

NATIONAL ASSOCIATION OF STATE JUDICIAL EDUCATORS

Newsletter

Vol 1

1985

Number 1

NASJE Becomes International

At the same time NASJE is marking the 10th anniversary of its founding, the organization's membership is expanding beyond national borders. Hon. Lawrence S. Goulet, of Vancouver, British Columbia has become the first Canadian member and will attend October's annual meeting. Also attending will be judicial representatives from Bangladesh, Hon. Dephaduna Parinya and Hon. Limanon Wisit.

NASJE Marks Ten Years

The National Association of State Judicial Educators will be celebrating its 10th anniversary when it holds its 1985 national conference.

Its first meeting took place in a hotel room at Chicago's O'Hare Airport, August 25-26, 1975. The fourteen persons present elected, Sofron Nedilsky, (Wisconsin) President and Jack Dillard, (Texas) vice-president. NASJE's first constitution and by-laws were also drafted at that meeting.

In ten years since that meeting NASJE has emerged as the professional association of judicial educators with representatives of more than thirty-eight states and numerous national organizations.

How to Get Your Teaching Staff to Stop Teaching

By: Raymond Crapo

One of the key presentations made at NASJE's 1984 Annual Conference was Professor Gordon Zimmerman's on the topic of how to improve instructors for judicial education programs. The focus of the presentation was how to make effective and professional teachers out of judges who are specialists in law, rules and procedures. For most states the implementation of Professor Zimmerman's ideas would provide a substantial improvement in their educational programs. The shift from a presenter-based philosophy to a learner-based mode is the key change. To accomplish this change, specific steps must be taken, such as teaching the teachers how to identify and write learning objectives, how to use audio-visual materials as truly complementary supports for learning points and how to "test" the learners during the presentation to be sure that points are understood by all participants.

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What Is This Thing Called LRE????

LRE, Law Related Education, is a program supported by the American Bar Association and designed to acquaint young people with the law. At the last count, some 35 states had an LRE program in place.

The ABA has created a Special Committee on Youth Education for Citizenship, the YEFC. The present staff director for this committee is Charlotte Anderson. Ms. Anderson says, "the committee was created to help young people learn about law, the legal process, and the legal system. We don't try to make them amateur lawyers but rather seek to prepare them for citizenship in a society in which law plays an increasingly important part."

So what does this mean to a judicial educator? Let's look at two examples. Alabama's judicial educators sat down with their school educators and came up with supplementary instructional manuals about the law and Alabama's legal system for every grade from kindergarten through the twelfth. These manuals are now an integral part of the Alabama educational system. Virginia, with Alabama's blessing, adapted most of these manuals to Virginia law and has just sent them to every school in the state. In both cases the response from teachers has been overwhelmingly positive. In Virginia this program is being coordinated with a strong push by the Chief Justice to create "Docent" programs in every judicial district of the state. This Docent program now exists in 5 urban areas where it serves to coordinate court visits by school children and school visits by legal and judicial personnel. Up to now it has been conducted almost exclusively by lawyers' and judges' spouses.

If your interest has been aroused at all by the preceding, you're probably asking, "Do I have a program like this in my state? How do I find out? Do I want my judicial education office involved? The answer to the first two questions can be supplied by Charlotte Anderson, either by calling her at (312) 988-5733, or writing to her care of the ABA at 750 North Lake Shore Drive, Chicago, 60611. She has a directory of all existing state programs and plenty of literature. The answer to the last question, you'll have to supply yourself. Ms. Anderson hopes you'll answer "yes", and do it soon since there are big plans in the works for the upcoming Bicentennials of the Constitution in 1987, and the Bill of Rights in 1991.

Teaching Continued

It might be accurate to summarize the emphasis of the presentation as noting that judicial educators must switch from pedagogy (teacher based) to andragogy (learner based) as their operating philosophy. The quid pro quo for judges who switch to andragogy is that they become skilled in the ways of effective teaching. Representatives of three states — Florida, Kentucky and Michigan — followed Professor Zimmerman and told how they were effecting the switch from pedagogy to andragogy in their respective states.

A further analysis of this cogent presentation might have unveiled what is probably the basis for the pedagogical methodology which is all too prevalent in education today. Why do judges typically re-create law school without the socratic method of inquiry when they get together for continuing legal education? Why is the format choice overwhelmingly lecture to large group with little or no built-in provision for feedback of any sort? Why do judges tend to back up their lecture presentations with pounds of printed material that they suspect few in their audience will ever read?

This author would like to suggest that the true motivation for this typical set of behaviors is *FEAR*. Yes, fear. Both program designers and presenters often are motivated to smother the audience with "control" for fear of having to deal with those in the audience who may know more about the topic than the presenter and/or those who may ask a question that the presenter cannot answer. Worse still is the lurking possibility that someone in the audience may come up with citations that were not made by the presenter but could have been and even should have been utilized. The best tactic for handling the presenter's fear is to smother the audience with lecture, no matter how diverse and varied the knowledge and experience base of members of the audience.

Before you rush to disagree that the above is the premise of many presenters and programs, allow the author

to broaden the basis on which it is made. It is submitted that this is the normal reaction of most presenters in most professions. Taking off his judicial educator's hat and putting on his professor's hat at New York University's Training and Management Development Diploma program, the author feels that the observable behaviors of the typical teacher/trainer are identical to that of typical teaching judges. One of the key emphasis of the university's program is to have program participants overcome their fear by switching them from the teaching mode to the facilitation mode of presentation. (My esteemed colleagues from the New York Judiciary's Education and Training Unit wryly note that "facilitation" is a crime defined under the Penal Code. Obviously, the use of the word for judicial educators is under a substantially different definition!)

The first objective for judicial educators is to follow and do what such states as Connecticut, Arizona, Florida, Kentucky and Michigan are doing — make your judicial educators into good teachers. A second objective occurs when the very good teachers mature into facilitators.

A facilitator is a group leader who, when working at the top level, would appear to be doing nothing. Facilitators are responsible for subtle and highly sophisticated learning experiences based on learning points but com-

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Board Activities

The Board of Directors of NASJE plans two meetings at the Associations' Annual Conference, October 12-16, 1985.

A few of the topics on the agenda include a pre-bench orientation project, teleconferencing, a 1985 education survey, and the 1987 annual meeting site selection.

A complete list of items is available from Regional Directors. All members are invited to attend.

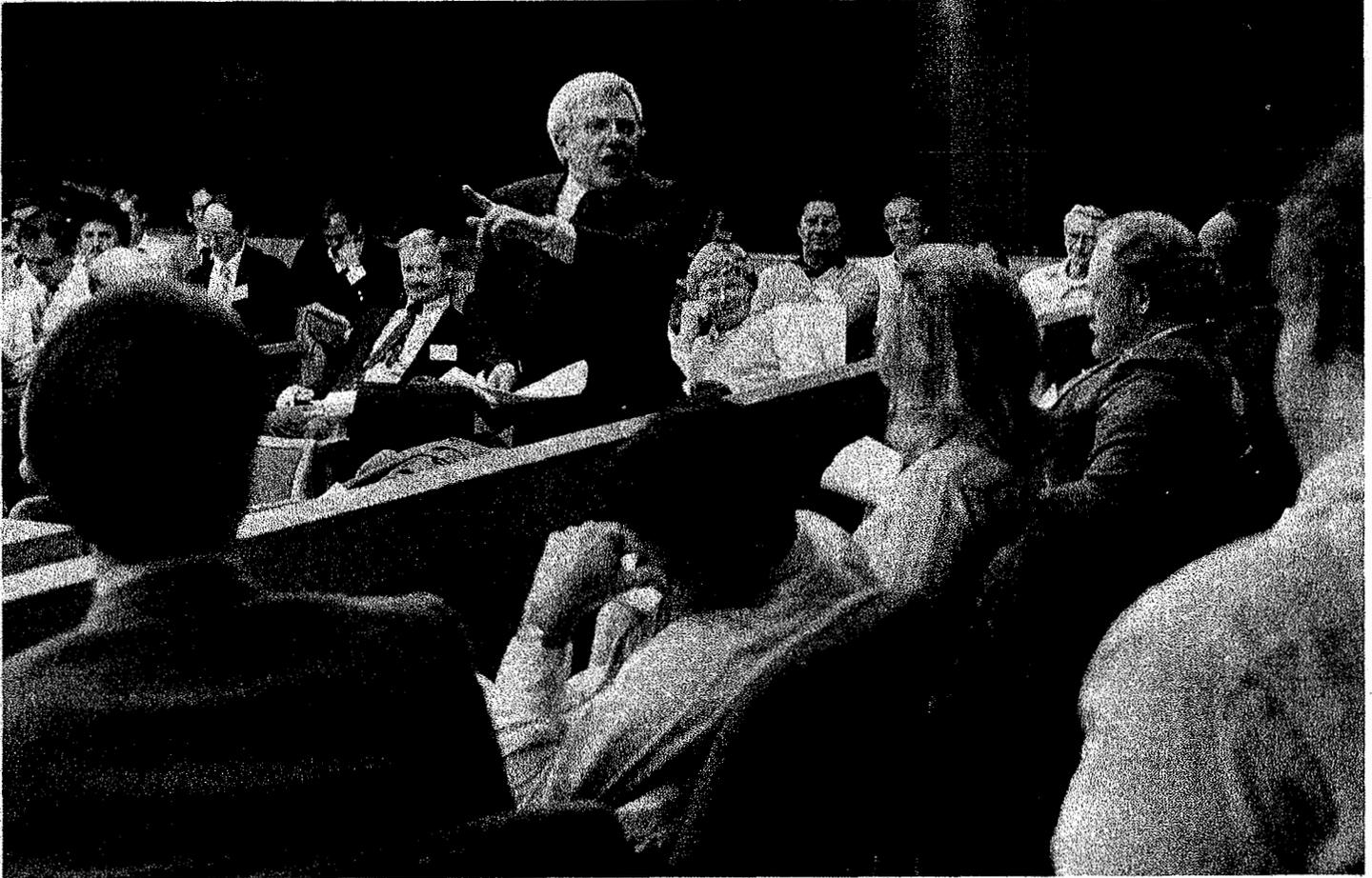
National Association of State Judicial Educators

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Director, Midwestern Region
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Immediate Past President
Editor



Current NASJE Board members include (left to right) (front row) Anthony B. Fisser (Conn.), Immediate Past-President, Rita Stratton (KY), Secretary/Treasurer, Susan M. Trippi (Mass), Northeastern Region Director, Dennis Callin (Mich), President, Jerry K. Beatty (Iowa), Midwestern Region Director, and William T. Capers (VA), Southeastern Region Director (Lee Jellison has recently resigned).

Mock Trial Assists New Judges



Juror problems create substantial difficulty for new judges. Here a juror falls asleep during the closing argument by the prosecutor.



As part of a week-long seminar for new judges, the Michigan Judicial Institute conducts a daylong live mock trial to assist the new judges in developing trial management skills. During the trial, 70 problems, motions and issues are presented. These include problems with jurors, witnesses, spectators, the defendant and the lawyers. The new judges are faced with a belligerent and disruptive defendant, disruptive spectators, prosecutorial and defense misconduct and uncooperative witnesses. The student judges are asked to decide how they would handle each of the situations and motions. At several points during the day, the student judges are given the opportunity to discuss their decisions with experienced trial judges.

IJA Completes Appellate Judges Program

As they have for thirty years appellate judges from across the United States and Canada gathered in New York again recently for two, two-week seminars sponsored by the Institute of Judicial Administration.

The Intermediate Appellate Seminar, conducted from June 24 to July 4th, was attended by thirty-one judges. The Senior Appellate Seminar, from August 5 to 15th, was attended by seventeen judges from state courts of last resort.

This year's curriculum included such topics as judicial opinion writing, appellate court administration, the nature and function of the appellate process, and direct and collateral review of criminal cases.

Almost 900 judges have participated in the IJA programs, including three sitting members of the United States Supreme Court: Chief Justice Warren E. Burger, Justice Harry A. Blackman, and Justice John Paul Stevens.

Persons wishing more information should contact NASJE member and IJA Director, Barbara Flicker (212-598-7721).

Legislative Investment In Judicial Education

Criminal convictions now are the source for funding judicial and court personnel training in Texas. It is anticipated that \$2.1 million will be available annually.

Attached to a bill generating funds for crime victims and local crime prevention projects, the measure attaching a \$1 fee to all criminal convictions other than for pedestrian or parking offenses, was passed unanimously by both the state Senate and House and signed by Governor Mark White on June 13th.

The one dollar cost is being funneled through the state treasury with ten percent of the money generated being retained by local governments as a collection fee. After deducting no more than three percent for administrative costs the fund is being divided evenly between three groups: appellate and district courts judges; justices of the peace, and municipal court judges. The Supreme Court will provide grants to judges' associations and other entities who provide continuing education programs to judges and court personnel. In the past, court personnel often had not had an on-going continuing education program available to them. Funds are first to be used to help judges meet minimum educational requirements. Funds may not be used for out-of-state programs.

Charges that may have spurred the creation of a permanent source of funding are that as of July 1, 1984, appellate and trial judges have been required to attend 16 hours of judicial education, and, beginning July 1, 1986, retired or former district judges who wish to remain eligible for assignment must annually demonstrate the completion of five days of judicial education.

Lawyer and non-lawyer Justices of the Peace, must attend 40 hours the first year on the job and 20 hours each year thereafter.

Court Interpreting Institute Held

In New Jersey, Montclair State College's Center for Legal Studies and the Spanish/Italian Department conducted a 1985 Summer Court Interpreting Institute, the first effort of its kind on the East Coast and only the second in the nation. Patterned after the nationally-respected model developed by the University of Arizona, the program is designed to provide training in specialized skills and knowledge that will enable bilingual individuals to serve as court interpreters.

The program was conducted for three weeks, from June 14 through July 6 to provide 90 hours of instruction.

According to Dr. Marilyn Frankenthaler, head of MSC's Center for Legal Studies, "There is a misconception that anyone who is bilingual is automatically qualified to be a court interpreter. However, being a court interpreter calls for a range of specialized skills and technical expertise, such as knowledge of legal vocabulary and ethical considerations, as well as cultural sensitivity. Properly trained court interpreters will facilitate equal access to justice for linguistic minorities and will help preserve the rights of non-English-speaking parties and witnesses."

The Institute is designed to develop and improve skills in consecutive and simultaneous interpretation, sight translation, the justice system and legal procedures. Students will receive intensive language laboratory prac-

tice, individual critiques, and finally, a certificate.

For this first effort the Institute was conducted with the faculty and technical assistance of the University of Arizona. Dr. Roseann Duenas Gonzalez, director of the Institute of Arizona and a key member of the team of experts who developed the Federal Court Interpreters Examination, directed the program.

American Academy Launches Projects

Douglas Lanford, Executive Director of the American Academy of Judicial Education, announced that the Academy has initiated two major projects that will affect educational opportunities for the nation's judiciary.

One project arises from the receipt of a grant from the National Endowment for the Humanities to plan for a model, core curriculum in "Judging and the Humanities". Mr. Lanford anticipates the appointment in the next few weeks of a national interdisciplinary panel to oversee the first phase of the project.

A second project is a national conference on "Competency Before Judgment" which will bring together chief justices and other major policy makers to consider a national commitment to the training of judges before they begin their judicial duties. This project is being supported by the Academy and various funding organizations including the Ford Foundation.

Personnel Update

- *Carol Weaver* has been appointed to the NASJE Board of Directors by President Dennis Catlin to fill the remaining term of *Lee Jellison* who resigned from his position with the Montana Supreme Court. Carol is the Judicial Education Officer in the Office of the Administrator for the Courts in Washington.
- *Jack Dillard*, a founding member and former President of NASJE, has retired from his position in Texas. The newly-appointed executive director of the Texas Center for the Judiciary is *Roy J. Rawls*. Mr. Rawls was previously the administrator for the Texas Court of Criminal Appeals which is the court of last resort.
- *Robert Payant*, Assistant Dean of the National Judicial College, has resigned to become the Court Administrator for the State of Michigan.
- *Kaye Boothman* has been appointed Judicial Education Coordinator for the State of Arkansas.
- *Bill Beaty* is the new Executive Director of the Texas Municipal Courts Training Center in Austin. The Center is responsible for training mandated by recent legislation for Texas, 1,000 municipal judges and court personnel.
- On receipt of her announcement that she is leaving her job as judicial educator in Arizona, *Patricia Brackeen* was thanked by President Dennis Catlin for her years of service to NASJE. In his letter on behalf of the organization, Dennis noted Pat's active participation on the Board and numerous committees and that she will be missed, both professionally and personally.
- At the special request of the organizers, *Dennis Catlin* represented NASJE at the National Conference on Prison and Jail Overcrowding which was held at the National Judicial College in the spring. The College and the National Institute of Justice organized and sponsored the meeting attended by judicial and correction officials from all states.



Training Days

The courtrooms of the District of Columbia were filled recently not with the public but with the employees of all courts for the event known as Training Day.

A variety of sessions covering eighteen different subjects were offered including "Dealing With the Disabled Public", "Planning for Retirement", "Nutrition and Cancer", "Stress Management", "Effective Listening", and "Orientation to the D.C. Courts."

Cassandra Penn, Training Officer and Coordinator of activities, stated that "Training Day provides an opportunity to share knowledge and experience which contribute to improving the quality of worklife in the Court, which is different than job security or taking home a paycheck."

Teaching Continued

pletely participant-based in operation. They are far beyond overcoming fear; they seek and bring out people who know more than they do about the subject at hand. A facilitator's first rule is: "Never teach an adult something he or she already knows."

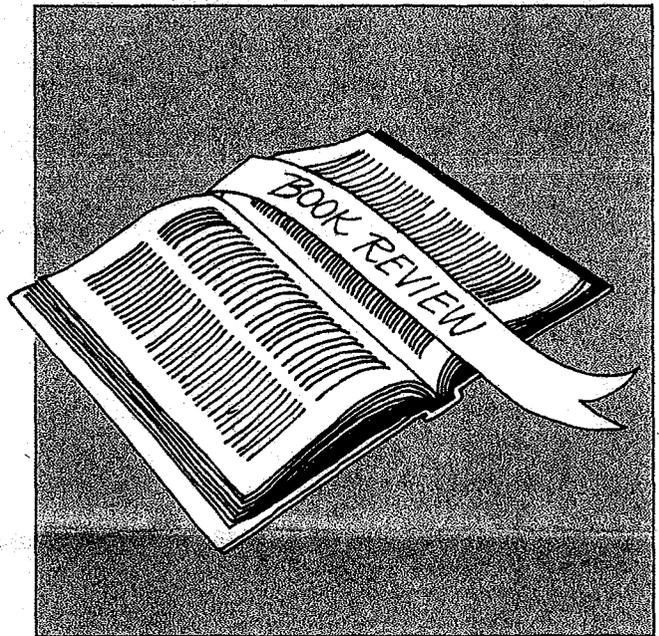
Facilitators subtly and frequently test participants to find out what they do know. If participant knowledge is at a high level throughout, the facilitator moves the group to the next learning objective. If one, several, or a significant part of the group lacks the knowledge sought, a facilitator encourages other members of the group to provide the knowledge from within the group. The facilitator then — and only then — teaches. He or she teaches for as short a time as possible until the members of the group "aha" and indicate to the facilitator's satisfaction that they know what they need to know about the learning objective. This is determined by any number of either subtle or overt "tests". The facilitator then moves on to the next learning objective.

Sound exotic? This should be your ultimate direction in educator staff development. It is the best utilization not only of your judges as educators but of your judges as learners. It is learner-based (and even appears to be learner-led) with continuous communications feedback during each session.

To obtain the maximum immediately measurable education for your limited dollars, the first thing to do is to make your judicial educators professional teachers as ~~Professor Zimmerman and the panelists explained~~. When they became professional teachers your next step on the road is to make them facilitators. Getting your teaching staff to stop teaching and start facilitating will bring your programs to a level of sophistication and excellence so high that you will have an explosive growth of learning and a professional faculty which will thrive on being judicial educators because they have replaced fear of groups with absolute trust in them. Your judges will respond to that manifestation of trust by becoming open and honest learners — asking a lot more questions, freely admitting blind spots in their legal knowledge — unafraid to admit that they may not be perfect in their knowledge of law, rules and procedures.

Should you be able to get your judge educators to teach well now, you can look forward to the development of the best of them into facilitators in three to five years.

Ray Crapo is New York State's Unified Court System's Education and Training Coordinator. He is also an adjunct Professor of Management at New York University in New York City. He is New York's "Trainer of the Year," 1984-85.



Two new publications may be of interest to state judicial educators.

"The Courts and the News Media", a publication of the California Judges Association has been revised and re-issued as a 4th edition. The 296-page work edited by Dr. Albert G. Pickerall, Professor Emeritus of the Graduate School of Journalism, University of California, at Berkeley, is a mutual effort of judges, reporters and attorneys.

Excellent summaries of federal law supplement the law and procedure in California's courts. Topics include state and federal court systems, pretrial and trial procedure, sources of legal biography, cameras in the courtroom, fair trial and free press, shield laws and subpoenas, defamation, privacy rights and freedom of information.

Since it was first issued ten years ago, over 30,000 copies have been disseminated, attesting to the publication's value beyond California borders. Much of the material is national in scope. It would be especially useful to court organizations or journalism groups planning similar publications in other states.

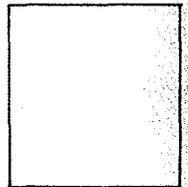
Copies of "Courts and the News Media" may be obtained from the California Judges Association, 1390 Market Street, San Francisco, California 94102.

"Beyond Reproach: Ethical Restrictions on the Extrajudicial Activities of State and Federal Judges" is a comprehensive review and critique of current ethical standards governing off-the-bench conduct. Authored by Professor Steven Lubet, Northwestern University School of Law, and published by the American Judicature Society, this 67-page paperback reviews the relevant sections of the ABA Code of Judicial Conduct, their underlying purposes and the development of case law interpreting them. After reviewing how the canons are used to regulate judges' business and financial dealings, social associations, and civic and charitable activities, the strengths and weaknesses of the Code itself is evaluated.

"Beyond Reproach" should be valuable to newly-appointed judges. A limited number are available for a \$2.50 postage and handling charge from AJS, 25 East Washington, Suite 1600, Chicago, IL 60602.

Newsletter

NATIONAL ASSOCIATION OF STATE JUDICIAL EDUCATORS



Annual Conference Carmel, California

NATIONAL ASSOCIATION OF STATE JUDICIAL
EDUCATORS PROGRAM AGENDA

SATURDAY, OCTOBER 12, 1985

5:00-7:00 p.m. EXECUTIVE BOARD MEETING

SUNDAY, OCTOBER 13, 1985

9:00-10:30 a.m. EXECUTIVE BOARD MEETING
4:00-5:00 p.m. ANNUAL MEETING REGISTRATION
5:00 p.m. RECEPTION

MONDAY, OCTOBER 14, 1985

8:00 a.m. REGISTRATION
9:00 a.m. WELCOMING REMARKS/
PROGRAM NOTES
-Dennis Catlin, President,
National Association of State
Judicial Educators
-Paul Li, Program Chairperson
9:30-12:00 noon TRAINING THE TRAINERS
Group A: TRAINING FOR SEMINAR
LEADERSHIP SKILLS
-Professor Gordon Zimmerman,
University of Nevada
Group B: EFFECTIVE USE OF COMPUTER
ASSISTED LEARNING AND OTHER
TECHNOLOGICAL SYSTEMS
-Michael Moriarty and
Betty Ann Johnson
Minnesota Judicial Educators
-Scott Glansman and Steve Simon
University of Minnesota
-Caroline S. Laden
American Law Network

1:30-5:00 p.m. TRAINING THE TRAINEES
(Repeat of Workshops)
THE WHY, IF, AND HOW OF
COMPUTER TRAINING IN THE
COURT SYSTEM
-Richard L. Saks
New Jersey Judicial Educator
-Deborah M. Plog
Michigan Judicial Institute
-Stanley R. Collis
Alameda County Superior Court,
California
-Geoff Gallas, Senior Associate,
Institute for Court Management
5:00 p.m. ADJOURN

TUESDAY, OCTOBER 15, 1985

8:30 a.m. ANNUAL BUSINESS MEETING
10:20 a.m. WHAT CAN THE NEW STATE
JUSTICE INSTITUTE DO FOR
JUDICIAL EDUCATION
-V. K. Wetzel
Wisconsin Judicial Educator
10:40 SHARING JUSTICE RESEARCH
-Mary G. Graham
National Institute of Justice
11:00-12:00 noon COLLOQUIUM: NEW DEVELOPMENTS
IN JUDICIAL EDUCATION
1:30-5:00 p.m. COLLOQUIUM: STATE JUDICIAL
EDUCATION

WEDNESDAY, OCTOBER 16, 1985

8:30 a.m. TRAINING THE TRAINEES
Group A: TRAINING FOR FACULTY PRESENTERS
-Professor Gordon Zimmerman

Group B: JUDICIAL EDUCATION
ADMINISTRATION
-Mr. Richard Reaves
Georgia Judicial Educator
-Mr. Scott C. Smith
Texas Judicial Educator
Group C: JUDICIAL EDUCATION
PROGRAMMING
-Mignon Dee Lavton
Florida Judicial Educator
-Michael Moriarty
Minnesota Judicial Educator
-Sandra Ratcliff
Illinois Judicial Educator
-Deborah Plog
Michigan Judicial Educator
-Geoff Gallas
Institute for Court Management
11:00 a.m. WHAT WE CAN DO FOR JUDICIAL
EDUCATORS: REPORTS FROM
NATIONAL PROGRAMS
-Connie Dove
California Judges Association
-Douglas Lanford
American Academy of
Judicial Education
-Mary Brittain
Institute for Court Management
-Geoff Gallas
Institute for Court Management
-James Toner
National College of Juvenile and
Family Court Judges
-John W. Kern, III
National Judicial College
-Mark D. Corrigan
National Institute for Sentencing
Alternatives
12:30 p.m. CONFERENCE CONCLUSION