NASJENews Quarterly

NASJENews Quarterly • Winter 2009

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NASJE member Mary Aguierre-Shahin, Esq., has taught courses around the globe. Her judicial education career began at The National Judicial College in Reno, Nevada where she won national awards for her programs. Thereafter, her judicial education expertise took her to the Federated States of Micronesia; Madrid, Spain; Amman, Jordan; and Afghanistan.

New Sentencing Issues Resources

Judicial Balance - Lessons for Law and Life
A publication of the Judicial Conference of Indiana, Judicial Balance includes stories and insights.

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Now Showing: Movies in Judicial Branch Education Sessions
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Seriously fun activities for trainers, facilitators, performance consultants, and managers.

GET IT WRITE – Possessives vs. Attributive Nouns
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by Nancy L. Tuten, PhD, and Gayle R. Swanson, PhD

GET IT WRITE – Capitalization: Proper vs. Common Nouns and Adjectives

http://nasje.org/news/newsletter0901/
Because distinguishing between proper and common usage is often difficult, many writers tend to capitalize words and phrases that should, in fact, be lowercased.

**BLAST FROM THE PAST: Six Questions for Every State Judicial Educator**

*by Sam Van Pelt*

Reprinted from *NASJE News* (vol. 4, no. 3, Summer 1989).  

**Manager's Briefcase**

*Hey, What's New in Managing Change? Part 1 of 2*

*by Dr. Rob Snyder*

The No. 1 method for dealing with resistance to change? Same old, same old: Ignoring it and expecting it to go away on its own. But, that tactic runs hand-in-hand with some other, old "reliables." Included here would be not working hard enough to understand the real concerns of resisters, not getting input from those affected until everything is pretty well cast in stone, and the ever-popular, "hiding behind" the knowledge that the change is the right thing to do whether people accept it or not.
News

NCJRS News

The January 2009 CJEG monthly publications list is now available at here.

Here is some news and information from the Bureau of Justice Assistance, the National Institute of Justice, the Office for Victims of Crime, and your CJEG colleagues.

FUNDING

Apply for 2010 NCVRW Resource Guide Grant
Application deadline: January 12, 2009
OVC is seeking applications from nonprofit organizations and public agencies to develop the 2010 National Crime Victims’ Rights Week Resource Guide (PDF). One grant of $225,000 will be awarded. The Guide will be used by the victims’ field to heighten public awareness of crime victim issues.

Applicants Sought for Homicide Survivor Services Program
Application deadline: January 20, 2009
OVC will award a cooperative agreement of up to $200,000 through its Intensive Case Management for Family Members of Homicide Victims in Rural Areas (PDF) program. This demonstration project will provide funding to identify, institutionalize, and replicate promising service interventions. Eligibility is limited to nonprofit organizations and public agencies.

Funding for Action Partnerships Project Available
Application deadline: January 21, 2009
OVC is seeking applicants for the Action Partnership for National Membership, Professional and Community Service Organizations (PDF) solicitation. Up to five cooperative agreements of $100,000 each will be awarded to conduct a national scope project to promote awareness of and advocacy for crime victims’ rights and needs.

Grant Addresses Issues Facing Underserved Victim Populations
Application deadline: January 22, 2009
OVC is offering $350,000 for funding grants to provide Public Awareness and Outreach for Victims in Underserved Communities (PDF). Five grants of up to $75,000 each will be awarded to raise awareness among underserved populations regarding victims’ rights and available resources for crime victims in the local community.

Enhancing Evidence Recovery Technology
Application deadline: January 26, 2009
NIJ is seeking applications for the Electronic Crime and Digital Evidence Recovery (PDF) solicitation. This grant will provide funds to research, develop, and demonstrate emerging digital evidence recovery technology solutions for law enforcement agencies. Specific areas of interest include cell phone forensics tools, digital evidence forensic examination tools, and computer crime investigative tools.

Improving Forensic Science Training
Application deadline: January 26, 2009
NIJ is requesting applications for the Forensic Science Training Development and Delivery Program (PDF). Training providers and other relevant entities are invited to submit proposals to develop and/or deliver knowledge-based forensic science curricula at the state and/or local level to train forensic scientists and to inform other criminal justice practitioners and policymakers.
Register for 2009 National Victim Assistance Academy
Application deadline: January 30, 2009
Apply now for the National Victim Assistance Academy, to be held March 1-6, 2009, in the Dallas/Fort Worth, Texas, area. Continuing Education Units will be awarded to all participants who complete the Foundation-Level Training, Professional Skill-Building Institute, or Leadership Institute and pre-Academy assignments.

NEWS

Sign Up for NCVRW Mailing List
OVC sponsors the annual National Crime Victims’ Rights Week (NCVRW) and is currently developing a list of professionals who are interested in receiving NCVRW materials. Sign up now to receive a free copy of the Resource Guide and poster in time for NCVRW (April 26-May 2, 2009).

BJA and SEARCH Launch Justice Information Sharing Podcast Website Feature
A podcast feature on Justice Information Sharing - National Initiatives, Programs, Projects and Technologies - is now available on the SEARCH website at: http://www.search.org/programs/info/podcasts/.

The podcasts feature discussions and interviews from practitioners, industry experts, and government leaders about the latest in peer-to-peer best practices, challenges, and successes from across the country.

Of the 10 podcasts planned for the series, the first features BJA Director Domingo Herraiz, and SEARCH Deputy Executive Director Kelly Harris, who discuss trends and priorities in the justice community for 2009. In the second podcast, Dr. Thomas Clarke, Vice-President of Research and Technology, National Center for State Courts, and Chair of the Global Infrastructure/Standards Working Group along with SEARCH Director of Systems and Technology Scott Came, talk about how practitioners can use the Global Justice Reference Architecture (JRA) to share infrastructure effectively and improve business agility by leveraging a service-oriented approach to information sharing.

"As Director Herraiz says in the first podcast, this is a good example of leveraging the Internet and modern technology to get useful information in the hands of justice practitioners," said Mr. Came. "BJA and SEARCH plan to roll out a number of interviews and discussions in the coming months, on topics such as addressing budget challenges, securing information exchanges, and managing information sharing initiatives effectively. We hope this continues to be a valuable resource for practitioners."

The 2009 podcast series is sponsored by the U.S. Department of Justice, Office of Justice Programs’ (OJP) Bureau of Justice Assistance (BJA).

SEARCH, The National Consortium for Justice Information and Statistics, is a nonprofit membership organization created by and for the states. It has 40 years of experience supporting the information sharing, interoperability, information technology, cybercrime and criminal records needs of justice and public safety agencies and practitioners nationwide. Visit SEARCH at www.search.org.

Please contact Tammy Sando, CJEG Coordinator, National Criminal Justice Reference Service, phone: 301-519-5324, if you have any questions about this message, the CJEG program, or NCJRS products and services. Thank you for your continued support of NCJRS and the Criminal Justice Editors' Group.
SJ News

The December 2008 edition of the E-SJI News (PDF) is now available on the SJI website.

Key highlights include:

1. Board Approves FY 2009 1st Quarter Grants
2. Immigration Issues in the Minnesota Courts and National Implications
3. New Handbooks Provide Helpful Information to Court-Appointed Guardians in Georgia

SPECIAL ANNOUNCEMENTS

- Next grant and scholarship application deadline: February 1, 2009 (2nd QTR FY 2009)
- Grant Guideline for FY 2009 is now available on the SJI website
Future Trends in State Courts

Future Trends in State Courts 2008 is now available at http://www.ncsconline.org/. You can find it under the Recently Released PUBS heading on the right side of the page. Or link directly to it here (PDF).

Be sure not to miss the article by NASJE President Claudia Fernandes and her colleague Lisa Galdos starting on page 107, entitled "State Courts: Are you ready for the future of judicial branch education?"
NCSC Graphic Novels
Educate the Public About Courts

Justice Case Files 2: The Case of Stolen Identity tells the story of the Garcia family, whose identity is stolen in an email "phishing" scam, and follows their case through the courts.

Justice Case Files 1: The Case of Internet Piracy weaves two story lines together – downloading music and domain.

To Preview and To Order

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To Preview and To Order
a new toolkit offers practical guidance for measuring court performance in child abuse and neglect cases.

Browse the guides

NCSC Top 10 Web Pages
1. CourTopics: State Profiles
2. Court Web Sites
3. CourTopics
4. FCICE Home
5. NCSC Employment Opps
6. Employment — Court Community
7. Court Interpretation
8. Court Statistics Project
9. State Court Structure Charts
10. Court Job Description Database

NCSC Products
Affiliated Web sites
Annual Report [Archive]
Court2Court (ListServe)
CourTools
CourTopics
Future Trends in State Courts
Judicial Salary Survey
Justice Sys. Journal (Index)
NCSC Brochure [pdf]
Newsletters
Online Courses [free]
Reports
Statewide TA Bulletin
Web Blog [Technology]

issues affecting the courts — marks its 3rd anniversary by debuting a free database.

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New NCSC Password-Protected Speakers Bureau
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Find additional research and information options.
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- Site Map
- Privacy Policy [pdf]

The PDF Reader
You will need Adobe's free PDF reader 7.0 to view/print some of the links and publications on the NCSC pages.

Last updated [02/01/09]

- Justice System Journal special issue on capital punishment
- Performance Measurement of Drug Courts
- Framework for Court Performance Measurement
- Survey of Judicial Salaries
- Sentencing Guidelines Study
- Continuing Upward from the Summit, Volume 9
- Emergency Preparedness for Courts that Serve Abused and Neglected Children
- Emergency Preparedness course online
- Trial Courts as Organizations

Bookstore
Shop for NCSC publications
Library
NCSC's Library Catalog contains the world's largest collection of resources on judicial administration.

NCSC Projects
Center for Sentencing Initiatives
Center for Jury Studies
Court Interpretation
Court Statistics
GJXDM Wayfarer
Rehnquist nominations
Selfhelpsupport.org
Technology Standards
Technology Vendors
The IOJT conference (International Organization on the Training of the Judiciary) will be held in Sydney Australia, October 26-30, 2009. All interested individuals are invited to attend or submit a proposal. Our organization and its members have participated in the last two IOJT conferences.

This international conference will bring together judges and leaders in judicial education from around the world to discuss and exchange perspectives and experiences on a wide range of issues relating to the development and delivery of judicial education, as well as the effective performance of judicial educational organizations.

The Conference is being organised by the International Organisation for the Training of the Judiciary (the IOJT). It will be hosted by the National Judicial College of Australia.

The theme on which the Sydney conference will focus is “Justice Through Judicial Professional Development”. Two major topics to be covered in the conference are:

- Educational methodologies, dealing with the “how”: This may include judicial education on topics like E-learning, technological teaching tools (teleconferencing, pod casting, video-conferencing), technological resources (electronic benchbooks, sentencing databases), evaluation of programs, presenters and participants; the establishment and running of judicial education bodies.

- Managing the work of a judge: dealing with the knowledge and skills required to carry out a judge’s functions in the best possible manner. This may include judicial education on topics like judgment writing, oral judgments, time management, psychological elements of communication, ADR, restorative justice and problem solving courts, self-represented litigants, case management (including managing complex cases involving many litigants, massive documentation, many experts and many lawyers) programs to train the court administrators and programs to foster the personal development of judges (mentoring, 360 degree feedback programs).

The conference presentations will be of interest to both established and new judicial training organizations. Plenary sessions will include simultaneous interpretation in English, French and Spanish.

Any person may register for the Conference - registration is not limited to members of the IOJT.

For more information, please refer to this brochure (PDF).
The fourth International Conference on the Training of the Judiciary will take place in Sydney, Australia from 26 to 30 October 2009.

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Any person may register for the Conference - registration is not limited to members of the IOJT.

You can register your interest in receiving further information about the 2009 Conference by visiting the Conference website: www.iojtconference2009.com.au

Information about registration, travel and accommodation in Sydney is also available on the Conference website.

Call for papers: the National Judicial College of Australia invites proposals for papers or workshop presentations for the 2009 Conference in Sydney. Preference will be given to proposals relating to new developments in judicial education and interactive presentations illustrating the development or delivery of judicial education. The deadline for proposals is 30 January 2009. Please see the Conference website www.iojtconference2009.com.au for details.
A MESSAGE FROM THE PRESIDENT OF IOJT

Dear Friends and Colleagues,

Just over a year has passed since IOJT’s third International Conference which took place in Barcelona, Spain. The conference was a great success.

I call upon all members of the IOJT to attend the 2009 conference and to take an active part in it. I am certain that this conference will benefit the international judiciary, while helping to promote the rule of law worldwide. I very much look forward to seeing you in Sydney.

Dr. Shlomo Levin
President
The International Organization
for Judicial Training (IOJT)

A MESSAGE FROM CHAIR OF THE NJCA COUNCIL

Dear Delegates

The National Judicial College of Australia is honoured to have been entrusted by the IOJT with the role of hosting the 2009 Conference and looks forward to welcoming members of the IOJT and other international delegates to Australia in October 2009.

I know that many judicial officers and others involved in judicial professional development in Australia are looking forward to the opportunity to exchange views and experiences with you.

I can assure you of a warm welcome if you are able to travel to Sydney for the Conference.

Wayne Martin
Chair of the NJCA Council and
Chief Justice of Western Australia
Please join us in welcoming the following new NASJE members:

- **Mr. Tony Cornay**, Education Manager, New Mexico Judicial Education Center, Albuquerque, NM
- **Mr. James Landon**, Education Program Manager, Supreme Court of Ohio Judicial College, Columbus, OH
- **Mr. Mark J. Miars**, Judicial Services Coordinator, Ohio Judicial Conference, Columbus, OH
- **Ms. Mary E. Olson**, Oregon eCourt Education & Communication Manager, Oregon Judicial Department, Salem, OR
Happy New Year! I hope that this New Year brings a stable economy and new and exciting successes to your lives. NASJE and its board and committees have been very busy getting ready for the New Year and looking to the future of judicial branch education and our organization. The Education Committee is hard at work building you a most exciting and thought provoking agenda for the 34th Annual Conference which will be held in Asheville, North Carolina on August 9-12, 2009. The committee is listening to its membership and working to provide us with educational opportunities and tools to enhance our skills and take us into the future. I hope to see you all there!

We will have a limited number of conference scholarships available for members, who need help covering the registration for this event. Please keep checking the website for more information about this and the application. It will be made available on-line soon when registration for the conference is finalized.

Your committee chairs and their members are meeting throughout the year and I would like to thank and acknowledge your chairs for this year: Christy Tull, Bylaws; Michael Roosevelt and Crystal Banks, Diversity; Lisa Galdos and Elizabeth Evans, Education; Wally Lowery, Fundraising; Robert Pirraglia, Futures; Claudia Fernandes and Judith Anderson, International; Diane Cowdrey, Membership; John Meeks, Mentor; Phil Schopick, Newsletter; William Brunson, Nominating; and Joseph Sawyer, Website and Technology. Our committees are focusing on ways to better serve you as members.

I attended the Conference of State Court Administrator's meeting in December 2008. It was a productive and interesting meeting. I learned a lot about the organization and the current priorities and work of state court administrators throughout the U.S. that I will share with our organization. One of the interesting educational sessions was about The Future of Statewide Automation and Technology. Workshops followed in various areas, such as Performance Standards and Courttools, E-filing, e-citations and e-payment, public access to court records and education and business practice changes. COSCA also approved its white paper on court performance standards and we anticipate it will be made available shortly after the approval by the Chief Justices at their midyear meeting in late January.

Your new board and committee chairs are hard at work. We want to hear from you as to what is working or might be improved in our organization so we can address any issues you have. The NASJE Board will be meeting for its midyear session on February 13-14, 2009. If you have anything that you would like us to discuss, please do not hesitate to contact me. My email address is Claudia.fernandes@jud.ca.gov. Thank you.
New Resource on Continuity of Operations for Courts
by Pam Casey

Last year, the National Center for State Courts announced a new Website and Guide for Continuity of Operations (COOP) planning for courts. The website has been updated with a new online course that augments and reinforces the information provided in the COOP Planning Guide. The course includes an introduction, 12 modules related to different components of COOP planning, an evaluation, and a bibliography. Each of the modules includes resource materials and a video presentation by an expert in the area (many of whom became experts after facing an emergency themselves). The course is accessible at http://www.ncsconline.org/D_Research/coop/ under the "online course" tab.

The NCSC also plans to provide the Guide and video presentations in a DVD format for easier use during presentations and educational sessions. If you or someone in your organization is interested in obtaining a copy of the DVD, please let Pam Casey know. Also, please let Pam know if you have any suggestions for improvements, other ways we should use the materials, or other resources that would be helpful to the field.

As our colleagues in the coastal states recover from and prepare for the latest series of storms, we are reminded all too well of the importance of emergency preparedness.
Resou rces

• Neighboring States Partner to Provide Education for Mid-level Court Managers
  by Lee Ann Barnhardt

In an effort to address the educational needs of their court systems’ mid-level managers, North and South Dakota joined forces over eight years ago to form a partnership that is still going strong.

In 2001, court administrators from the two neighboring states began talks with the National Center for State Courts and got approval to jointly offer the Center’s Court Management Program (CMP) to court personnel from both states. With support of the Chief Justices, the first CMP class began in August, 2002, with each state sending 20 participants. The first class of 40 graduated in May 2005.

A second group of 40 began the program in May 2006 and graduated in May 2008. The classes were alternately hosted by the two states.

"Partnering certainly provided us an opportunity to get advanced training for our staff at a cost saving," said Lynn Sudbeck, Deputy State Court Administrator in South Dakota. "We could not have sent these same 40 employees through the traditional CMP program."

In addition, administrators from both states commented on the benefits of networking with court professionals from another state.

"As a participant in the first joint CMP class, I found the venture to be extremely rewarding," said Nancy Allard, South Dakota’s Director of Trial Court Services. "Partnering with a neighboring state that shares many similarities in demographics and culture made the experience even more meaningful, particularly as it relates to the networking opportunities provided."

Allard added that some of the differences between the two court systems also allowed the opportunity to learn about other viewpoints and perspectives.

The Court Management Program consists of two phases that address the training needs of mid-level court managers. The five courses of CMP’s Phase I develop participants’ knowledge, skills and abilities in caseflow management, information technology management, court performance standards, fiscal management and human resource management. These foundation courses are identical to those of Phase I of the Court Executive Development Program.

Phase II is the concluding seminar. This weeklong course combines elements of leadership, management techniques, and specific court issues in a program that provides participants with the necessary knowledge, skills and abilities to achieve their professional goals as court managers. Incorporating nationally recognized articles and books on leadership, management and court issues, this course expands upon and integrates court management competencies identified in the NACM Core Competencies. Participants build upon the Phase I foundational courses and explore the roles and purposes of courts; deal with the concepts of judicial independence and interdependence; become familiar with various leadership and management theories as they apply to courts; take time to recognize and appreciate their own conceptual and interpersonal skills, as well as those of others; develop new teambuilding techniques; and, through interactive group work, understand the importance of good communication as they move to higher levels of
critical thinking. The Concluding Seminar culminates in a formal graduation ceremony and the awarding of CMP
certificates.

For those who are interested in developing leadership skills and pursuing a more intensive learning experience, the
CMP courses can be used to meet part of the requirements for entry into the Court Executive Development Program
(CEDP). Allard made the decision to pursue the CEDP and two of the 2008 North Dakota CMP graduates will begin
the CEDP program in 2009.

“Educational opportunities are most generally always a good thing and educational opportunities of this caliber are a
great thing, especially when so many employees can benefit,” said Allard.

Both states are committed to continuing to offer the CMP program either through a partnership with each other again,
or with other western states.

To find out more about the CMP and CEDP program, go to www.ncsconline.org.
Alexander Kapp coined the term, "andragogy," to distinguish the strategies and processes in adult learning from those in child- or youth-based education. Malcom Knowles expanded Kapp's work into a theory of adult learning that is widely accepted, although still relatively new, today.

Knowles' theory relies on basic characteristics of adult learners—they have a foundation of life experiences and knowledge; they are practical, goal- and relevancy-oriented; they are autonomous and self-directed; and, as adults, they need to be shown respect. These characteristics of adult learners led to four assumptions or principles by Knowles: First, adults need to know why they need to learn something; second, they need to learn experientially; third, they approach learning as problem-solving; and, fourth, they learn best when the topic is of immediate value (see http://tip.psychology.org/knowles.html).

Applying all of these principles in classroom teaching can sometimes be challenging; applying them in distance learning can be daunting. How do you create an experiential learning experience from a distance? How do you create a problem-solving experience when all of the participants are in individual, remote locations?

Webcasts or webinars, or other such media, may provide the tools—both literally and figuratively—to bridge the gap in adult learning created by distance learning.

The National Judicial College recently broadcast its first Judicial Webcast entitled, "From the Second Amendment to the Death Penalty: Notable Decisions of the U.S. Supreme Court, 2007-2008 Term." Robin Wosje, Director of Grant Projects and Special Initiatives at the NJC, who essentially worked as the Webcast producer, said, "The biggest challenge with the Webcast was trying to recreate the experience of being at the college." To do so, Robin worked with the NJC's Distance Learning and Technology Manager, Joseph A. Sawyer, who has directed an untold number of online courses presented without the synchronicity afforded a live broadcast. Robin also tapped the Honorable David M. Gersten of the Third District Court of Appeal in Miami, Florida, to serve as the faculty for the Webcast. Judge Gersten has served on the NJC faculty for over a decade and, most importantly, has a comfort level in working with this medium from teaching other judicial education courses online.

With the producer, director, and actor, if you will, in place, the first question was, how is the course going to be designed—what tools, visuals, hardware, and software would best replicate the classroom experience and bridge the distance learning gap? To answer that question, they conceptualized what kind of presentation would best present the subject matter. They chose to use PowerPoint, as they would in a classroom experience for this subject matter, broadcast via WebEx. Because of the additional challenges presented by this medium, they held tight to the golden rules of PowerPoint presentations: at most, seven words per line/seven lines per slide; add visual for each topic; two or three slides per case, in this instance, to hold the participants' attention; and, overall, use the minimum number of visual words possible.

While Judge Gersten pored over the U.S. Supreme Court cases for the best kernels of law to synthesize into bullet points, Robin and Joseph worked on adapting the tools available in WebEx into adult learning activities. Their goal...
was to make the presentation interesting and keep the participants involved. Once Judge Gersten completed his PowerPoint presentation, the team literally went slide-by-slide to make the presentation interactive—deciding ahead of time when to call on participants; when to use polling tools and graphs; when to invite participants to comment, etc. Judge Gersten also prepared case summaries, which, along with the PowerPoint presentation, were provided to the participants. Judge Gersten estimated that he, alone, spent approximately 100 hours preparing for the one hour of substantive content.

To add the degree of professionalism they sought, they choreographed and rehearsed the entire presentation. Joseph also invited the roughly 150 judges and others from across the country who signed up for the Judicial Webcast to sign in a day or so ahead of time to test their access and ability to participate in order to alleviate any problems or anxiety associated with what was a new medium for many. On the day of the presentation, with Joseph at the technological helm, two people assisted Judge Gersten in transitioning on and off camera and handing control back and forth to Joseph who, behind the scenes, created the interactive experience.

From all accounts, the Judicial Webcast was a success. Over a quarter of the participants who responded to course evaluations stated that more than one person viewed the Webcast at their location. Indeed, a judge in Washington invited the public, via the local newspaper, to attend the broadcast of the Webcast in one of their courtrooms. Ninety-four percent of those who responded agreed that the Judicial Webcast was a worthwhile learning experience.

Forty-five percent of those who participated in a survey of state judicial educators responded that they have used Webcasts, Webinars, or other web-based media to deliver judicial education. Ninety percent plan to do more; and, approximately sixty-seven percent of the states whom they represented give continuing legal education/continuing judicial education credit for the Web-based courses (but limit the amount of credit allowable).

Going forward, Judge Gersten’s best advice to faculty who consider teaching in this or a similar medium: You have to be comfortable with, and have confidence in, the technology. He said, "In a classroom, you can wing it if you have a problem. In a setting such as this, you have zero control over any technological problems." To compensate and get over the fear factor, Judge Gersten said you have to have a back-up system—you have to know ahead of time how you will handle all the technological glitches you can imagine may occur. From a pure teaching perspective, he said, "It is a difficult medium to warm up an audience and know you’re bringing them along with you in the presentation."

Although the current state of the technology provides tools to create an experiential and problem-solving learning experience over the Web, the greatest challenge, it appears, may still be "as old as dirt," as they say: employing those with a passion for teaching who will commit themselves to the time and energy it takes to create the best learning experience possible.
NASJENews Quarterly

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Utah Judicial Institute Director Provides First Ever Faculty Development Training in Kosovo

NASJE member Mary Aguirre-Shahin, Esq., has taught courses around the globe. Her judicial education career began at The National Judicial College in Reno, Nevada where she won national awards for her programs. Thereafter, her judicial education expertise took her to the Federated States of Micronesia; Madrid, Spain; Amman, Jordan; and Afghanistan. She is now a member of NASJE’s International Committee and the Director of the Utah Judicial Institute.

This past June, Mary Aguirre-Shahin, traveled to Prishtina, Kosovo to provide faculty development training to judges and attorneys with an emphasis on interactive training techniques. She also taught faculty development courses to USAID staff and other agencies that work with the National Center for State Courts (NCSC) Justice Sector Reform project in Kosovo. Mary was invited by the NCSC to serve as faculty in this new training program, which represents the first time the Kosovo Justice Institute (KJI) has provided instruction on interactive training techniques.

Mary also provided the KJI and USAID with recommendations and concrete steps on how to improve interactive learning at the KJI and at other agencies that work with USAID. Her recommendations ranged from how to arrange classroom seating to enhance learning to the types of technology required, such as wireless microphones, to improve interactive learning.

Because of the huge success of the basic training, Mary was invited to return to Kosovo in September of 2008, to provide an advanced faculty development program. In October, Mary also utilized the curriculum developed for Kosovo to provide a basic faculty development course for Juvenile Court trainers that work with the Utah State Courts. Her consultations with Kosovo continue.
The National Center for State Courts (NCSC) is pleased to announce two new reports and a new Web site on sentencing issues. State Sentencing Guidelines: Profiles and Continuum provides an overview of state sentencing commissions and guidelines, and Assessing Consistency and Fairness in Sentencing: A Comparative Study in Three States explores the nature and consequences of alternative sentencing guideline systems in Michigan, Minnesota, and Virginia. Both reports are available on the new Center for Sentencing Initiatives (CSI) website and in printed form for meetings and conferences by contacting Stephanie Montgomery at smontgomery@ncsc.org.

In addition to the new reports, the CSI website highlights our work exploring the expanded use of evidence-based practices and risk and needs assessment information to help identify sentencing options that protect the public, hold offenders accountable, and reduce recidivism. This work and the CSI Web site are supported by The Pew Charitable Trusts’ Center on the States Public Safety Performance Project and the State Justice Institute. With its partners, the Crime and Justice Institute and the National Judicial College, the NCSC is providing technical assistance to targeted states, developing educational programs, conducting research, encouraging cross-state learning and collaboration, and raising awareness of and support for sentencing practices reform at the national level.
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Resources
Judicial Balance - Lessons for Law and Life
A publication of the Judicial Conference of Indiana, Judicial Balance includes stories and insights.

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This Website is updated quarterly by NASJE.
The opinions expressed herein do not necessarily reflect the views of the National Association of State Judicial Educators.
As the nation enters the final moments of a Presidential campaign, we find ourselves experiencing in parallel an every-state examination of new model rules of ethics for American judges. Thus, the present debates focus both on the institutional role of courts and on the activities of the men and women who serve as adjudicators. All this is plain for pundits and participants to see.

What is not so plain is the challenge that individual judges face in organizing their lives and pursuing their careers in ways that bring good repute to their offices and themselves. This newsletter seeks to provide judges with the best modern thinking and commentary on how they might do this successfully. We hope that American judges find it useful and that judges will take the time to share their insights and ideas with our editor.

Randal T. Shepard,
Chief Justice of Indiana

A Time of Crisis

courts.in.gov/balance/stories/4-2/1.html

An Elusive Balance?
We all seek to be productive, to produce high-quality work, and to be satisfied with what we do. Meeting such goals may seem elusive, but Deborah Epstein Henry believes it’s possible. Her comprehensive article tells us how to make it happen. Please see, “The Elusive Balance: Tips to Assess and Meet Your Work-Life Needs,” by Deborah Epstein Henry, Flextimelawyers.com. Originally published in The Woman Advocate, Summer 2008.

courts.in.gov/balance/stories/4-2/2.html

Speak Up
When one judge spoke out about corruption in Russia’s courts, most notable was not what she said – the facts are an open secret – but that she had the courage to say it. Is Judge Yelena Valyavina inspiring, or an exception? Would you speak up? Please see, “Silence on the Court,”

One Man’s Addiction
Sometimes sharing our story with others, no matter how humbling, is the most honorable thing to do. Judge Michael J. Murphy shares his journey into alcoholism and beyond. His hope is that readers suffering from addiction will be moved to seek help. Please see, “My Story:
Judicial Wellness

Being a judge is an honor, but it carries burdens shared by few. Despite the challenge of their work, judges who practice wellness – taking care of oneself emotionally, spiritually, and physically – enjoy greater self-satisfaction and positive regard. Please see, “Keeping the Balance,” by Philip M. Stahl, Ph.D., ABPP, Case In Point, National Judicial College, Summer 2008.

"Life Begins at 60"

Many say that life begins at 60, when we bravely evaluate and reinvent ourselves. We ask, “If I could do it over again, what would I change?” Ask this question now, whether 60 is looming or not, and live the life of which you dream. Please see, “Cher Still Looks Fabulous at 60,” by Jim Winchester, Vice Chief Justice, Supreme Court of Oklahoma. Oklahoma Bar Association, Special Interest Section.
The pressures that weigh on the men and women who serve as America’s judges come from many directions and in multiple forms. Many judges must make their way through political processes without all the tools available to most political actors. Others labor under unreasonable case burdens, but are still expected to do their best for litigants and lawyers. Virtually all face with the understanding that they frequently take into their hands matters that affect the dearest interests of real live people.

Because it is in the nature of being a good judge, judges usually mask these burdens and put a brave face on their daily work. Litigants come to the courtroom expecting to encounter a capable and calm decision-maker, and we do our best to make it so.

Still, how well the judge balances these multiple challenges and those of the judge’s own life can sometimes be as important as jurisprudence. This bulletin seeks to give judges food for thought on such matters. We hope that it may assist the thoughtful and diligent to do more substantial justice.

Randall T. Shepard,
Chief Justice of Indiana

For Whom - or What - the Bell Tolls
The “rule of law”: challenging to define, yet taken for granted every day. With a newfound respect for the concept, Justice Timmons-Goodson discusses the rule of law, its significance, and the risk of failing to protect it. Please see, “The Bell Tolls for the Rule of Law,” by Justice Patricia Timmons-Goodson, Judges Journal, Winter 2008. ABA Judicial Division.

Sleep is Serious
Often viewed as a luxury, sleep is necessary to keep us going. The right amount helps us stay sharp, stay safe, maintain health – physically, mentally, and emotionally – and perform better. Too little sleep? Well, you get the idea. Please see, “Get the Sleep You Need,” by Thomas M. Heffron, The Complete Lawyer, Vol. 4, No. 3.

Fulfillment
On a personal level, the state of our profession is precarious. Are professional satisfaction and personal peace possible? Judge Carl Horn

Daily Duty
Being your best for yourself, your family, and your work is a daily undertaking. The Reflective Counselor: Daily Meditations for Lawyers is a

Integrity

Relationships are King
Even more than the law, people are what you deal with on a daily basis. Arnie Herz suggests that the greatest predictor of success and satisfaction is the degree to which one is relationship-savvy. Give relationships their due, and you will reap the rewards. Please see, “Relationships Are King,” by Arnie Herz, Touro Law Review, Vol. 24.
Now Showing: Movies in Judicial Branch Education Sessions
by Kelly Tait

When I first started teaching judges, I was amazed to find out how many had been inspired to go into the legal field by the movie To Kill a Mockingbird. Not that I didn’t realize the power of movies, because they have reached me at a deep level. I remember immediately after watching Thelma and Louise on the big screen, I was in the restroom washing my hands, and I had a little start of surprise when I looked in the mirror and saw my own face instead of Susan Sarandon’s. And there’s the first big reason to consider showing movies, clips of movies, parts of TV shows, etc., in your judicial branch education sessions....

Why Teach with Movies

1) You can reach the learners at a gut level, involving them vicariously in an experience that connects to David A. Kolb’s “Concrete Experience” mode of learning (“first-hand” experience, with the learners personally, emotionally involved). It can make learners feel the relevance of an issue or an idea, and this can make it a significant tool for attitude change. Being involved at a subjective level allows the message to resonate in the participants in a deep, personally meaningful way, making it a powerful experience for educators to draw on in training sessions. This is most likely to be effective as an educational tool if the activity or discussion that follows the movie or clip keeps the learners moving around the learning circle: next step -- reflecting on the experience (see “Tips” below for more on this).

As David Bordwell, the president of the Society for Cognitive Studies of the Moving Image, says: “Moving image media entrance us. But why? They engage us through stories ... They stimulate our senses, arouse our emotions, and provoke our intellect” (http://www.scsmi-online.org/).

2) It can provide a shared experience for the group. The fact that the group members are experiencing (or for some, e-experiencing) something at the same time provides several benefits. One of them is that it can be a way to jump-start a sense of “groupness” -- for group members to connect at a different level than usual in professional training sessions. Another benefit is that it can get the group to basically the same point at the same time and, in terms of Kolb, encourage the participants to move through the stages of the learning circle together.

Part of this shared experience can be a positive attitude in the learners, creating an openness to learning. Denny Parish, an attorney, former magistrate and judge, and college and law school instructor, received a grant from the Supreme Court of Ohio several years ago to develop a course called “The Public Perception of the Judiciary through Film.” This is the highest rated course in the history of Ohio’s Judicial College, and he has presented it at least 30 times in Ohio as well as presenting versions of it nationally and internationally. Parish says that most people love the medium and that this generally positive attitude toward film and film clips can allow the educator to grab the learners’ attention, build up goodwill, and, the bigger goal -- get them to think. He feels that a community setting is important to the experience.

3) Attention, comprehension, and retention are reinforced by getting the message(s) through more than one channel. This medium usually involves sight, sound, and movement (at least vicariously) -- more pathways for ideas to get through and “stick.” The message also can be illuminated in a personalized way first, then the instructor can reinforce it in other ways in the processing phase, perhaps first through reflection and then by aligning it with facts,
theories, principles, etc. It’s even more effective if you add an application-level activity based on it.

4) It’s a way to humanize the issues in the legal field. Though of course it’s often necessary in judicial branch education to focus on facts and logic and objectivity, at the core we are subjective beings. There’s a human element – a socio-emotional element – in any legal proceeding. Sometimes it’s instructive to be reminded of this. There can be huge value in seeing from someone else’s perspective, one of the strengths of teaching with movies.

As Raymond J. Green says in his article Teaching Psychology Through Film and Video, “Movies provide a concrete way to present information, sometimes in a way that grabs the class by their collective lapels and gives them a good shaking!”

Potential Issues with Using Movies to Teach

While viewing movies, movie clips, recorded role-plays, etc. can be a powerful way to learn in judicial branch education sessions, there are some potential drawbacks:

--Relevance issues: One of the biggest issues in using movies or movie clips is making sure the educational relevance is clear – that the participants don’t think it’s just “fluff” or filler. Many “legal” movies only peripherally address judicially-related topics and behavior. Even role-played videos made specifically for judicial branch education sessions can seem too contrived.

--Technological issues: With all the moving parts involved, there’s always the possibility that something won’t work: from the equipment and/or software for playing and projecting the movie/clip, to the sound system, the room lighting, etc. Even just cuing the DVD to the appropriate point for a clip can be challenging. And copying and editing clips raise more challenges. This brings me to the next potential issue.

--Copyright issues: While in general most educators writing about this topic and those to whom I’ve spoken think the non-profit, educational use of movies and movie clips is covered by the Fair Use Doctrine, there is not complete consensus on the issue. Obviously you should include proper attribution to the source material, you should obtain the materials by legal means, and you should be sensitive to commercial value implications. When I use movie clips, I think I actually enhance the commercial value by providing a “teaser” that might get the participants to watch the whole movie on their own. Regarding using an entire movie, Raymond J. Green says, “In general, legally obtained copies of materials can be used in face-to-face classrooms for (nonprofit) educational purposes without violating copyright laws” (“Teaching Psychology through Film,” p. 2).

In any case, this article is not intended to provide any legal advice on copyright issues – you should investigate (discuss it with your legal department) and make determinations related to that for yourself. (For more on this from the U. S. Copyright Office, go to http://www.copyright.gov/fls/fl102.html.)

--Issues with unanticipated and/or unrelated topics dominating the discussion. This might include strong reactions to elements unrelated to the point being made or over-emphasis on strongly differing reactions to the movie or clip.

--Issues with pop culture inaccuracies

--Time issues, particularly if watching an entire movie

--Inappropriate content issues (such as offensive language or images)

--Issues with the quality of the recordings, especially home-made recordings

Tips for Effective Use of Movies and Clips

Obviously, addressing the potential issues above is a good starting point. Some related tips that could help make the most out of the learning opportunities that movies offer include:

- Be absolutely sure that the clip or movie is appropriate to your topic, audience, and learning objective(s). Make good use of the time.

In her session on experiential learning at the 2008 NASJE National Conference, Maggie Cimino, Special...
Consultant for Design and Curriculum Development for the Judicial Council of California’s Center for Judicial Education and Research, said that even now, after years of teaching, she writes out the teaching points for herself “to make sure that what we’re doing (experiential learning activities including using movie clips) has a point and is not just entertaining.”

Of course, the recordings you could use in your session run the gamut from fiction to docu-dramas, taped role-plays, documentaries, and in situ footage. Your choice might depend on what’s available, but you also always should consider what will best help your learners reach the learning objectives. Judge Reginald Routson (Hancock County Court of Common Pleas, Findlay, Ohio) has made several movies to teach topics such as constitutional issues and judicial ethics. He writes scenarios that are then role-played and recorded at a professional level. This control over the content and approach allows him to create specifically targeted teaching tools

- Plan and practice how you will make the relevance clear to your learners – do not count on them intuitively getting it. Even for short clips where the point is obvious to you, be sure to make the point explicitly (even if briefly). This keeps everyone on the same page and makes it less likely you will “lose” learners who might think watching movies isn’t “real” learning.

- Practice in the actual room with the equipment. Make sure you know where the sound and light controls for the equipment and for the room are. Check to see if a remote control is necessary for some functions such as subtitles. (Also be aware you might need closed captioning to ensure access to all participants—make sure the equipment you’re using has that capability and you know how to activate it.) If you’re showing a clip through a computer that’s not your own, it’s particularly important to make sure your clip works and that you’re familiar with how to run it.

If you use a clip from a source such as YouTube where recordings are saved at relatively low resolutions because of file size considerations, be sure to test it on the large screen to see how it looks and sounds. William Brunson, Director of Special Projects at the National Judicial College, says that it’s particularly important the sound is clear—that learners can adjust for low quality images more easily than low quality sound (if the sound is a necessary element of the clip).

- Consider how best to set the context of clips: For clips from movies or TV shows, it can be effective to give a brief synopsis of the larger story and then set the scene that leads into the clip so that it makes sense in context. Also, it can be useful to include any vocabulary or character names the learners will need in order to understand what is happening in the clip. Depending how you’re using the clip, you might tell the learners what elements to focus on before you show it. For instance, in a session on courtroom communication skills, before I show a clip I might direct the learners to pay attention to the nonverbal behaviors the judge exhibits—tone of voice, eye contact, gestures, etc.

There are times when the instructor might not want to do a lot of lead-in to the clip because he or she doesn’t want to lose the surprise value or does want the learners to focus on the “big picture” or to decide what the relevant elements are on their own.

- Plan how to keep the momentum going.

For entire movies: If a period of time separates when the learners watch the film and when they discuss it as a class, immediacy and relevance might fade. One way to deal with this is to give learners a small assignment to be completed before the discussion. This can be something simple such as “Generate one question related to the issue of _______ in the film.” This helps learners get started on the “reflecting” mode of learning. It also can be very effective to show (again) brief clips from the movie during the discussion to bring learners back to the appropriate place both conceptually and emotionally.

When watching full movies that have numerous characters, it can be useful to have a one page (ideally) “cheat sheet” with the characters’ names, the actors who played them (if they’re recognizable), and a brief description
of each character. Consider including photos of the major characters for ease of reference during the discussion.

For clips of movies: Even though watching movie clips can be emotionally involving, it is for the most part a physically passive activity. When possible, keep clips short and build in active participation. For instance, show brief clips with discussion, quizzes, or other application-oriented activities between each clip. Or, for longer segments or a series of clips, first distribute a set of points or questions for learners to contemplate or complete during the clips and to help guide the discussion after them. Don’t turn off all of the lights in the room—keep enough light at the back of the room so that people can take notes (and not drift off).

- **Debrief, debrief, debrief.** This is one of the main things that makes using a film or a clip worth the time and effort – not just that the learners can become emotionally involved, but also that they reflect on its meaning, investigate how it connects to the theories and principles in the field, and use it to improve what they do in their profession (in Kolb’s terms, moving from vicarious Concrete Experience to Reflective Observation to Abstract Conceptualization to Active Experimentation). Obviously, exactly what you do to debrief a movie and to facilitate discussion or activities based on it depends on how it connects to the learning objectives. Generally, debriefing would include discussing what happened, why it might have happened that way, perhaps other ways it could have happened, and what it means in terms of the point(s) you’re trying to make.

It’s also good to connect back to the clip or movie at appropriate times throughout the training session, reinforcing the information or perspective and encouraging movement through Kolb’s learning circle.

- **Have a back-up plan!** Know what you would do if the equipment failed at the last moment. How would you still engage the learners and get your point across? Having back-ups is particularly important when the movie or clip is vital to the session. Joseph Sawyer, Manager of Distance Learning and Technology at the National Judicial College, often uses movies as teaching tools. We have co-facilitated discussions of full movies at the last three NASJE Annual Conferences, with the movies providing springboards for discussion of some sensitive diversity-related issues. He brings every technological back-up possible under the circumstances (several copies of the materials in different formats, an extra laptop computer, an additional external hard drive, etc.) to try to make sure we aren’t stranded without the teaching tool that is the foundation of the session.

For some sessions, a short clip might be useful but not vital – and in that case you could plan back-ups such as a vivid description of the clip, a brief role-play based on it, or an alternative activity to illustrate the point.

### Common Question about Clips

Many educators who want to use movie clips are not sure exactly how to go about it. The choice is often between showing a clip directly from the source (DVD, video, YouTube, etc.) or copying and perhaps editing clips. Obviously, copyright considerations need to be kept in mind, and the copying/editing process can require specialized software. For instance, a program such as Pinnacle is designed to copy and edit clips from DVDs. Some IT departments provide this kind of support. If you’re interested in learning more about the technology available, Joseph Sawyer, who often assists faculty members in using technology in teaching, recommends going to [www.cnet.com](http://www.cnet.com) to read about the relevant technology including DVD-ripping software; the site includes peer reviews.

If you do copy video or DVD clips in order to use them in a program like PowerPoint (by linking to the clips), remember to save the PowerPoint show and any files with clips in the *same folder*, and whenever you make a copy, be sure to copy the entire folder. (The video is not actually embedded in the PowerPoint; there’s a link to a file with the clip, and if you don’t have that file [with the exact file name used when it was linked] in the same place as the PowerPoint show, the link won’t work.)

Sometimes don’t have the time or the means to copy a clip and link it to my PowerPoint. If I know a VCR is available, might rent or buy the movie (movies in the VHS format can be astonishingly inexpensive at sources such as amazon.com). I personally prefer videos to DVDs under these circumstances since it’s easier to cue up a video to the exact point you want.
YouTube www.youtube.com has all kinds of interesting recordings, including actual courtroom proceedings/incidents

Additional Sources Used for This Article (in addition to those above)

Green, Raymond J. “Teaching Psychology through Film, Video” (2007) Association for Psychological Science
http://psychologicalscience.org/teaching/tips/tips_0703.cfm


Kelly Tait is a speech communication instructor at the University of Nevada, Reno, and a communication consultant who has designed and conducted a variety of communication skills-based workshops and seminars for organizations such as the National Judicial College, the New York State Judicial Institute, the Supreme Court of Virginia, and the Nevada State Bar Association. Her specialties include faculty development, courtroom communication skills, and diversity issues.
If you are using a DVD and are unable to copy just the clip you want, be very familiar with the equipment you'll use (always a good idea, of course), and write down the exact point of the clip (the name/number of the chapter, the number of minutes and seconds in, etc.). Put a note with this information and a couple of words about the clip next to the equipment where you'll play it (much easier than trying to remember under pressure) and practice getting to the clip quickly so you don't lose your learners’ attention.

If you are linking to an online recording at a site like YouTube, remember that you need to make sure the room you present in has Internet access (double-check the link on that equipment in that room). Also consider the quality of the recording—while it can be good to go to full screen so the image is larger, sometimes the quality degrades so much that it’s not worth it.

**Curtain Time**

We live in a culture that is increasingly visually – and technologically – oriented. As a judicial branch educator, you can draw on this medium to enhance instruction. Whether it’s using Hollywood movies to engage the learners and launch constructive activities and discussions – Judgment at Nuremberg about the role of the judge, *My Cousin Vinny* about contempt powers, *I Am Sam* about parental rights, etc. – or using recorded role-plays to illustrate things like demeanor, or using footage of a real fight in a courtroom to make a point about courtroom security, this medium can reach learners at a deep level.

As Denny Parish says, watching movies or movie clips as part of judicial education sessions should do “the Three E’s” – educate, emotionally move, and entertain the participants. That’s a lot of bang for the buck.

“What we must remember, however, is that movies do not provide an easy way out or a day’s vacation. Successful use of film involves as much, if not more, preparation than a traditional lecture” (Raymond Green).

With that in mind, dim the lights and pass the popcorn. On with the show.

**SOME RESOURCES FOR MOVIES**

(NOTE: If the books below are not on the shelves of your local bookstore, they easily can be ordered online at websites such as Amazon.com.)

Bergman, Paul and Michael Asimow *Reel Justice: The Courtroom Goes to the Movies* (2006) Andrews and McMeel. Excellent, easy-to-use resource with a synopsis of each movie featured that includes “The Story” and “Legal Analysis.” For movies based on true stories, it also includes a section called “Trial Briefs.” (This resource is my personal favorite.)


“Psychmovies.com” [http://home.epix.net/~tcannon1/psychmovies/home.html](http://home.epix.net/~tcannon1/psychmovies/home.html) Gives brief overviews from the psychological perspective of many movies under various topics such as substance abuse, personality disorders, and marital and family dysfunction.

“Teachwithmovies.org” [www.teachwithmovies.org](http://www.teachwithmovies.org) While this website is geared toward teachers of K-12 students, it does give links to a variety of topics (with accompanying movie suggestions) that could be useful in judicial branch education – scroll down to “Subject Matter Index” and “Socio-emotional Learning Index” for links to topics such as justice, crime, and families in crisis.

The November 2008 issue contains:

- An article by Kat Koppett on how to position improv activities
- An improv activity, Emotional Meeting, by Kat Koppett
- An interview with Andrew Boyarski, Project Director for the School of Professional Studies at the City University of New York
- A simulation game, Change the Tire, by Andrew Boyarski
- An article about two new learning activities: field studies and mutual-learning activities
- 99 words from Brian about letting things fall through the cracks
- A marketing flyer that you can modify and use with your clients

The December 2008 issue contains:

- A toolkit article about graphics games that includes several samples
- A guest gamer interview with Nick Smith
- A rope game called BLIND SQUARE by Nick Smith
- An improv game called PLAYING WITH STATUS by Kat Koppett in which you learn to raise and lower your status
- A jolt called SAY IT IN SEQUENCE that emphasizes the importance of unlearning
- An article about finding jolts from books
- 99 words from Brian on self-distraction
- A link to an online video about creativity and play
- A single item survey about trick questions

The January 2009 issue contains:

- An introduction to a framegame called SUDDEN SURVEY
- An opener called HELLO that requires participants to interview each other
- A closer called GOOD-BYE that helps you effectively wind down a training session
- A structured sharing activity called PERFORMANCE MANAGEMENT SURVEY that builds upon participants’ responses
- A how-to article on using SUDDEN SURVEY as a framegame to instantly create openers, closers, and training activities
• An interview with guest gamer Christine Martell, who makes visuals speak
• An exploration of printed jolts
• 99 words from Brian about whom you should please
• A link to a video of HELLO on YouTube
• An invitation to generate questions for SUDDEN SURVEY
GET IT WRITE
Happy “Veterans’ Day,” “Veteran’s Day,” or “Veterans Day”?: Possessives vs. Attributive Nouns
by Nancy L. Tuten, PhD, and Gayle R. Swanson, PhD

Which rendering is correct in each of the following groups?

1. Veterans’ Day, Veteran’s Day, Veterans Day
2. Fathers’ Day, Father’s Day, Fathers Day
3. English Majors’ Society, English Major’s Society, English Majors Society
4. Bankers’ School, Banker’s School, Bankers School

To ask which rendering is “correct” in these groups is actually to pose a trick question: if these were not proper names, all of these choices could be grammatically correct depending on the context.

Let’s begin by examining how these phrases differ from one another:

- The first choice in each group is a plural noun in the possessive case (Fathers’, Veteran’s, Majors’, Bankers’ and Executives’).
- The second choice in each group is a singular noun in the possessive case (Father’s, Veteran’s, Major’s, Banker’s, and Executive’s).
- The third choice in each group uses a plural noun that is not in the possessive case. We refer to it as an attributive; that is, it functions as a modifier and does not need to be possessive.

To make the best choices in the five groups above, we must consider whether the possessive or the attributive is more appropriate and, if the possessive case is appropriate, whether the possessives ought to be singular or plural.

Unfortunately, one rule does not govern in all instances when it comes to deciding when to treat a noun as merely attributive and when to make it possessive. The Chicago Manual of Style (15th ed., University of Chicago Press) admits that “the line between a possessive or genitive form and a noun used attributively—as an adjective—is sometimes fuzzy, especially in the plural.” This style manual suggests that writers omit the apostrophe “in proper names (often corporate names) or where there is clearly no possessive meaning” (p. 284):

- Publishers Weekly
- Diners Club
- Department of Veterans Affairs

In deciding whether to use an apostrophe in such constructions, we cannot always depend on logic to lead us to the best choice. For example, referring to the second Sunday in May as “Mothers’ Day” might seem logical if we think of it as a day to honor all mothers and not simply one mother. But if we look up the phrase in Merriam-Webster’s Collegiate...
**Dictionary** (11th ed.), we find the noun “mother” rendered as a singular possessive — “Mother’s Day” — perhaps to acknowledge the fact that each person honors his or her own mother. Similarly, *Webster’s* gives us “Father’s Day,” not “Fathers’ Day.”

On the other hand, *Webster’s* tells us that in the United States, November 11 is known as “Veterans Day” — plural but not possessive. We might have assumed that we would render the name of a holiday honoring veterans in the same way we render the name of a holiday honoring fathers or mothers. We could also have logically concluded that since we are honoring all veterans, we would use the plural possessive: “Veterans’ Day.” Instead, we must determine the appropriate form of many widely used names not by following a consistent principle but by verifying the conventional usage. In all such situations, we should rely on a reputable style manual or dictionary.

This issue becomes even more complicated when we must render the titles or names of institutions, associations, societies, and the like (as in groups 3, 4, and 5 above) that are not likely found in any style manual or dictionary. Again, we cannot rely on logic alone to determine whether the possessive case is appropriate. In our third example above, for instance, we could argue that the society belongs to a group of English majors (English Majors’ Society), or we could say, simply, that it is an organization for them (English Majors’ Society).

In the absence of a ruling by a reputable style manual or dictionary, then, we have to determine how the organization itself handles its name in official publications. If an organization does not use the apostrophe in its name, then neither should we—even if we could argue logically that possession is indicated.

We would not, therefore, use an apostrophe in “South Carolina Bankers School,” “Federal Judges Association,” “Texas Classroom Teachers Association,” or “International Executives Association” because, according to their own websites, the organizations themselves do not do so.

Likewise, even though the names “Randolph-Macon Woman’s College” and “The Navy Enlisted Man’s Club” may at first seem counterintuitive (since neither of these institutions belongs to or serves only one woman or one man), we must nevertheless render the names exactly as the institutions do. We can find this information on an organization’s website or in its official documents.

When creating a new organization, the founders must decide how to handle the title. Most organizations omit the apostrophe and treat the noun as attributive rather than possessive, suggesting that the organization or conference does not belong to the group but instead exists to serve its members.

However, plural nouns that do not end in *s* — such as *children, women, and men* — are almost always treated as possessives, no matter what the logic would dictate. We could argue, for example, that the Bakersville Children’s Home does not belong to the children but rather is for them. But no one would consider writing “Bakersville Children Home.” Likewise, the London Men’s Convention may more logically be for the men of London than belong to them, but “London Men Convention” would sound odd to most ears.

Thus, when we are confused about whether a noun in a title or proper name is attributive or possessive, we can follow these steps:

1. See if the title or name appears in a reputable style manual or dictionary (as do “Father’s Day” and “Veterans Day,” for example).
2. If the title or name does not appear in the dictionary, check to see how the group or organization itself is rendering it.
3. If the title or name in question is not well-enough established for a precedent to have been set in regard to its rendering, then make a decision based on logic (is possession clearly indicated?) and sound (would the phrase sound odd if the noun were not in the possessive case?).
GET IT WRITE

Signing Your Holiday Greetings
by Nancy L. Tuten, PhD, and Gayle R. Swanson, PhD

Of the seven examples below, which ones are correct if the writer is sending greetings from his or her entire family?

1. Happy holidays from the Smith's
2. Happy holidays from the Williams'
3. Happy holidays from the Smiths'
4. Happy holidays from the Williamses'
5. Happy holidays from the Smith's
6. Happy holidays from the Williams family
7. Happy holidays from the Williams family

Only 3, 4, and 7 are correct.

Examples 1 and 2 are problematic for two reasons:

First, the apostrophe makes the names possessive, and when we send greetings, they are from us, not from something we own. The names Smith and Williams would need to be in the possessive case only if the greetings were from Jane Smith's hamster or John Williams's goldfish. [Note: Many folks believe that when a noun ends in s, we can make it possessive merely by adding an apostrophe, but reputable style guides consistently advocate the use of the additional s after the apostrophe for most singular words in the possessive case—even those that end in s. We will address this issue more fully in an upcoming newsletter.]

Second, examples 1 and 2 are wrong because the names are singular possessive. Since the writer intends for the greetings to come from all of his or her family members, the name needs to be plural possessive:

Singular names: Smith, Williams
Singular possessive names: Smith's, Williams's
Plural but not possessive names: Smiths, Williamses

Examples 3 and 4 are correct because in both cases the words are plural but not possessive. The name Smith becomes plural when we add an s to make Smiths. The name Williams is a little tougher because it ends with an s. Names (and all other nouns, for that matter) that end in sibilants—the sounds s, sh, ch, z, or x— are made plural by the addition of es. Thus the name Williams in its plural form is Williamses:

Here are some other correct examples of names that end in sibilants and are thus made plural by adding es:

- Happy holidays from the Bushes (plural form of the name Bush)
- Happy holidays from the Birches (plural form of the name Birch)
- Happy holidays from the Joneses (plural form of the name Jones)
- Happy holidays from the Foxes (plural form of the name Fox)

The following names do not end in sibilants and are thus made plural simply by adding s:

- Happy holidays from the Benjamins (plural form of the name Benjamin)
• Happy holidays from the Kirks (plural form of the name Kirk)
• Happy holidays from the Moores (plural form of the name Moore)
• Happy holidays from the Berrys (plural form of the name Berry—notice that we do not drop the y and add ies to proper names)

In the opening exercise, example 7 skirts the issue, of course, by making the family name a modifier: "the Williams family." In this case, the name should be neither plural nor possessive.

Test Yourself

How would you make each of these names plural but not possessive?

1. Knox
2. Hills
3. Thomas
4. Donges
5. Sawyer
6. Lewis
7. Riley
8. Sanchez

Answers

1. Knoxes
2. Hillses
3. Thomases
4. Dongeses
5. Sawyers
6. Lewises
7. Rileys
8. Sanchezes
GET IT WRITE
Capitalization: Proper vs. Common Nouns and Adjectives

by Nancy L. Tuten, PhD, and Gayle R. Swanson, PhD

The rules governing capitalization in sentences—as opposed to titles or headings—seem simple at first glance: we capitalize proper nouns and adjectives, and we lowercase common nouns and adjectives. But because distinguishing between proper and common usage is often difficult, many writers tend to capitalize words and phrases that should, in fact, be lowercase.

Can you distinguish between common and proper nouns and adjectives in the following sentences? Are the right words capitalized? (Explanations are scattered throughout the discussion that follows.)

1. Many residents of New York City are relieved that property values along the East River have been increasing over the past decade.

2. Because a strong wind was blowing through the Cedar trees in the backyard, our Dachshund, Cutie Pie, refused to go outside this morning.


4. The town’s Chamber of Commerce purchased holiday lighting and appointed a planning committee to decide which streets were to be decorated.

5. A local newspaper reported that a University in northern South Carolina has announced a hiring freeze, but we do not know for certain if the article was referring to Balzac University or the University of the Cultural Arts.

The Bottom Line

• A proper noun or adjective is a proper name — it designates a particular person, place, or thing. In sentence 1 above, we capitalize “New York City” and “East River” because they are proper nouns. Both are geographical place names.

• A common noun or adjective, in contrast, is a generic label — it designates a general type of person, place, or thing. In the following two sentences, we capitalize neither “east” nor “river” because these words are being used in their generic senses (in the first, they are used as nouns; in the second, as adjectives):

   » The barge was traveling toward the east, away from the mouth of the river.
   » The east wind was wafting across the river basin.

In sentence 2 of the opening exercise, neither “cedar” nor “dachshund” should be capitalized. Even though nouns such as dachshund, soft-coated wheaten terrier, daffodil, marigold, jack-in-the-pulpit, tiger beetle, alfalfa blotch leafminer, robin, scarlet tanager, magnolia, and cedar are the names of very specific kinds of dogs, flowers, insects, and so forth, they are common nouns. Only when we speak of “my dachshund, Cutie Pie,” “the Irish setter,” “the black-eyed Susan,” or “an Atlantic white cedar” are we using phrases that contain proper nouns and adjectives.
Using Reference Works

In general, a writer's best resource on the issue of capitalization is the dictionary. Both *Merriam-Webster’s Collegiate Dictionary* (11th ed.) and *The American Heritage Dictionary of the English Language* (4th ed.), for example, explain that we capitalize the word *Web* when — as in sentence 3 of the opening exercise — it is shorthand for the proper name *World Wide Web* (although both of these reference works point out the likelihood that *Web* will eventually become a common noun and thus be lowercased).

In some instances, however, reference works do not agree with one another with regard to proper names and capitalization — particularly with regard to their adjectival forms. For example, *Webster’s* prefers "Roman numerals," "Arabic numerals," "French dressing" (but "French fry"), and "Swiss cheese," while *The Chicago Manual of Style* (University of Chicago Press, 15th ed.) favors lowercasing these same phrases and many other such forms (see section 8.65 of *Chicago* for a full explanation and more examples). Interestingly, *Webster’s* does agree with *Chicago* in its preference for "brussels sprouts" and "venetian blinds." These differences once again remind us why it is important to choose a reputable reference work, consult it regularly, and use it consistently.

Organizations, Groups, and Other Entities

To refer to "the town’s chamber of commerce," as we do in sentence 4 of the opening exercise, is to use a generic label. On the other hand, to refer to "the Buckville Chamber of Commerce" is to call the organization by its individual name, its proper name. Likewise, to say "the Ravenwood Historical Society" is to use the official name of the particular organization. To say "the historical society in the Ravenwood community" is to speak of the society in the generic sense. The former is capitalized; the latter, lowercased.

We capitalize the formal names of specific entities because they are proper nouns:

- the Society for the Advancement of Grammatically Correct E-Mail Communications
- the Grand Strand Area Transportation Council
- the Chrysler Corporation
- the Consortium for Language Learning
- the Los Angeles School for the Deaf
- the National Assistive Technology Advisory Board

To grasp the distinction here, we need only to think about whether we are referring to a specific, named person, place, or thing or whether we are using a generic description. Formal names such as those above are quite different from nonspecific labels: "the steering committee," "the regional advisory committee," "the consortium," "the county school for the deaf," "the assistive technology advisory board," "the planning committee," "the subcommittee," the word *school* in "Sunday school," and so on. In sentence 5 of the opening exercise, the first instance of the word *university* is not capitalized because it is used as a common noun—that is, in its generic sense. The second two occurrences of the word in sentence 5, however, are part of proper nouns and are appropriately capitalized.

The following chart may help clarify the distinction between proper and common nouns and adjectives:

<table>
<thead>
<tr>
<th>PROPER NOUN OR ADJECTIVE USAGE</th>
<th>COMMON NOUN OR ADJECTIVE USAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ohio University</td>
<td>an Ohio university, a university in Ohio</td>
</tr>
<tr>
<td>Aiken High School</td>
<td>a high school in Aiken, one of Aiken’s high schools</td>
</tr>
<tr>
<td>Stamford Charter School</td>
<td>a charter school in Stamford</td>
</tr>
<tr>
<td>the Barnard College Board of Trustees</td>
<td>the board of trustees of Barnard College</td>
</tr>
<tr>
<td>Regional Education Centers Committee</td>
<td>the regional education center advisory boards</td>
</tr>
<tr>
<td>the American Evangelical Lutheran Church</td>
<td>the Lutheran church in Wabash</td>
</tr>
</tbody>
</table>
the Battle of Kings Mountain
the Eastern Hemisphere, Eastern Rumelia
Washington State, New York State
the Junior League Spring Fling
the Winter Snowman Run
the Bachelor of Arts
the Master of Arts

the battle fought on Kings Mountain, the Kings Mountain battle
the eastern bluebird, eastern Ohio, eastern Europe
the state of Washington, the state of New York
the spring semester
the winter clearance sale, a winter clearance sale
a bachelor’s degree, a bachelor’s in music
a master of arts degree, a master’s degree in education

Acronyms

The term “acronym,” in its strictest usage, refers to a type of abbreviation formed from the initial letters or the major parts of a compound term and pronounced as a single word—for example, CENTCOM (United States Central Command), DHEC (Department of Health and Environmental Control), HAZMAT (hazardous material), NATO (North Atlantic Treaty Organization), and NOAA (National Oceanic and Atmospheric Administration).

Another type of abbreviation very commonly called an acronym is more strictly an “initialism”: an abbreviation formed from the initial letters of a compound term and pronounced as a series of letters—CDC (Centers for Disease Control), FBI (Federal Bureau of Investigation), OMB (Office of Management and Budget), and so on.

Many writers are under the false impression that all the words represented by the letters in initialisms—or acronyms—should be capitalized simply because the acronym itself is rendered in capital letters. That is, they wrongly believe that simply because a particular phrase is commonly represented by an acronym, the phrase itself is a proper name and therefore must be capitalized.

The fact is, of course, that the letters in some acronyms certainly do stand for proper names: NBA would be rendered as “National Basketball Association,” GM as “General Motors,” MSC as “Montessori School of Columbia,” and so on. However, it is also a fact that many acronyms do not stand for proper nouns and thus are never to be capitalized to be in their written-out forms. The acronym ATM, for example, is rendered as “automatic teller machine,” CD as “compact disc” or “certificate of deposit,” PI as “private investigator,” APB as “all-points bulletin,” UHF as “ultra-high frequency,” and so on. Likewise, in sentence 3 in the opening exercise, the phrase “frequently asked questions” in the write-out for the acronym FAQ should not be capitalized.

And one final note: it is also true that even some acronyms themselves are not capitalized: mph (“miles per hour”), rpm (“revolutions per minute”), and cc (“cubic centimeter”), for example.

Test Yourself

Which lowercased words in the following sentences need to be capitalized? Which capitalized words should be lowercased?

1. Cleveland Davis has been appointed Chairperson of the Grand Strand Area Transportation Council.
2. A revised School District dress code will be implemented with the start of a new academic year.
3. The Department hopes to hire a new Administrative Assistant in January and an Assistant Professor of English to start teaching in the Fall semester.
4. During September, the State Department of Education conducted eight Regional Workshops for K–12 School Counselors.
5. Each November, employees are asked to make decisions about their Benefits Plan in consultation with Jane Doe, the Director of the company’s Employee Benefits Program.
Answers

1. Cleveland Davis has been appointed chairperson of the Grand Strand Area Transportation Council.

2. A revised school district dress code will be implemented with the start of a new academic year.

3. The department hopes to hire a new administrative assistant in January and an assistant professor of English to start teaching in the fall semester.

4. During September, the State Department of Education conducted eight regional workshops for K–12 school counselors.

5. Each November, employees are asked to make decisions about their benefits plan in consultation with Jane Doe, the director of the employee benefits program. [All of these boldfaced words are used in their generic sense. If we had written, instead, “in consultation with Director Jane Doe,” her title would correctly be capitalized. And if we had referred to the actual title of her office, as in “Director Jane Doe of the Office of Personnel Benefits,” then those words should be capitalized as well.]

Six Questions for Every State Judicial Educator
by Sam Van Pelt

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Six Questions for Every State Judicial Educator

by Sam Van Pelt

Although there are many unanswered questions in judicial education, six basic questions must be answered by each state judicial education program to ensure its effectiveness and continuation.

I. Should the American Bar Association or Similar Standards on Judicial Education Be Adopted?

The adoption of the ABA or similar standards may answer the five remaining questions. Each educator should first determine if any standards exist in his or her jurisdiction and the extent to which the ABA standards have been adopted either expressly or in practice. Each educator or NASJE should collectively analyze the ABA standards to determine whether they were rationally considered and adopted, as well as the extent to which they meet today's educational needs.

II. Should Judicial Education Be Mandatory or Voluntary?

Before implementing any programs, the question of mandatory versus voluntary education must be considered. It will affect decisions on such subquestions as whether all classes of judges should be educated together or separately, the depth and level of training, and whether certain judges should be targeted for additional education.

If training is to be mandatory, should only minimum requirements be mandated for all judges, or should additional requirements be mandated for less-competent judges? Classification of judges for additional education will be strongly resisted by most judges and by all those determined to be in need of the same. This is interrelated with the problem of evaluating the effectiveness of training, discussed under question VI.

If any training is to be mandatory, compliance and enforcement must be considered. This can be achieved either by an honor system, by various levels of attendance taking, or by testing. Attendance taking or testing will be resented by many judges, particularly if implemented by nonjudge court administrator staff. Compliance and enforcement might be better accepted from fellow judges, especially from higher level appellate judges.

III. What Entities or Combination Thereof Should Have the Ultimate Authority over Judicial Education?

Judicial education throughout the country is usually under the control of the state supreme court, the state court administrator, a judicial institute, or education committee consisting of a representative board of directors, the state bar association, local law schools, judges' associations, individual judges with no outside assistance, or a combination of the above. In most states, it is under the control of the supreme court and the state court administrator. However, the larger and more successful programs are more independent and removed from the state supreme court.

The SJI-funded Judicial Education Network has completed a survey of the structure of judicial education throughout the country. The information should be helpful in analyzing trends as well as the type of structure used in the states that have the more effective judicial education programs. (Information from the survey may be obtained by writing Geoff Callas at the National Center for State Courts, 300 Newport Ave., Williamsburg, VA 23187-8798.) Any change from one structure to another may be resisted for political reasons, as persons and organizations presently having authority over judicial education may resent and oppose relinquishing or losing control.

IV. Should Judicial Education Programs Be Presented by Local Faculty, by Packaged Programs Purchased from Outside Individuals or National Providers, by Sending Judges out of State to National Provider Programs, or by a Combination of These?

The answer to this question will be influenced by economic and budgetary considerations. Few states can afford to send all judges to nation provider programs for education needs. The success of local programs depends upon the willingness of local judges to take time from their dockets to assume responsibility for program organization and presentation, as well as ongoing faculty development.

V. If Out-of-State Training Is to Be Utilized, Should Everyone Be Allowed to Attend as Often as They Wish, or Should Some Priority Be Established?

Unless a jurisdiction has an unlimited judicial education budget, some prioritization will be needed for out-of-state training. Most jurisdictions give first priority to new judges. Thereafter, priority is often given to judges who have been less-frequent attenders. Priority might be given to the best communicators, requiring them to impart the knowledge gained to other judges upon their return.

Priority might also be given to judges who are in special need of education, as previously discussed under question II. If priority is to be given to such judges, great care must be given in making that determination to minimize resentment and embarrassment. Possibilities would continue on page ten

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Six questions, continued

include testing, bar associations, polls, peer reviews, election results, appellate affirmance and reversal rates, or a combination of the above.

VI. How Should the Effectiveness of Training Be Evaluated?

The goal of all judicial education should be more competent and self-satisfied judges, thereby enhancing the quality of justice delivered to the citizenry, within reasonable budgetary limitations. Therefore, both cost and substantive effectiveness must be monitored and assessed. The same criteria used in evaluating those judges who are in need of additional education should be considered in determining effectiveness of all educational programs. Evaluation forms should be completed by all judges attending all types of training. NASJE has published a survey of evaluation forms, which should be helpful to all educators.

The above questions and subquestions warrant very careful thought, not only by judicial educators but also by those persons and political entities having the ultimate authority over judicial education. ■
Hey, What’s New in Managing Change? Part 1 of 2
by Dr. Rob Snyder, Executive Director of the Metropolitan Education and Training Center in Burlington, Kentucky

Every couple of years, Prosci Research (of Loveland, CO, www.change-management.com) conducts a major study of best practices in managing organizational change. There are usually several hundred companies from dozens of countries that participate. Actually, 426 companies (42% from the U.S.) and 59 countries were represented this time around. The results are always interesting, and yet never surprising. It’s clear that: 1) “worst practices” are readily and reliably identified, and 2) those worst practices continue to be readily and reliably implemented. Bottom line: We know what not to do, but we keep doing it.

Here’s an example: The No. 1 method for dealing with resistance to change? Same old, same old: Ignoring it and expecting it to go away on its own. But, that tactic runs hand-in-hand with some other, old “reliables.” Included here would be not working hard enough to understand the real concerns of resisters, not getting input from those affected until everything is pretty well cast in stone, and the ever-popular, “hiding behind” the knowledge that the change is the right thing to do whether people accept it or not.

Furthermore, it’s comforting to know that change is still least likely to be successful in organizations where:

- trust in management is low and interdepartmental communication is weak, and
- there is a history of unsuccessful change efforts in the past.

At the other end of the continuum, there hasn’t been much change in best practices either. The big four continue to be:

1. Sponsorship by well-regarded senior executives, who visibly and consistently support the change. No mixed signals (like, “the change is a priority but so is quarterly revenue growth and reducing absenteeism”) allowed. As always, these sponsors need to be knowledgeable about the change, model it, and keep reminding people – through direct communications – how the change fits with the company’s vision and mission.

2. Frequent, open, TWO-WAY communication with an emphasis on exactly how the organization AND specific groups AND specific individuals will be affected AND on the cost of not changing.

3. Dedicated resources and staff.

4. Meaningful employee/customer participation in all phases of the change.

Here’s the major newcomer:

5. Among the most successful organizational change projects, the percentage that use a formal, step-wise change management model to plan the change and to orchestrate individual activities increased from 34% to 58% over the last five years. (John Kotter’s Eight Steps to Successful Change would be an example of such a model. Part 2 of this article will provide more information about this.)

Here are some other assorted Prosci findings:

Best performance by an obstacle – and the nominees are:

- Conflict of interest by participating managers (i.e., their performance goals are not aligned with the goals of the change undertaken).

- Competition for resources between the planned change and other important projects.
Key sponsor leaves or is replaced – or catches a bad case of wavering commitment.

Senior management dumps the project on the change management team and then disappears.

"Change saturation," or employees being simply worn out by dealing with so many changes. Best two practices for dealing with saturation: (1) Eliminate as many lower priority projects as possible, and (2) "chunk" the change project into segments or phases so that people can see/feel that something is "done" – meaning completed.

UNCOMMON practices of (various) organizations with a great track record of successful changes:

- Create a permanent change management team, with rolling terms of office.
- Develop change management as an organizational core competency.
- Organize recurring programs that study successful and unsuccessful changes in other companies.
- Use a common model for all major changes throughout the organization.
- Have a line item in the budget every year to support change projects.
- Create a "change climate," in which change is seen as the norm, not as a temporal project.

Most often overlooked/underused tactic for finding out what people are really thinking:

- Implementation of a secure, confidential means for employees to provide anonymous input.