

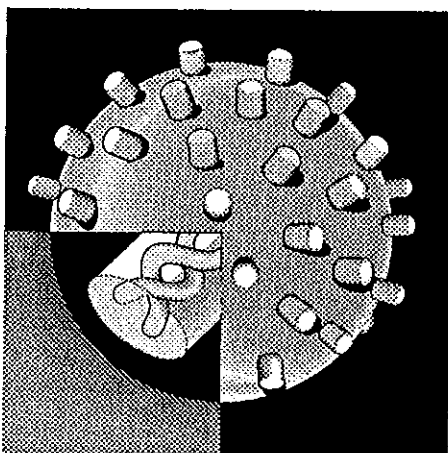
## *Enlisting Judges in the AIDS Battle*

### AIDS conference meets in Miami

by Michael W. Runner

Using colorful slides and graphics, the medical experts developed a grim picture. Some 90,000 confirmed cases of full-blown AIDS have been reported to the Centers for Disease Control. In 60 percent of these cases, the person with AIDS is dead. Reported AIDS cases, however, represent only the tip of the iceberg. Another one to one-and-one-half million persons nationwide are infected with the human immunodeficiency virus (HIV), and most of them will develop AIDS within 10 to 12 years barring significant medical developments. Garnering the audience's attention, the experts moved on to describe the virus, the ways in which it is and is not transmitted, and the uses and limitations of antibody testing.

At the end of this three-hour "AIDS 101 course," the listeners broke into small-group workshops to apply their newfound medical knowledge to specific problems in the context of civil, criminal, family, and juvenile law. Much of the discussion quickly returned to such questions as: "What are the chances of catching AIDS from a bite?" "How can I be certain jurors and others in the courtroom are protected?" "Shouldn't we just isolate those infected groups who can't control themselves?" "What are we going to do about people who intentionally spread the virus?" And the inquiries focused heavily on the presumed solution: "Shouldn't we simply test everyone so we know who's got it?" Someone added, "No



Artist's drawing of the AIDS virus with cut-away view showing genetic material.

one ever raised a civil rights argument in connection with the TB test." Thus, this group of judicial leaders demonstrated that when it comes to learning about AIDS, they face the same hurdles that must be overcome by the public at large.

In the final hours of a long day, the participants received a large dose of AIDS reality. Three people with AIDS spoke nervously, honestly, and painfully about their experiences in and out of the court system. They had contracted AIDS in different ways and they related different experiences, but their common theme was the struggle to continue living as normally as possible. And among the many reactions in the silent audience were empathy and compassion.

National Conference on AIDS and the Courts. Selected judges, judicial educators, court administrators, and legal and health professionals gathered in Miami for the "National Conference on AIDS and the Courts" on April 1-5, 1989. Some 200 of the 280 participants in this pioneering effort were judges. The National Institute of Justice (NIJ) and  
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### *Conference reminder*

The 1989 NASJE annual conference will be held October 8-11 in Seattle, Washington. Complete registration packets will be mailed in early August; registration fees are \$175 in advance and \$185 at the meeting. If you need more information, contact the Washington State Judicial Education staff.

Carol, Judith, Maureen, or Ann may be reached at (206) 753-3365.

In conjunction with the annual meeting, there will be a technical assistance workshop for experienced judicial educators held October 7-8. For more information, contact Ellen Marshal at (301) 974-2353. ■

## President's Column

Rita Stratton



I am pleased to announce funding by the State Justice Institute of three state judicial education technical assistance grants. The three projects embody a partnership between higher education, particularly members of adult and continuing education, and state judicial education. The projects link continuing professional education, judicial education, technical assistance resources, and leadership training between NASJE, Michigan State University, the University of Georgia, Memphis State University, and the Women Judges' Fund for Justice.

NASJE is coapplicant of two of the SJI grant awards. One project is cosponsored with Michigan State University's School of Criminal Justice and the other project is with the University of Georgia's Center for Professional Continuing Education. NASJE endorsed and coordinated with Memphis State University and the Women Judges' Fund for Justice on the third project.

A panel of nine, appointed by the NASJE president, will oversee all three projects. The panel will include five state judicial educators, a state court administrator, and three other members who may be representatives of national judicial education membership organizations possessing a strong

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# The Judicial Institute of Maryland

Maryland. One of the original thirteen colonies. The site of Fort McHenry, inspiration for Francis Scott Key's "The Star Spangled Banner." Locus for Chesapeake Bay. Famous for watermen, seafood, and waterfowl. Renewed with Baltimore's outstanding harbor. Noted for agriculture, tobacco, horses, and the Preakness. Renowned for educational centers, the University of Maryland, Johns Hopkins, St. John's, and the United States Naval Academy.

Directly across from the Naval Academy, within a mile of the Annapolis docks, next door to the Maryland Court of Appeals, the Judicial Institute of Maryland resides in the Department of Natural Resources building, nestled within flora and fauna gardens indigenous to Maryland.

The Institute is itself noted for many things. Laudable projects and programs worthy of mention include faculty development programs; a videotape lending library in excess of 235 titles; satellite training in cooperation with the ALI-ABA network; orientation and mentor programs for newly appointed jurists; cooperative interstate seminar projects with such states as Pennsylvania, Delaware, and New Jersey occurring some five times in recent years; systematic and advanced planning for upcoming calendar years; special projects, including their "Gender Bias in the Courts," for which a report has been published; and continuing involvement on a national basis with the National Association of State Judicial Educators.

What is the Judicial Institute of Maryland, and whence did it come? Although there was some educa-

tional precedent for decades with a statewide judicial conference, sometimes held in concert with the bar association, and a predecessor "Committee on Education and Training" from 1975 to 1980, the Institute was officially established by administrative order of Chief Judge Robert C. Murphy in August 1981. Located within the administrative office of the courts where James H. Norris, Jr., serves as the director, the Institute is governed by an 11-person board of directors chaired by the Honorable Lawrence F. Rodowsky. Staffed by a modest cadre of four persons (one director, one associate director, one A-V specialist and one secretary), Ellen Marshall directs the Judicial Institute. Ellen served in the educational unit of the AOC before the opening of the office in 1981.

The Institute sponsors more than 20 programs per year. While it does not currently include nonjudges in its universe, there are approximately 300 appellate, general jurisdiction, limited jurisdiction, orphans court judges, and juvenile masters in the state who benefit from the educational opportunities offered by the Institute. The budget for the program, exclusive of salaries, is less than \$100,000. Participants are not charged registration fees, and travel and subsistence for state judges is covered.

Ellen Marshall reports that she is particularly proud of the Institute staff and how, in less than eight years, the program has blossomed and is in a healthy state of growth.

With the resources of the state, the Institute is blessed with a wealth

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# COMPETENCY-BASED EDUCATION: Are We Ready?

by Betty Ann Johnson

**H**ow does competency-based education differ from more traditional forms of educational programming? What benefits and risks would ensue if we were to commit to competency-based education? What are the implications for judicial educators?

We may be closer than we realize. We already define behavioral objectives; we present and evaluate learner-centered programs, all factors in competency-based education. So what is different? Competency-based education differs in that it requires the student to demonstrate a defined level of competence in specific knowledge, skills, and abilities as an integral part of the curriculum.

The push for competency-based training historically came from employers who were increasingly dissatisfied with the inability of education to produce hard data about what students had accomplished before graduation and thus found it difficult to assess employee performance. In response to this demand, educators began to develop competency-based education. Although it was most closely associated with technical and vocational training at first, its umbrella now covers a wide spectrum of disciplines and broad categories of curricula at all educational levels.

**Competency Definitions.** The hallmark of competency-based education is considered by many to be the definition of educational goals, or competencies, in clear, behavioral terms. Competency statements may take different forms. Yet the common denominator is that the competencies reflect what is required for effective performance. The challenge for competency-based education is to focus on the ability of the curriculum to prepare its participants to perform. Ideally, compe-

tency statements closely tie the competence to the assessment, which is a unique element of competency-based education.

**Assessment and Evaluation.** For purposes of this article, the author uses the terms *assessment* to identify the process by which a student demonstrates mastery of a particular competence and *evaluation* as a process of measuring the outcomes of an education program. Both are critical factors in competency-based education.

Any number of assessment techniques can determine the extent to which a student has mastered a defined competency, but the assess-

ment must be appropriate to the required knowledge, skills, and abilities and relevant to applying the competency in the work setting. Self-assessment and peer-assessment give effective feedback to the student. Critical incidents, simulations, role plays, written journals, and interviews, as well as traditional essays or objective tests, have all been used to good effect. Assessment techniques are included in the curriculum design.

Evaluation of a competency-based program should go beyond student assessment, although that is the most obvious way to measure student achievement. "All of the

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## The Minnesota Experience

**U**nder the sponsorship of the Minnesota Permanent Families Task Force and Supreme Court Continuing Education, an 18-month project to design a model competency-based training program for nonattorney guardians ad litem and court-appointed special advocates is in the advanced stages of development. The project, initially designed to meet the needs of the rapidly growing child advocate community in Minnesota, has expanded into a national demonstration program with replication sites in North Carolina, Ohio, and California. Pilot training has been completed at each of these sites, and the national advisory board is discussing options for dissemination of the program to all 50 states.

In the initial phase of the project, 11 competencies ranging from court process to cultural awareness were identified

through surveys and interviews with attorneys, judges, social workers, and guardians ad litem. Curriculum specific to the knowledge, skills, and abilities required for each competency was designed and appropriate assessment processes prescribed. Materials include trainer and trainee manuals that local jurisdictions can easily modify to be state- and program-specific. The program has already earned a positive response even as development continues. Project evaluation and a final report will be completed later.

The project was initially funded through a permanency planning grant from the National Council of Juvenile and Family Court Judges. Subsequent grants from the Edna McConnell Clark Foundation and the Minnesota IOLTA Board assured completion of the project in June 1989. ■

# SJI Applications Approved for Funding

*In July, the State Justice Institute announced its intent to approve the funding applications listed below.*

- |  |  |  |   |
|--|--|--|---|
| <p>Brandeis University: <i>Troubled Families, Troubled Judges - A Humanities Program Addressing Judicial Stress</i></p> <p>National Judicial College: <i>Judicial Settlement: Development of a New Course Module and Instructional Guide</i></p> <p>Michigan Judicial Institute: <i>Minding the Courts into the 21st Century</i></p> <p>National Judicial College: <i>The National Judicial College's Legal Institute for Special and Limited Jurisdiction Judges</i></p> <p>Institute of Judicial Administration, Inc.: <i>Dispute Resolution and the Appellate Courts</i></p> <p>The Sentencing Project: <i>Development of a Training Approach, Curriculum and Materials to Improve the Judicial Decision-making Process</i></p> <p>Michigan State University/NASJE: <i>The Judicial Education Research Reference Information and Technical Transfer Project (JERRIT)</i></p> <p>Memphis State University: <i>Leadership Institute for Judicial Education</i></p> <p>North Dakota Supreme Court: <i>New Judge Orientation Program</i></p> <p>National Council of Juvenile and Family Court Judges: <i>Computer-assisted Training on Evidentiary Problems for Juvenile and Family Courts</i></p> <p>Supreme Court of Vermont: <i>A Vermont Trial Court Training Project for Non-Judicial Training</i></p> <p>American Judicature Society: <i>Pre-Bench Training for State Court Judges</i></p> <p>National Council of Juvenile and Family Court Judges: <i>Building Effective Responses Together</i></p> <p>University of Georgia: <i>The Continuing Professional Education Technical Assistance Project for State Judiciary Education</i></p> <p>Hawaii Supreme Court: <i>Hawaii Judicial Education Project</i></p> <p>American Bar Association: <i>Judicial Ethics and Public Regard: A Project to Revise the Model Code of Judicial Conduct</i></p> <p>National Judicial College: <i>Judicial Education Resource Base</i></p> <p>Drake University School of Law: <i>Dispute Resolution Resource Center</i></p> <p>North Dakota Supreme Court: <i>North Dakota Judicial Institute</i></p> | <p>Center for Policy Research: <i>Alternatives to Court Hearings in Child Abuse and Neglect Cases</i></p> <p>New Jersey Administrative Office of the Courts: <i>An Analysis of the Civil Settlement Process</i></p> <p>National Center for State Courts: <i>Multi-State Assessment of Divorce Mediation and Traditional Court Processing</i></p> <p>Massachusetts Trial Court: <i>Court Sponsored Case Evaluation: A Strategy for Cost Containment</i></p> <p>Center for Policy Research: <i>An Evaluation of the Use of Mandatory Divorce Mediation</i></p> <p>Minnesota Citizens Council on Crime and Justice: <i>A Cross-Site Analysis of Victim Offender Mediation: How Does it Affect Participants?</i></p> <p>University of Hawaii at Manoa: <i>Future Demo Changes and Culturally-Appropriate ADR Procedures for the Judiciary of Hawaii</i></p> <p>National Center for State Courts: <i>The Future of the State Courts: Legislative-Judicial Partnership</i></p> <p>Orange County Superior Court: <i>Evaluation of Optical Disc Document-Image Processing System</i></p> <p>National Center for State Courts: <i>Facsimile Transmission of Court Documents: A Feasibility Study</i></p> <p>National Center for State Courts: <i>Court Technology Bulletin (CTB) &amp; Technical Information Service (TIS)</i></p> <p>Mediation Network of North Carolina, Inc.: <i>Evaluation of Mediation Programs in North Carolina</i></p> <p>Washington State Office of the Administrator for the Courts: <i>Integration of Bar Coding with an Existing Automated Case Management System</i></p> <p>National Center for State Courts: <i>Court Technology Laboratory</i></p> <p>National Center for Juvenile Justice: <i>Technical Assistance: Integrated Management Information in Courts of Juvenile and Family Jurisdiction</i></p> <p>National Center for State Courts: <i>Civil Discovery in State Trial Courts</i></p> <p>North Carolina Administrative Office of the Courts: <i>A Proposal to Determine the Additional Costs Imposed on the North Carolina Criminal Justice System by the Death Penalty</i></p> | <p>National Center for State Courts: <i>Fines, Fees, Costs Restitution Collection Demonstration Project</i></p> <p>Center for Policy Research: <i>Visitation Enforcement Programs: Impact on Access and Child Support Payment</i></p> <p>American Bar Association: <i>Parental Substance Abuse: Helping Courts Protect Children</i></p> <p>National Council of Juvenile and Family Court Judges: <i>Judicial Response to Alcohol and Drug Problems Regional Training Project</i></p> <p>American Bar Association: <i>Substance Abuse: Enhancing the Courts' Ability to Respond</i></p> <p>Florida State Court Systems: <i>Guardianship for Disabled Adults: Development, Testing, and Dissemination of Modular and Video Materials</i></p> <p>American Bar Association: <i>Monitoring and Enforcing Guardianship Orders: Current Practices and Recommended Reforms</i></p> <p>National Center for State Courts: <i>National Symposium on Justice-Mental Health Systems Interactions</i></p> <p>National Judicial College, American Bar Association: <i>The National Conference of the Judiciary on the Court-related Needs of the Elderly</i></p> <p>Utah Judicial Council: <i>Inside the Bench and the Bar - The Shaping of Public Policy in Utah's Justice System</i></p> <p>American Bar Association: <i>Understanding the Courts: A Public Education Videotape Project</i></p> <p>Thurston County (WA) Superior Court: <i>Developing a Video and Brochure to Educate Divorcing Parents as to the Needs of Children</i></p> <p>Minnesota Supreme Court: <i>A Statewide Program for Improving Media and Judicial Relations</i></p> <p>Arkansas Judicial Department: <i>Judicial Assistance/Multi-Media Project for Public Education in and About Arkansas Courts</i></p> <p>National Sheriffs' Association: <i>Court Security Clearinghouse and Technical Assistance Project</i></p> <p>Institute for Economic and Policy Studies, Inc.: <i>Factors that Motivate Litigants to Select Federal or State Courts in Concurrent Jurisdiction Cases</i></p> | <p>Cleveland State University: <i>The Impact of State Court 1983 Litigation on State and Federal Courts</i></p> <p>Office of the District Courts, Harris County, Texas: <i>Bail Classification Profile Projects</i></p> <p>Supreme Court of Vermont: <i>A Proposal for Statewide Computerization in Vermont's District Court</i></p> <p>Arkansas Administrative Office of the Courts: <i>Evaluating the Use of Videotape for Making the Record in Jefferson County, Arkansas</i></p> <p>Superior Court of Arizona: <i>Maricopa County Superior Court Document Paperflow Review</i></p> <p>National Center for State Courts: <i>Indigent Defense and Criminal Case Processing</i></p> <p>National Center for State Courts: <i>Managing Notorious Cases</i></p> <p>National District Attorney Association: <i>Revision of National Prosecution Standards</i></p> <p>Gonzaga University: <i>Sanctions for Frivolous Claims, Defenses and Motions: An Empirical Study</i></p> <p>University of Virginia School of Law: <i>Graduate Program for Judges</i></p> <p>Office of the District Attorney, City and County of San Francisco: <i>The Judicial Response to Domestic Violence Project</i></p> <p>Youth Law Center: <i>Innovative Family/Juvenile Court Training Project</i></p> <p>National Center for State Courts: <i>An Education Program for State Trial Judges</i></p> <p>Women Judges' Fund for Justice: <i>Minimizing Gender Bias in the State Courts</i></p> <p>University of Nevada-Reno: <i>The Master of Judicial Studies Scholarship Program</i></p> <p>National Judicial College: <i>Faculty Development Workshops: Training Faculty for National and State Judicial Education Programs</i></p> <p>National Association of Attorneys General: <i>State Constitution Law Developments Clearinghouse</i></p> <p>American Bar Association: <i>Alternative Dispute Resolution State Court Support Program</i></p> <p>National Center for State Courts: <i>State Court Expenditures and Staffing</i></p> <p>Maine Administrative Office of the Courts: <i>Superior Court Law Clerk Automation Project</i></p> |
|--|--|--|---|

# State Justice Institute Publishes Proposed Strategy for Funding Judicial Education

The State Justice Institute (SJI) has published, for public comment, a proposed strategy for allocating funds to support education and training for judges and court personnel. Published in the *Federal Register* on May 12, 1989, the proposal sets forth annual funding targets, beginning with Fiscal Year 1990, in five specific categories, which the strategy describes in detail.

The strategy is premised on the SJI's statutory mission and prior experience in funding judicial education projects. In defining SJI's desired role in judicial education, the board of directors emphasizes that the purpose of the strategy is not to draw a blueprint for the future of judicial education, but rather "to provide financial assistance to the States and other organizations providing quality education for judicial personnel; promote cooperation and collaboration among all judicial education providers; and stimulate new ideas and new programs in the field of judicial education." To implement these goals, the Institute will:

- (1) Promote the sharing and exchange of products, information, and ideas between and among the states and national providers;
- (2) Document what is effective and ineffective by demonstration and evaluation;
- (3) Assure that judges and court personnel are trained in the areas most important to them, as identified by the Guideline's Special Interest categories or otherwise; and
- (4) Support the development and use of educational techniques

that assure that what is taught will be learned and applied.

If SJI's appropriation for FY 1990 remains at the same level as FY 1988 and 1989 (\$10.98 million), it is anticipated that approximately \$9.8 million would be available for grant awards. The proposed strategy would allow for the allocation of up to \$3,350,000 (approximately one-third of available grant funds) for the support of judicial education programs in FY 1990. That amount would be distributed among five targeted funding areas as follows:

Ongoing Programs of Proven Merit	\$	750,000
State Initiatives		750,000
National/Regional Training Programs		750,000
Technical Assistance		600,000
Conferences		500,000
Total	\$	3,350,000

**State Initiatives.** In FY 1987 and 1988, a relatively small percentage of education and training projects funded by SJI were sponsored by state courts. In FY 1989, however, the Institute received a substantially larger number of state-based concept papers, and a high proportion of those states submitting papers were invited to submit formal applications.

The Institute expects to attract more concept papers and applications annually from the state courts and other units of state government and to award a greater number of grants for the training of state court judges and court personnel in the future. In order to encourage more proposals from the states, the board of directors has included in the proposed judicial education strategy a specific funding category "State Initiatives." As noted above, the strategy would allocate up to

\$750,000 (approximately 22 percent) of the \$3,350,000 available for judicial education in FY 1990 for the funding of state-based training.

State initiatives would include support for state-based training projects developed or endorsed by the state courts for the benefit of judges and other court personnel in a particular state. Funding would not include support for training programs conducted by national providers of judicial education, unless such a program were designed specifically for a particular state and had the express support of the state chief justice, state court administrator, or state judicial educator.

The kinds of state initiatives eligible for SJI support would be defined by individual state's needs but could include the development of state-determined standards for judicial education; the preparation of state plans for judicial education, including model plans for career-long education for the judiciary (e.g., new judge training and orientation followed by continuing education and career development); seed money for the creation of an ongoing state-based entity for planning, developing, and administering judicial education programs; the development of a pre-bench orientation program and other training for new judges; the development of benchbooks and other educational materials; and the establishment of innovative continuing education and career development programs, including training that brings teams of judges, court managers, and other court personnel together to address topics of mutual interest and concern.

The strategy also outlines another means for direct support of state judicial education programs through

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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, each individual judge 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 Gallas 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 national 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 need to be established 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

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Excerpts from the

# Master Calendar

From the National Center for State Courts

NASJE News Vol. 4, No. 3, Summer 1989

August 20-23 Seattle, WA  
**Courts and the Public**  
Institute for Court Management

August 20-23 Stateline, NV  
**Appellate Judges Seminar**  
American Bar Association  
For more information, contact Renee Prestipino,  
(312) 988-5696.

\*August 20-25 Reno, NV  
**Developing a Court Information System (Advanced Computers)**  
The National Judicial College

August 21-25 Colorado Springs, CO  
**Domestic Relations**  
American Academy of Judicial Education

August 27-September 1 Denver, CO  
**Building a Microcomputer-based Case Management System**  
Institute for Court Management

\*August 27-September 1 Reno, NV  
**Dispute Resolution**  
The National Judicial College

\*August 27-September 1 Reno, NV  
**Introduction to Personal Computers in Courts**  
The National Judicial College

\*August 27-September 1 Reno, NV  
**Managing the Complex Case**  
The National Judicial College

September 8-9 San Francisco, CA  
**Affordable Legal Services: California's Nonlawyer Solution**

HALT—An Organization of Americans for Legal Reform

For more information, call (202) 347-9600.

\*September 10-15 Reno, NV  
**Administrative Law: Management Problems of Chief Judges and Boards**  
The National Judicial College

\*September 10-22 Reno, NV  
**General Jurisdiction: Section I**  
The National Judicial College

September 11-15 New Orleans, LA  
**Personnel Administration**  
Institute for Court Management

September 14-16 Buffalo, NY  
**6th New York Conference on Dispute Resolution**  
BBB Dispute Settlement Center  
For more information, call (800) 828-5000.

September 17-20 Denver, CO  
**New Approaches to Case Management**  
Institute for Court Management

September 17-21 Philadelphia, PA  
**Appellate Judges Seminar**  
For more information, contact Renee Prestipino,  
(312) 988-5696.

\*Information has been changed or added since the last issue of the *Master Calendar*.

\*\*New course offering.

Many of the conferences listed in the *Master Calendar* are sponsored by these organizations:

ABA Judicial Administration Division  
**Appellate Judges' Conference**  
Sandra M. Roos, 750 N. Lake Shore Drive  
Chicago, IL 60611 (312) 988-5696

American Academy of Judicial Education  
2025 Eye Street, N.W., Suite 824  
Washington, DC 20006  
(202) 775-0083

Institute for Court Management of the  
National Center for State Courts  
Suite 402, 1331 17th Street  
Denver, CO 80202 (303) 293-3063

National Center for State Courts  
300 Newport Avenue  
Williamsburg, VA 23187-8798  
(804) 253-2000

National Council of Juvenile and  
Family Court Judges  
National College of Juvenile and Family Law  
P.O. Box 8970  
Reno, NV 89507 (702) 784-6012

National Judicial College  
University of Nevada  
Reno, NV 89557 (702) 784-6747



**National Center  
for State Courts**

300 Newport Avenue  
Williamsburg, VA 23187-8798  
(804) 253-2000

This calendar contains notices of seminars, meetings, institutes, and similar events of interest to the court community. Listings must be received by the 15th of the month preceding publication. Send all listings and corrections to Master Calendar Editor at the above address. The information in this calendar may be reprinted. Please specify the correct sponsoring organization and phone number.

- \*September 17-22 Reno, NV  
**Capital Cases and Felony Sentencing Problems**  
 The National Judicial College
- September 18-20 Philadelphia, PA  
**Designing and Delivering Effective Presentations for Court Personnel**  
 Institute for Court Management
- September 18-20 Chicago, IL  
**Victim-Witness Programs for Juvenile Courts**  
 Institute for Court Management
- September 22-24 Philadelphia, PA  
**Victim's Rights: Opportunities for Action**  
 National Victim Center  
 For more information, contact Betty Stevens,  
 (817) 877-3355.
- September 24-17 Denver, CO  
**Space, Facilities, and Effective Management**  
 Institute for Court Management
- \*September 24-29 Reno, NV  
**Evaluating Medical and Scientific Evidence**  
 The National Judicial College
- \*September 24-October 6 Reno, NV  
**General Jurisdiction: Section II**  
 The National Judicial College
- \*September 29-30 Cambridge, MA  
**Judicial Update**  
 The National Judicial College
- October 1-6 Durham, NH  
**Search and Seizure and Recent U.S. Supreme Court Criminal Procedure Cases; The Law of Hearsay**  
 American Academy of Judicial Education
- \*October 1-6 Reno, NV  
**Special Series III: Domestic Violence/Child Witness**  
 The National Judicial College
- October 4-7 San Francisco, CA  
**Management for Chief and Presiding Judges**  
 Institute for Court Management
- October 8-11 Seattle, WA  
**National Association of State Judicial Educators Annual Conference**  
 For more information, contact Carol Weaver  
 (206) 753-3365.
- October 12-13 Andover, MA  
**Northeastern Regional Conference**  
 For more information, contact the National Center for State Courts, (508) 470-1881.
- October 12-13 Williamsburg, VA  
**Southeastern Regional Conference**  
 For more information, contact the National Center for State Courts, (804) 253-2000.

- \*October 15-18 Washington, DC  
**Advanced Management: Executive Leadership in the Courts**  
 Institute for Court Management
- October 15-20 Nashville, TN  
**American Judges Association Annual Meeting**  
 For more information, contact Director of Secretariat Service, National Center for State Courts.
- October 15-20 Reno, NV  
**Evidence**  
 National College of Juvenile and Family Law
- October 15-27 Reno, NV  
**Fall College**  
 National College of Juvenile and Family Law
- October 18-22 Chicago, IL  
**National Conference of Metropolitan Court Judges Annual Meeting**  
 For more information, contact the National Center for State Courts.
- October 20-22 Reno, NV  
**Victim's Rights: Opportunities for Action**  
 National Victim Center  
 For more information, contact Betty Stevens,  
 (817) 877-3355.
- \*October 22-27 Boston, MA  
**AIDS and Other Tough Medical Cases**  
 The National Judicial College
- \*October 22-27 Chicago, IL  
**Managing Human Resources**  
 Institute for Court Management
- October 22-27 Reno, NV  
**Family Law**  
 National College of Juvenile and Family Law
- October 26-27 Kansas City, MO  
**Midwestern Regional Conference**  
 For more information, contact the National Center for State Courts, (804) 253-2000.
- \*October 29-November 1 Ft. Lauderdale, FL  
**Second National Conference on Drugs and Crime**  
 National Association of State Alcohol and Drug Abuse Directors, National Consortium of TASC Programs, Bureau of Justice Assistance  
 For more information, contact Nancy Clark,  
 (202) 783-6868.
- \*October 29-November 3 Reno, NV  
**Administrative Law: Advanced**  
 The National Judicial College
- \*October 29-November 3 Boston, MA  
**Constitutional Criminal Procedure**  
 The National Judicial College

\*Information has been changed or added since the last issue of the *Master Calendar*.

\*\*New course offering.



October 29-November 3 Atlanta, GA  
**Records Management**  
Institute for Court Management

\*October 29-November 10 Reno, NV  
**Administrative Law: Fair Hearing**  
The National Judicial College

October 31-November 3 San Antonio, TX  
**"Punishment or Payback?" Emerging Perspectives on the Criminal Justice Reform for the 1990s**  
American Restitution Association, National Community Sentencing Association, Restitution Educating Specialized Training and Technical Association  
For more information, call Dottie Brennan, (408) 995-6555.

October 31-November 5 Santa Fe, NM  
**Council of Chief Judges of Courts of Appeal Annual Seminar**  
American Bar Association  
For more information, contact Renee Prestipino, (312) 988-5696.

\*November 2-3 San Francisco, CA  
**Western Regional Conference**  
For more information, contact the National Center for State Courts, (415) 557-1515.

\*November 3-4 Boston, MA  
**How Judges and Other Court Employers Can Protect Themselves from Employment Discrimination Cases**  
National Judicial College

November 5-8 San Francisco, CA  
**Alternative Dispute Resolution**  
Institute for Court Management

\*November 5-10 Reno, NV  
**Advanced Evidence**  
The National Judicial College

\*November 5-10 Williamsburg, VA  
**Special Problems in Criminal Evidence**  
The National Judicial College

November 5-10 San Antonio, TX  
**The Trial Judge—Common Problems and National Perspectives**  
American Academy of Judicial Education

November 8-11 San Diego, CA  
**Annual Fall Probate Seminar**  
National College of Probate Judges  
For more information, contact the National Center for State Courts.

November 10-13 Washington, DC  
**National Association of Women Judges Annual Meeting**  
For more information, contact Director of Secretariat Service, National Center for State Courts.

November 12-15 Tucson, AZ  
**Improving Interactions of the Justice and Mental Health Systems**  
Institute for Court Management

\*November 12-17 Williamsburg, VA  
**Case Management: Reducing Court Delay**  
The National Judicial College

November 12-17 Denver, CO  
**Caseload Management and Delay Reduction**  
Institute for Court Management

November 17-19 Milwaukee, WI  
**Victim's Rights: Opportunities for Action**  
National Victim Center  
For more information, contact Betty Stevens, (817) 877-3355.

\*November 26-December 1 Reno, NV  
**Alcohol and Drugs and the Courts**  
The National Judicial College

\*November 26-December 8 Reno, NV  
**Special Court - For Attorney Judges**  
The National Judicial College

\*November 26-December 8 Reno, NV  
**Special Court - For Non-Attorney Judges**  
The National Judicial College

November 28-December 1 Phoenix, AZ  
**Court Security Management**  
Institute for Court Management

\*December 2-8 Williamsburg, VA  
**Tax and Valuation Issues for Domestic Relations Judges**  
The National Judicial College

December 3-6 Phoenix, AZ  
**Managing Traffic-related Cases**  
Institute for Court Management

December 3-8 San Diego, CA  
**Juvenile Justice Management**  
Institute for Court Management

December 3-8 New Orleans, LA  
**Evidence**  
American Academy of Judicial Education

December 5-8 Tampa, FL  
**Courts and the Mentally Ill: Involuntary Civil Commitment Process**  
Institute for Court Management

\*December 7-9 Williamsburg, VA  
**Individual and Society**  
The National Judicial College

\*Information has been changed or added since the last issue of the *Master Calendar*.

\*\*New course offering.

December 10-13 Tampa, FL  
**Technologies in Data Collection and Database  
Management in the Courts**  
Institute for Court Management

## 1990

April 1-5 Jekyll Island, GA  
**Spring Probate Seminar**  
National College of Probate Judges  
For more information, contact the National Center for  
State Courts.

September 9-13 Phoenix, AZ  
**National Association for Court Management Annual  
Meeting**  
For more information, contact Director of Secretariat  
Service, National Center for State Courts.

October 4-8 Denver, CO  
**National Association of Women Judges Annual  
Meeting**  
For more information, contact Director of Secretariat  
Service, National Center for State Courts.

October 7-12 Charleston, SC  
**American Judges Association Annual Meeting**  
For more information, contact Director of Secretariat  
Services, National Center for State Courts.

November 11-15 Lake Buena Vista, FL  
**Annual Fall Probate Seminar**  
National College of Probate Judges  
For more information, contact the National Center for  
State Courts.

## 1991

March 17-21 San Francisco, CA  
**Spring Probate Seminar**  
National College of Probate Judges  
For more information, contact the National Center for  
State Courts.

August 18-23 Seattle, WA  
**American Judges Association Annual Meeting**  
For more information, contact Director of Secretariat  
Service, National Center for State Courts.

October 10-14 Chicago, IL  
**National Association of Women Judges Annual  
Meeting**  
For more information, contact Director of Secretariat  
Service, National Center for State Courts.

Please note these corrections  
to the State Judicial Educa-  
tors listings, which appeared in  
the spring issue of the *Master  
Calendar*.

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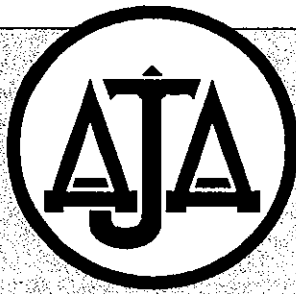
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Master Calendar Editor: Kim Swanson

\*Information has been changed or added since the last issue of the *Master Calendar*.

\*\*New course offering.



# AMERICAN JUDGES ASSOCIATION

## *Of Judges—By Judges—For Judges*

Jerome A. Gertner

The American Judges Association (AJA), which is celebrating its 30th anniversary in 1989, is the only organization that represents all levels of the judiciary in the United States, its territories and possessions, and Canada. AJA began as the National Municipal Judges Association, expanded in 1965 to include Canadian judges, and later expanded again to represent all levels of the judiciary. Since 1982, AJA has been headquartered at the National Center for State Courts. Today, AJA's primary focus remains the representation and education of limited and general jurisdiction judges.

AJA's mission is twofold: representation and education. For example, through its legislation committee, AJA has been one of several groups lobbying Congress to pass legislation to overturn the Supreme Court's decisions in *Pulliam v. Allen*, which denied

judges immunity for their administrative actions, and *Forrester v. White*, which denied state court judges absolute immunity from suits for damages under 42 U.S.C. sec. 1983.

AJA educates its members through two different forums: AJA's annual educational conference and its publications. AJA meets annually in various locations in the United States and Canada; this year's meeting will be in Nashville, Tennessee. The six-day conferences are an opportunity for judges to share their experiences and problems with similarly situated judges from around the country. Each conference features extensive educational programs. AJA is a presumptively approved CLE sponsor by Indiana, Iowa, Kansas, Kentucky, Louisiana, and Tennessee. Educational programs have included such topics as AIDS in the courtroom, alternative dispute resolution, and DNA fingerprinting. A popular annual feature has been a discussion of recent decisions by the U.S. Supreme Court, which is led by

Professor Charles Whitebread, of the University of Southern California Law Center.

AJA also educates and informs its members through its publications. The *AJA Benchmark* is a quarterly newsletter that apprises members of AJA activities and other events that may be of interest. *Court Review* is a quarterly journal that features original articles as well as reprints that are of particular interest to the judiciary. The summer 1988 issue featured one topic, court security. The AJA publications committee will again feature one topic in its fall 1989 edition: gender bias in the courts.

The American Judges Association is the largest independent judicial organization in existence and is uniquely situated to inform and educate its members, as well as to lobby on their behalf.

For further information about AJA, write to the American Judges Association, National Center for State Courts, 300 Newport Avenue, Williamsburg, Virginia 23187-8798, or call (804) 253-2000 ext. 222. ■

*Jerome Gertner is judge of the Lakewood (N.J.) Municipal Court and president of the American Judges Association—ED*

### Maryland, continued

of faculty prospects. Most of the faculty are judges, but many come from the public and private practice of law. In addition, there are academics and other helping professions that are represented in faculty service. Faculty members are not compensated except for modest stipends for nonjudge, nonattorney faculty. For the past three years, instruction has been enhanced by a faculty development program to benefit those who will teach the Institute programs. Instructional emphasis has been on the development, enhancement, and refinement of judicial skills.

By administrative order of the court, all judges are required to participate in two educational program days each year.

As with other states, despite great support by Chief Judge Murphy and the administrative office of the courts, a sufficient budget remains a challenge. The Institute experienced a fund cutback earlier in the 1980s and is now working up to the amount previously budgeted. Through planning and innovation, however, the Institute was able to conserve its relatively limited budget resources. Several grants to the Institute have aided and assisted

the sponsorship of some beneficial educational programs. Communicating that continuing judicial education is a priority, and more cost-effective than limited judicial education, is always a challenge.

Effectively run, well received, optimistic for the future, the Judicial Institute of Maryland continues steadfast on course, true to the finest of both the newer traditions of judicial education and the more historic proud heritage of the state of Maryland. ■

State Justice Institute (SJI) brought them to Miami to accelerate the process of educating the judiciary about AIDS. It was hoped that the judges, selected for their leadership potential, would carry AIDS information back to their states. Ideally, they would return home and work with their judicial educators, or if necessary on their own, to teach their colleagues about AIDS and how to handle the very real problems arising with increasing frequency in the nation's courts. The conference planners achieved this ambitious goal, at least in part. Now, the judges and judicial educators who have learned about AIDS and how the courts can assist in the battle need to share their knowledge with others in the judicial system.

### **AIDS Issues Faced by Judges.**

AIDS has arrived everywhere. Many judges, rural or urban, will confront AIDS issues in the near future, if they have not already done so. These issues may include, for example, the following:

- A prospective juror has AIDS and wants to serve, but the other prospective jurors are afraid to sit on the panel.
- A sheriff or marshal does not want to bring into the courtroom a person rumored to have AIDS.
- A deputy clerk does not want to handle legal papers filed by someone rumored to have AIDS.
- The district attorney requests a court order requiring AIDS antibody testing of a criminal defendant who bit a deputy sheriff.
- A mother seeks a change of custody because she thinks the father has AIDS.

These are a few of the common issues that have arisen or will arise in judges' everyday work. They can be examined reasonably and resolved accurately and fairly by judicial officers who have received a basic understanding of AIDS. Unfortunately, judges' needs for accurate,

accessible information about AIDS will only increase with the dramatic and seemingly inevitable increase in the number of persons who develop AIDS during the next several years. Periodic updates will be necessary as the medical community strengthens its arsenal for use against the virus.

### **Judiciary's Role in Education.**

While the medical community struggles to find a clinical solution, education remains the only effective weapon for combating the spread of HIV. Judges who receive AIDS education can enhance the entire judicial system's ability to help stop the spread of AIDS. Thus, educated judges can encourage and even lead efforts to educate other persons who work in the system, including court staff, law enforcement personnel, district attorneys and public defenders, probation officers, sheriffs and marshals, family court mediators, and bailiffs. Many of these groups have already developed comprehensive AIDS education programs or materials.

In appropriate circumstances, judges can directly promote the education of defendants and litigants, such as IV drug users, who are likely to share needles or engage in other conduct that creates a high risk of contracting AIDS. AIDS education can be required as a condition of probation, for example, so long as the condition is consistent with other state law requirements. Some judges have also created an incentive for defendants to seek AIDS education by suspending a portion of a misdemeanor sentence upon completion of an education program. Thus, AIDS education not only helps judges resolve practical, everyday problems but empowers judges to educate others about the disease. In effect, knowledgeable judges serve as mini-educators about AIDS.

**Barriers to Effective AIDS Education.** Several factors may inhibit effective AIDS education. Competing judicial education needs and priorities may cause AIDS education to be placed on the back burner. Some judges may believe that there are too many other topics

they must address in judicial education to take away the time for an AIDS presentation. In balancing AIDS against other seemingly more nuts-and-bolts topics, judicial education planners may thus decide that AIDS education, no matter how brief, is of fairly limited application and does not warrant priority.

Judges and educators face several additional hurdles to effective AIDS education, including ignorance, fear, and bias. Ignorance appears to be readily resolvable with accurate medical information, but intense fears about AIDS inhibit a rational evaluation and acceptance of medical facts. Certainly, fears about the virus are reasonable since at this point AIDS is almost always fatal. These fears may become irrational, however, when judges fail to accept certain basic medical facts about AIDS and its transmission.

Bias may further distort AIDS education efforts, because the disease has taken the greatest toll on unpopular minorities such as gay men, ethnic groups, and intravenous drug users. Thus, for example, because AIDS struck the gay community first, it may still be widely considered a "gay disease" despite public health educational efforts that have focused on distinguishing high risk *behavior* from categories of *people* considered at high risk for the disease. Educators must handle AIDS education in a sensitive manner that challenges judges to examine their personal biases and stereotypes and determine whether their decisions and treatment of people with AIDS are based on irrational fears and biases instead of medical facts and valid laws.

A final barrier, extremely important from an educational standpoint, is simply the failure to present AIDS problems in a context that will be useful in the courtroom. Many judges cannot relate abstract medical information about AIDS to specific courtroom problems. To be successful, a primary goal of AIDS education must be preparation of judges to handle realistic courtroom problems correctly and fairly. The most effective medical and judicial speakers will bridge the gap be-

tween the clinic and the courtroom in presenting practical, useful AIDS information. A basic AIDS presentation that can be incorporated into an existing judicial education program is described below. Furthermore, an excellent model AIDS curriculum has been developed by a committee of judges and attorneys working with the National Judicial College and the ABA's Individual Rights and Responsibilities Section under an SJI grant that will also fund an AIDS benchguide. The materials from the model AIDS curriculum, which were presented in Minnesota in June, will soon be available from the National Judicial College. Contact Ruth McKnight (1-800-25JUDGE).

**Future AIDS Education Efforts.** Several states, including New York, Florida, Georgia, Washington, Connecticut, California, and Colorado, have conducted some type of AIDS education for their judges, and Minnesota was the first state to present the model AIDS curriculum. The National Judicial College will present a course incorporating the model AIDS curriculum October 22-27 in Boston (for information contact Jane Nelson at NJC). In many states, however, programs to educate court staff and law enforcement workers have far outpaced efforts to educate the judiciary.

The National Conference on AIDS and the Courts represented an

important beginning in the effort to bring the judiciary up-to-date on AIDS. The conference introduced a relatively few judges to basic, accurate AIDS medical facts and courtroom issues. A few conference participants flatly admitted that their preconceived notions and stereotypes about AIDS had been wrong. Others indirectly exhibited what they had learned by merely discussing AIDS comfortably and knowledgeably. Several judges indicated that they would enlist themselves, and some of their colleagues, in the battle against AIDS in their home states. ■

## An AIDS Education Primer for Judges

The content of a judicial education program on AIDS will depend to a great extent on the amount of time available. Although more time is recommended, an excellent, introductory AIDS program can be presented within a 50-minute session, including a brief time for questions. Ideally, a program would run for at least a half-day. With this additional time, the speakers could offer solutions to many issues that are directly related to judicial work. The *minimum* recommendations for an introductory AIDS program are as follows:

### Format:

- A basic AIDS presentation can and probably should be included as part of an existing education program (preferably mandatory), such as an annual conference.
- A panel presentation to a large audience can be very effective with interesting speakers and time for audience questions. Ideally, the plenary session would be followed by small-group meetings to address individual concerns.
- The most effective format is a small-group seminar of 15-20 people, which allows student participation and greater comfort in discussing sensitive issues.
- To ensure attendance, the AIDS program should not be scheduled concurrently with other presentations.

- An excellent opening tool is a brief self-test about AIDS, which can heighten the participants' interest and help them immediately assess their current AIDS knowledge. The self-test can also alert judges to the many courtroom situations created by the presence of people with AIDS and the need to devise proper methods for dealing with each situation. The test is not graded or collected—it is merely for the participants' own use in measuring their knowledge. Thus, it works in a large or small group.

### Speakers:

- A medical expert (physician or public health expert) should present basic medical facts about AIDS and assist in relating them to judges' work.
- A judge should serve as a speaker to assure that the medical expert's information is useful for judges, present questions that will elicit additional relevant information, and discuss selected courtroom and legal issues involving AIDS.

### Topics:

The following medical facts *must* be discussed:

- The medical expert must briefly describe AIDS, and its incidence, as well as ARC (AIDS Related Complex) and the HIV (human immunodeficiency virus).
- The expert must also discuss how HIV is transmitted and emphasize

the *only* three methods of transmission: blood, bodily fluids (essentially semen and vaginal secretions), and mother to child during pregnancy or breast feeding.

- The expert must discuss HIV antibody testing, including its history and medical purposes. At this point, the judge-speaker should relate the medical facts about testing to some of the legal-testing issues judges will face, unless this topic will be discussed in greater detail at a later point.
- The participants must learn to distinguish high-risk behavior, which means simply any behavior that will predispose any person to becoming infected, from the categorization of *persons* often considered to be at high risk for AIDS, such as gay men and intravenous drug users.
- The speakers must openly and directly confront the intense fear and potential for bias associated with AIDS.

Without this basic AIDS information, it will be impossible for judges to make decisions involving AIDS that are consistent with sound medical facts. Significant new medical developments in the fight against AIDS will change the approaches to many AIDS issues, such as testing, and will necessitate AIDS update programs. ■

students demonstrate a high level of competence, so we've met our goals." Right? Maybe—if your only goal was for students to demonstrate competence in the classroom. However, if your goal was to effect change in the courts, e.g., to implement a new jury management system or improve court security, additional information is needed. You must structure an evaluation process that provides that data.

**Benefits and Risks.** One benefit of competency-based programming is that it enables court employees to better understand their responsibilities and to make informed choices on where to focus their learning efforts. In addition, administrators can measure the behavioral impact of training and use that information in making work assignments. Resources can be allocated to meet identified goals, allowing administrators to continually evaluate the extent to which the goals are achieved. Competency-based education also affords instructors the freedom to use a variety of teaching strategies and methods, to pinpoint problems, and to individualize training.

A recognized risk is a tendency to become too task oriented, to limit opportunities for exploration and creativity. However, the greatest risk is the challenge of change—change from the known to exploring the unknown, change from tradition to innovation. Are judicial educators ready to respond to that challenge? Is competency-based education feasible and appropriate for judicial education?

**Implications for Judicial Education.** The complexity of the court system as a whole and the diversity that exists between jurisdictions confronts judicial educators with a seemingly insurmountable barrier. This global approach is intimidating to say the least. How can one define specific competencies under these circumstances? Do we have the resources and the time to collect information and process the data needed to define competence in so complex a system? How would our

clientele respond? Competency-based education requires performance assessment. Would this be misinterpreted as a subversive approach to judicial evaluation, a very controversial issue in some jurisdictions? Yet self-assessment is a valuable technique through which individuals can measure their own performance and make educational choices leading to improvement. Is there an approach that makes competency basing feasible in court education?

Rather than a global consideration of competency-based judicial education, it seems more appropriate to take a divide-and-conquer look at the components of the court educational system—personnel, processes, and programs. For example, does your clientele include personnel who have management responsibilities? Management can be defined in behavioral terms; management is a combination of organized tasks, and management ability can be demonstrated to assess the level of competence achieved. Does this not fit the definition of competency-based education? Courts survive on processes: people processing, paper processing, word processing, information processing. Would training programs on court processes have a greater impact if they were competency based? Bringing the question to our own discipline, might it not be an interesting challenge for judicial educators to design a competency-based training program for NASJE members?

In fiscal year 1989 the State Justice Institute will evaluate proposals to educate judges and other personnel based on the following criteria: the method of determining need, training objectives, faculty selection, teaching methods, and program evaluation. A well-planned competency-based program responds to these criteria in the curriculum design. Competency statements and performance assessments are excellent tools for needs assessment. Competency-based programs are learner-centered adult education programs that specify behavioral objectives or outcomes to be meas-

ured through an appropriate evaluation process. Grant applicants may find it to their advantage to consider competency-based programming.

Although competency-based education may not be appropriate for every phase of judicial education, it is a concept that has demonstrated its value in other disciplines. Judicial educators may find that competency basing is the next appropriate step in their continuing efforts to enhance the quality and measure the impact of their educational programming. ■

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### Six questions, *continued*

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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. ■



# "Judicial Response to Lawyer Misconduct"

## *An ABA-sponsored course*

Although the highest court in each state has authority to regulate the practice of law through admissions policies, ethical standards, and disciplinary enforcement systems, relatively little is done to prepare the judiciary for performing this all-important function. State statutes and court rules may place the day-to-day handling of these regulatory functions in designated agencies, but it is still the state high court which holds out to the public that individuals are competent to represent clients, and thus it is the court that shoulders the burden when the regulatory system fails to perform up to expectations.

For several reasons, courts cannot become properly informed about their professional responsibility duties without an affirmative program to communicate recent developments usefully. First, members of the court often have little contact with professional responsibility issues before their judicial tenure. Second, the number of attorney discipline cases reaching the court is very small compared to the number of matters entering the regulatory system, which limits the expertise that can be developed by members of the court. Third, courts reviewing disciplinary cases often have no resource or reference materials to aid in their determinations. Fourth, cases finally reaching the court may not accurately reflect

the types of problems that plague the regulatory system internally; the appellate process eliminates matters of minor misconduct, cases presenting no constitutional claims, and questions that are costly to continue in litigation. Although that result is intended by the structure of the regulatory system, the court is thereby prevented from participating in the full scope of regulatory operations and problems. Fifth, although some courts require accountability of the designated regulatory entity through periodic reports, and others may receive bar recommendations to amend regulatory procedures, generally, courts have no external criteria to gauge the propriety of the reports or amendments. Thus, judges who are ultimately responsible for the lawyer discipline system may need special assistance to improve their expertise in disciplinary enforcement.

The ABA Standing Committee on Professional Discipline is responsible for developing, promoting, coordinating, and strengthening professional disciplinary programs and procedures throughout the nation. Its members, who include disciplinary counsel, officials of state and local bar associations, and members of the judiciary, are knowledgeable and experienced in lawyer discipline. The committee, together with the Appellate Judges' Conference, were jointly responsible

for drafting both the *Standards Relating to Judicial Discipline and Disability Retirement* and the *Standards for Lawyer Discipline and Disability Proceedings*.

The committee has a team of experts — composed of several of its members (both present and past), Center for Professional Responsibility staff, and disciplinary counsel — available for any local, regional, statewide, or nationwide judicial gathering. In the past, presentations have ranged from 15 minutes to a few hours, depending upon the request of the sponsoring entity, and teams have ranged from one to four members.

A comprehensive text, *The Judicial Response to Lawyer Misconduct*, is the basis for the judicial education presentations. The text includes memoranda and case digests surveying recent case law in various areas of lawyer misconduct, including the judicial role in disciplining prosecutorial misconduct, incompetence and negligence, deception of the court, frivolous lawsuits and discover abuse, in-court misconduct, contemptuous behavior, and conflicts of interest.

For more information, contact Cassie Dalla Santa, Center for Professional Responsibility, Standing Committee on Professional Discipline, 750 N. Lakeshore Drive, Chicago, IL 60611 (312) 988-5294. ■

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### State Justice Institute, *continued*

"Technical Assistance," which the strategy defines as "coordination, support services, information dissemination and other activities necessary for the development of effective educational projects for judges and other court personnel." Specifically, such assistance could include development of educational curriculum and support materials; training faculty in adult education theory and practice; consultation on planning, developing, and administering state judicial education

programs; coordination and exchange of information among judicial education providers; collection and dissemination of information about exemplary adult and continuing judicial education programs; development of improved methods of evaluating court education programs; and on-site assistance in any of the areas listed above.

The board of the State Justice Institute expressly invites comment on the strategy, as well as the amounts to be allocated to each area

in Fiscal Year 1990. Another proposed strategy reflecting the comments received on the May publication will be published in August 1989 and adopted as part of the final FY 1990 Grant Guideline, which will be published for public comment in October. For further information, please contact: David I. Tevelin, Executive Director, or Catherine Pierce, Deputy Chief, Program Division, State Justice Institute, 120 South Fairfax Street, Alexandria, VA 22314. Telephone: (703) 684-6100. ■

interest in state judicial education.

The project with Michigan State is "Judicial Education Reference, Information, and Technical Transfer Project (JERITT)." JERITT will enhance the collection, reporting, and exchange of programmatic, organizational, and technical information among judicial educators. The project's two major goals are to create the Judicial Education Reference and Information Service (JERIS) and to provide rapid response, short-term technical assistance to state judicial educators. A computerized JERIS system will give judicial educators access to subject matter synopses, training materials, self-instructional media, benchbooks and benchguides, faculty and resources, instructional methods, research abstracts, and program monographs. A monthly JERIS bulletin will inform judicial educators of recent additions to the JERIS information base, of research notes summarizing analysis of information in the database, and of new developments in judicial education programming. JERITT will provide subject matter searches of JERIS, exemplary judicial education program monographs, judicial education quarterly and annual

program listings, a judicial education issues and trends annual, and a judicial education master calendar.

The second goal of the JERITT project is to support short-term, rapid response technical assistance by giving judicial educators access to experts from other states or judicial education organizations on a face-to-face basis. On-site visits by judicial educators or other professionals will assist program development and implementation in individual states.

The second grant, "The Continuing Professional Education Technical Assistance Project for State Judiciary Education in the United States (UGA CPE TA Project)," is cosponsored by NASJE and the University of Georgia. The project will support judicial education with expertise from the field of continuing professional education. This is an area NASJE has not taken advantage of in the past, and this project allows us to benefit from the research and knowledge of experts in CPE.

The UGA CPE TA project will provide four products for transmitting knowledge and experience from modern CPE to state judicial education: (1) a CPE technical assistance consulting service that will offer individual organizational consulta-

tions or regional multigroup workshops; (2) a CPE advisory bulletin, which will be an insert in the NASJE *News*, on CPE techniques and practices; (3) a CPE program manager's handbook tailored for use by state judicial education officers; and (4) access to the Georgia center's "National Center for Adult and Continuing Education Computer Network."

The Memphis State University and Women Judges' Fund for Justice project creates "The Judicial Education Leadership Institute." The institute seeks to create unified judicial education projects by training teams of leaders who can develop more comprehensive approaches to enhancing judicial education programs in the states. Products of this project will be a cadre of 24-30 trained leaders who have the skills to foster more comprehensive approaches to judicial education; three published papers or monographs that summarize larger principles and guidelines helpful to others interested in enhancing state systems of judicial education; and the beginnings of a network of professionals who can assist others after the project ends. ■



## National Association of State Judicial Educators

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