as libraries, schools, mental health centers, residential centers for delinquents, child and family service agencies, jails, prisons, Head Start and other child care programs. It can be used with programs for teen parents, divorcing parents, high school family living classes, families under reunification plans from child protective services, parents of ADHD children, and domestic violence and homeless shelters.

A demo CD-ROM on Parenting Wisely is available at no charge. It contains the introduction, a sample problem scenario, and the glossary for each of the available versions of the program.

Parenting Wisely was developed by Donald Gordon, Ph.D., a child clinical psychologist, family therapist, and Emeritus Professor of Psychology at Ohio University. For more information contact:

Family Works Inc.
1005 E. State St., Ste G,
Athens, OH 45701
866-234- WISE
email: peggy@familyworksinc.com
www.parentingwisely.com

Joey Binard is a Senior Program Manager, Technical Assistance in the Juvenile and Family Law Department of the National Council of Juvenile & Family Court Judges in Reno, Nevada

Meeting technology – Where do we get our information?

Part 2

by Jo Dale Bearden

Those of us who coordinate technology for meetings know that technology is ever-changing. In order to facilitate our training sessions effectively, we need to be "in the know." But with our busy schedules, how do we get the information we need efficiently? In *Part 1* of this article (NASJENews Quarterly, Spring 2005, vol. 20, no. 2), we were introduced to various resources, both paper and digital, that keep us informed on current meeting technology. In *Part 1*, I asked for your favorite resources. *Part 2* is a medley of your responses. (Thank you all for your feedback.)

Blogs

A blog is a website where the author can write...well, whatever the author wants to write. Blogs are used as personal journals, promotion tools to promote new albums or books, or a place that a reporter can post an article in real time. Blogs allow for feedback, whether it is an individual's blog or a group blog.

Blogs are also a place to find current technology information. For example, www.audience-response-rentals.com/blog contains an interesting discussion on maximizing the value of an audience response system. To find blogs, go to a search website like www.blogwise.com or www.getblogs.com and enter your search terms. At www.blogwise.com, I did a search for training technology and located a blog for the American Society of Training and Development, which contained some technology information.

Blogs are a fun place to find information, but be cautious. Blogs are created and posted by random people (no legal age limit or degree required). Use discretion when quoting

blogs because they can often be incorrect. Before you use the new found information, do a little more research.

Kudos to Hotel Chains

Hotel chains have gone the extra mile to make their websites beneficial tools for meeting planners. *Article 1* mentioned the meeting planning checklists, tools, and templates found on www.marriott.com, but www.starwoodmeetings.com has gone even further. (Note: Starwood properties include Sheraton hotels and Westin hotels.) Gone are the days of leaving messages with banquets coordinators, sales managers, and registration coordinators. Instead, visit the Starwood website and search for hotels, submit Request for Proposals (RFP) online, set-up a customized website to manage group reservations, and order food and beverage items and audio/visual equipment. Before you send out that next RFP, visit some of the chain hotel sites and see what they can do for you.

Websites

If your trainings are on the smaller side and you need technology that suits meetings versus conferences, visit www.effectivemeetings.com. The website contains a technology section that contains planning tools as well as reviews of new audio/visual technology.

Looking for a free trade magazine as well as another e-newsletter? Visit www.presentations.com. The site has a link to several free trade magazines, including *Presentations Magazine* and an annual *Buyer's Guide*. Within the site is a technology section that is both current and immediately applicable. At present, the articles range from the best digital cameras, to the improved pocket projectors. While you are there, sign-up for their free e-newsletter as well.

Through websites, newsletters, and even blogs, we can stay current on training and technology trends. I've enjoyed sharing the resources you sent me. If you have others, continue to send them to jodaleb@gmail.com. Although this segment is complete, I will continue to work them into future articles.

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

From: thiagi@thiagi.com
Sent: Thursday, June 16, 2005 2:23 PM
To: Schopick, Philip
Subject: Play for Performance: June 2005 Issue Ready

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

You can retrieve it from
<http://www.thiagi.com/pfp/june2005.php> .

I am very excited about this issue. It includes

- * A commentary about technical training that provides a practical framework for using games and activities with technical topics
- * An interview with Sonia Ribaux with practical advice
- * POTENT POETRY, a game by Sonia, that involves creating a magnetic poetry set for your training topic
- * The concluding segment of Roger Greenaway's article on debriefing
- * A twisted pair puzzle that summarizes a key concept
- * A bookshelf section with mini-reviews of eight books on the art of storytelling
- * A pithy saying about storytelling

Enjoy this issue. Read it and play it!

Playfully,

Thiagi
Sivasailam "Thiagi" Thiagarajan
www.thiagi.com
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NASJE News article for Summer, 2005—Manager's Briefcase

Giving and Receiving Feedback

Pamela Lizardi, M.Ed.

Training & Staff Development Administrator

"New knowledge is built on past and current thinking"

602-506-5232

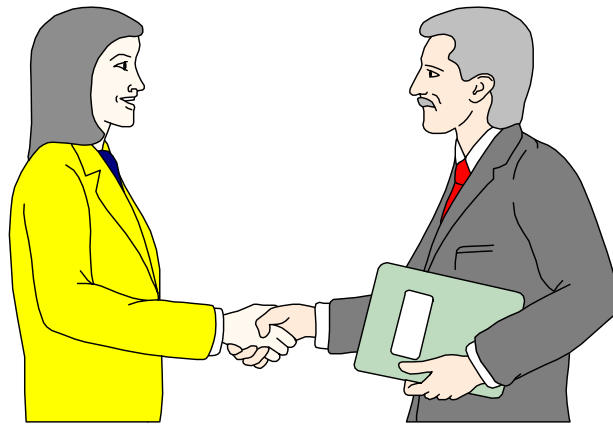
Note from Martha Kilbourn: Last issue we discussed ways to give appropriate feedback to your new employee, Elizabeth Sharp, who was having some problems with last-minute-itis. Since then, the Western Region had a wonderful conference call with Pam Lizardi from Arizona who teaches a course on Giving

and Receiving Feedback for the Maricopa County Court. Pam walked us through the course and the techniques she uses to teach it. I asked Pam if we could use her materials in *NASJE News* and she graciously agreed. I think you will find the following materials particularly helpful in learning the techniques of giving and receiving feedback. Thank you, Pam!

Editor's note: This issue is the first of eight installments of Pam's course materials. One chapter will be posted each month here on the website. If you need the next installment sooner than that, [click here: schopicp@sconet.state.oh.us] to request the course sooner. Feel free to contact Pam Lizardi directly at the above number or at PLizardi@courthr.maricopa.gov. Also, please be sure to let us know what you think of these materials and our including them on the website in monthly installments. A JERITT prompt will go out to you all each time an installment is posted.



The Art of Giving and Receiving Feedback



The Art of Giving and Receiving Feedback

Only those companies with the most creative and motivated people will sustain leadership for the long haul. What separates Maricopa County from every other county is the answer to one question: Can we execute? Through the years we've shown the answer is a resounding yes. How do we sustain the motivation, bias for action and innovation, and adaptability to change that define our culture and underpin all of our success?

Development: One of the central issues facing our county—and most organizations—is how to release even more of our brainpower and know-how. We believe there's an enormous reservoir of untapped potential within Maricopa County that can be channeled more productively. That's why Maricopa County is committed to developing an organization that is learning and continually expanding its capacity to create its future. On one level that means helping teammates build the new skills and information needed to meet the constantly changing requirements of our industry. On another level it means each teammate taking responsibility for managing his or her career and for increasing their value to the customer (internal and external) they serve. The more you know the more you are worth, not only to the organization, but to yourself, and those around you.

The Art of Giving and Receiving Feedback Introduction

Good communication tops most people's lists of important workplace skills. Although business offices, courts, probation offices, adjudicators and jury's are relying more and more on complex electronic equipment, not all of the information employees need is found online and in databases. Effective person-to-person communication is more important than ever as teams "form and storm," management becomes more egalitarian, and employees learn to work cross-functionally. One of the most important person-to-person communication skills is the ability to give and receive feedback effectively. It is also one of the most challenging. No amount of sophisticated technology can diminish the anxiety supervisors, team leaders, and team members can feel when faced with a feedback session. Perhaps you have experienced this sense of apprehension, and that's why you're taking this class.

The good news is that feedback doesn't have to be painful. By learning the proven techniques presented here, you can develop your feedback skills. If you provide feedback to others—coworkers, direct reports, or your manager—this class will help you to present your ideas more effectively. It will also help you to be a better receiver of feedback, even feedback that is presented awkwardly. With just a little practice, you'll be able to turn feedback sessions into tools that can help you and your coworkers improve your job performance and meet important goals. **Good luck!**

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How Well Do I Give Feedback?

This self-assessment will help you measure your current skills in giving feedback. For each statement, check “rarely,” “sometimes,” or “often” to indicate how consistently you use the described behavior in the workplace.

	Rarely	Sometimes	Often
1. I pick an appropriate time and place to give feedback.	_____	_____	_____
2. I keep my emotions in check, remaining calm and keeping my voice even.	_____	_____	_____
3. I provide specific, detailed information about the teammate’s behavior or performance.	_____	_____	_____
4. I explain the impact the teammate’s actions are having on the team or organization.	_____	_____	_____
5. I really listen to the responses of those receiving my feedback.	_____	_____	_____
6. I clarify my expectations if there is any confusion about the behavior in question.	_____	_____	_____
7. I remember to thank and encourage the receivers of my feedback.	_____	_____	_____
8. I provide input as needed in developing an action plan for meeting behavioral or performance goals.	_____	_____	_____
9. I focus on the steps of the feedback process to keep the dialogue on track.	_____	_____	_____
10. I try to understand feedback from the other person’s point of view and preferred communication style.	_____	_____	_____

Of course, giving feedback is only half of the story. Take a moment now and assess your skills as a feedback recipient..

How Well Do I Receive Feedback?

This self-assessment will help you measure your current skills in receiving feedback. For each statement, check “rarely,” “sometimes,” or “often” to indicate how consistently you use the described behavior in the workplace.

	Rarely	Sometimes	Often
1. I truly listen to what feedback givers are saying	_____	_____	_____
2. I keep feedback in perspective and don't overreact	_____	_____	_____
3. I try to learn from all feedback, even if it's poorly given.	_____	_____	_____
4. I am willing to admit to learn from questions about my performance or behavior at work.	_____	_____	_____
5. Rather than avoiding feedback, I attempt to turn every feedback session into a useful encounter.	_____	_____	_____
6. I accept redirection and reinforcement rather than denying them.	_____	_____	_____
7. I accept responsibility for my role in achieving individual, team, and organizational goals.	_____	_____	_____
8. I accept responsibility for searching for solutions to performance and behavioral problems that threaten goals.	_____	_____	_____
9. I accept responsibility for keeping my emotions in check during feedback discussions.	_____	_____	_____
10. I am committed to listening and learning in all feedback situations.	_____	_____	_____

How Did You Score?

How did you score on the two self-assessments? If you answered most of the questions with “often,” your skills for giving useful feedback and receiving feedback effectively are well developed. If you answered a number of questions with “rarely” or “sometimes,” your feedback skills could probably use further development.

Chapter One

The Power of Feedback

Chapter Objectives

- . Define feedback.
- . Recognize ineffective types of feedback.
- . Recognize the characteristics of effective feedback.
- . Define redirection and reinforcement, two types of feedback that are especially effective in the workplace.

What Is Feedback?

- ◆ A manager hands in a report to her area director and waits for a month without receiving a reaction. The manager wonders, “What did I do wrong?”
- ◆ A supervisor becomes upset at a secretary who consistently makes typing errors. “Don’t you know anything about the English language?” he yells. “It’s amazing you ever finished high school!” The manager slams a recently typed memo on the secretary’s desk and stalks off; the specific typing errors are never discussed.
- ◆ An employee receives praise from a supervisor during an annual evaluation. “You’re doing a great job,” she’s told. “Keep up the good work.” As the employee leaves the supervisor’s office, she wonders, “What exactly am I doing well? I want to keep doing it, but I’m not sure what ‘it’ is.”

Whenever we respond to another person, we are giving that person feedback. We may be reacting to any number of things:

- ◆ The way a person looks
- ◆ His or her actions
- ◆ Something he or she said
- ◆ Or a combination of factors

Similarly, our feedback may take many forms. We may state our reactions verbally, through speaking or writing, or we may react nonverbally, letting our body language and facial expressions speak for us. Though there are many types of feedback, not all feedback is useful. Consider our three examples. In the first example, the area director has responded to the manager with silence. Silence is actually one of the most common forms of feedback in the courts. How many times have you heard a manager say, “You won’t hear from me unless there’s a problem”? But silence can be misinterpreted. In this case, the manager

has interpreted silence as criticism, but is that what the area director really means? The area director may just have thought she was too busy to respond, yet her silence has sent a message that is unintentionally negative. Silence certainly wasn't a problem for the manager in the second example. That manager chose to give feedback in the form of criticism, attacking the secretary's personal qualities rather than focusing on the typing errors. The manager may have vented some emotion by yelling at the secretary, but the secretary still has no idea what the errors are and what should be done about them. The manager's criticism has only created distrust and hostility, which will make it even more difficult to discuss the actual problem.

The supervisor in our third example offered praise, certainly a more pleasant form of feedback than the first two. The employee in the third example is undoubtedly happy to learn that her boss likes her work, but unless she asks for more specific details regarding what actions she should continue, the praise is of little long-term value.

As you can see, we are constantly responding to the actions of others, sometimes even without meaning to—as the old cliché says, “You cannot not communicate.” How can we ensure that our responses provide people with useful feedback? Our first step is to determine what we want our feedback to accomplish.

Take a Moment

Did our opening examples remind you of a similar situation you may have encountered? Describe the situation.

Do you think the situation you experienced was handled well? How might it have been handled better?

How Do We Give Feedback in the Workplace?

In the workplace, our feedback takes on special meaning. In this class, we will define *workplace feedback* as information we provide fellow teammates about their actions in order to help them meet individual, group, and organizational goals. In the workplace, there are two types of actions about which we generally provide feedback: job performance and work-related behavior.

- ◆ *Job performance* involves competency—whether or not a teammate is proficiently performing specific tasks that have been assigned.
- ◆ *Work-related behavior* involves the way in which a teammate performs his or her tasks—whether he or she speaks politely to customers, for example, and works cooperatively with other team members.

Notice that our definition of workplace feedback is fairly specific. When we give workplace feedback, we are not commenting on our coworkers' personalities or private lives, nor are we dwelling on past errors in order to punish them. Instead, we respond to those factors that affect our feedback recipient's work or the work of others so that our recipient can plan for the future.

What is the best way to give workplace feedback? As we have seen, not all types of information result in effective feedback. The feedback given in our first three examples produced a variety of results. Silence allowed the division manager to create her own interpretation of the area supervisor's reaction, which may or may not have been correct. Criticism created harsh feelings between the secretary and the manager. Praise created positive feelings during the evaluation but accomplished nothing more. What could more effective feedback have done?

Redirection and Reinforcement

Think for a moment about our last two examples. Did the manager really want to insult the secretary? No, the criticism was meant to *redirect* the secretary's job performance to eliminate the typing errors—it just came out badly. And what was the intention of the supervisor in the second example? *To reinforce* the positive actions so that they would be repeated and developed.

These two types of feedback—redirection and reinforcement—are especially effective in the workplace.

Redirection—identifies job-related behaviors and performance that do not contribute to individual, group, and organizational goals and helps the employee develop alternative strategies.

Reinforcement—identifies job-related behaviors and performance that contribute to individual, group, and organizational goals and encourages the employee to repeat and develop them.

Redirection and reinforcement are really two halves of the same coin—they work together to provide all members of an organization with the information they need to improve their job performance and work up to their full potential. When feedback takes the form of redirection and reinforcement, it has a number of useful characteristics:

- ◆ It is focused on acts, not attitude.
- ◆ It is directed toward the future.
- ◆ It is goal oriented.
- ◆ It is multidirectional.
- ◆ It is supportive.
- ◆ It is continual..

Useful Feedback Is Focused on Acts, NOT ATTITUDE

Useful workplace feedback focuses on acts rather than a teammate's attitude or personal characteristics—it responds to specific actions that are done in the process of performing one's job. Attacking someone's talent and abilities, educational background, physical attributes, or ethnic background is not useful feedback and, in extreme cases, could leave your organization subject to legal action.

Sometimes we may think that we are giving a person feedback about his or her actions when, in fact, we are commenting on attitude, which is not a useful type of feedback. It does little good to accuse a teammate of being "unenthusiastic" or "unprofessional"—we have no way of knowing how that person truly feels, nor is it really our business. Instead, we should focus on what we can see—the acts that we hope to redirect or reinforce. Rather than commenting on a teammate's lack of professionalism, for example, we redirect job performance issues, like typing errors, and behavioral problems that affect job performance, like lateness.

Take a Moment

Think of a situation in which you received redirection that was not focused on acts (as in the secretarial example at the beginning of this chapter). Describe the criticism you received. How did the other person approach you? What did he or she say?

How did you respond to this criticism? Were there aspects of your work that could have been improved? How could your critic have changed his or her message so that you could have benefited from the advice by redirecting your efforts?

Useful Feedback Is Directed Toward the Future

The purpose of feedback is not to dwell on the past—it is to plan for the future. Though feedback begins with a consideration of past and current behaviors and job performance, it certainly doesn't end there. Useful feedback uses past actions as a springboard to help the feedback recipient develop effective plans for future actions.

Useful Feedback Is Goal Oriented

Everyone within your organization shares common goals that relate to your organization's mission, vision, and strategies for success. Members of your team or department share certain goals as well. Similarly, everyone in your organization has individual goals that will help him or her contribute to the court's goals.

We might think of individual goals as paths all leading to the completion of organizational goals. As each of us walks along our path, we believe that we are moving in the right direction. But there may be obstacles ahead that we can't see, or perhaps our path is interfering with someone else's. The only way we will ever know these things is if people from other vantage points tell us. When we look at feedback this way, it becomes as important a work tool as a computer or a calculator.

Take a Moment

Think of an instance when a colleague or a supervisor provided feedback from his or her vantage point that helped get you back on track toward meeting an important goal. Describe the instance. What was the goal and how did the feedback help you?

Useful Feedback Is Multidirectional

Many of us might think of feedback as hierarchical in nature: a manager or supervisor sends feedback downward to a teammate, not the other way around. But feedback is multidirectional. In a hierarchical organization, teammates need to send feedback upward to managers; otherwise, management will have no way of knowing what is actually happening on the front lines. Teammates also need to provide feedback laterally to coworkers so that problems can be corrected immediately instead of waiting for management to respond. As cross-functional teams have become more common, ongoing feedback among all team members is especially important. Because every member of the team has a different perspective, each person has a unique vantage point and insight into the work situation. Sharing information from one perspective can help other team members see things they might not have seen from their vantage points. It is everyone's responsibility to share his or her unique insights in order to help the team meet its goal.

Take a Moment

Whose behavior or performance affects how you are able to do your job? Certainly your manager. Who else? List them below by position or role. (Don't forget to include those external to your workplace, as well as internal contacts.)

1. Identify with a * the role you would be most likely to provide with reinforcing feedback.
2. Identify with a # the role you would be most likely to provide with redirecting feedback.

Useful Feedback Is Supportive

Useful feedback is given in a spirit of supportiveness. The sole purpose of giving workplace feedback is to help associates, supervisors, and coworkers to improve the quality of their work in order to meet goals—it is always given with helpfulness in mind. Feedback should never be given in a way that belittles the recipient or makes others look good at that person's expense. Criticism is just that, no matter what the intent is, most people take criticism in a negative way.

Useful Feedback Is Continual

Feedback isn't just something we provide during an annual review or some other type of formal evaluation. In order to do our jobs in the best way possible, we need continual information about our job-related behaviors and performance. We need to know immediately when we should redirect our efforts so that simple mistakes don't become costly errors, and we need reinforcement when those changes have been successful so that we continue to develop a specific action.

When feedback is continual, team members feel comfortable responding to each other on an ongoing basis. As we develop solutions to specific situations, redirecting feedback will become reinforcing feedback, and each new piece of information will bring us closer to meeting our individual and group goals, as in Diagram 1.

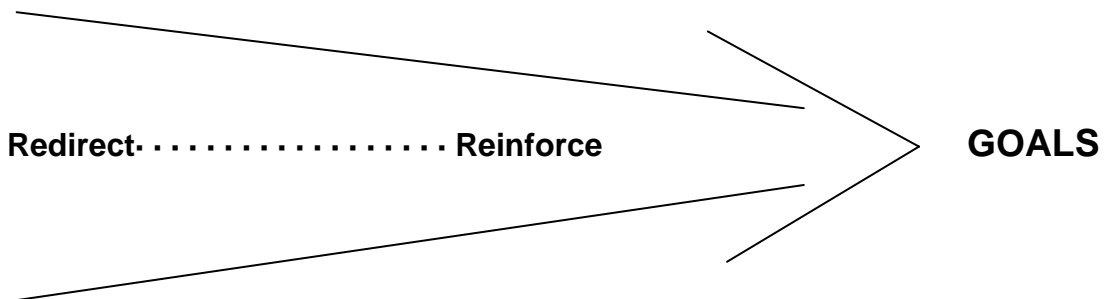


DIAGRAM 1

Misperceptions About Feedback

As useful as feedback can be, many of us are reluctant to give or receive it. Usually that reluctance is based on misperceptions we have about feedback. Though we are learning to see feedback in a more positive light, many people still associate feedback with hurtful criticism. They are reluctant to hurt the feelings of others, and they certainly don't want their own work to be criticized. Perhaps you can recall times in your life when you have been the subject of hurtful criticism, or times when your criticism, no matter how well intentioned, seemed to hurt the feelings of another.

When we think about instances in which we have been subjected to hurtful criticism, we often find that what hurt us wasn't the fact that someone was commenting on our work, but the way in which those comments were offered. Somehow, feedback about our typing errors turned into an evaluation of our entire educational history and personality.

As we've seen, effective feedback doesn't veer off into these types of unstructured statements. Through using feedback in a positive manner you will be able to respond to any hurtful criticism you may receive so that it, too, becomes useful.

Sharing the Benefits of Continual Feedback

When everyone on your team learns to provide and expect feedback that is focused on acts, directed toward the future, goal oriented, multidirectional, supportive, and continual, you will find that feedback sessions become opportunities for creative problem solving rather than dreaded encounters. Everyone on your team will share the same language, and you will be able to share ideas without fear of hurt feelings or reprisals.

Even as you are beginning to realize that continual feedback can have a number of benefits for you and your organization, you still may not be totally comfortable with the idea. In our next chapter, we will explore some of the common misperceptions that keep people from giving feedback..

Chapter 1 Review

1. Workplace feedback is information we provide fellow employees and team members about.

2. Three types of ineffective workplace feedback are _____, _____, and _____.

3. Two types of effective workplace feedback are _____ and _____.

4. Effective workplace feedback has a number of characteristics. Three of them are:

Answers to Chapter Reviews

Answers to Chapter 1 Review (page I-15)

1. Their job performance and work-related behavior
2. Silence, criticism, and praise
3. Redirection and reinforcement
4. Effective feedback is focused on acts, directed toward the future, goal oriented, multidirectional, supportive, and ongoing (choose any three).

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