



NATIONAL ASSOCIATION OF STATE JUDICIAL EDUCATORS

# NASJE News

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## *Trial Judges Writing Project:* **A State-based Curriculum Development Model**

*"[Style] is an aesthetic sense, based on admiration for the direct attainment of a foreseen end, simply and without waste."—Alfred North Whitehead, The Aim of Education, quoted in Joseph M. Williams, Style: Ten Lessons in Clarity and Grace (Scott, Foresman 1989).*

The Judicial Writing Project was a two-year curriculum development effort administered by Rich Reaves and the Institute of Continuing Judicial Education of Georgia and conducted by Professor Daisy Hurst Floyd and Dr. Donald Rubin of the University of Georgia.

The results of this SJI-funded project are contained in the *Manual for the Judicial Writing Workshop for Trial Judges* mailed to each state judicial education office in late 1989.

Judicial writing courses have been offered for a number of years.\* Such programs, however, have often emphasized decision writing based on an appellate model. The Georgia program, in contrast, emphasizes the diverse writing tasks of trial court judges.

According to Rich Reaves, this project represents the first effort to  
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## *Conference Update:* **Burlington Beckons**

The NASJE Northeast Region is looking forward to hosting the 1990 annual convention of the National Association of State Judicial Educators in Burlington, Vermont, October 8-10.

Many members of NASJE, inside and outside the Northeast Region, have been diligently working toward providing the entire membership with an enlightening,  
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## **Technical Assistance Workshop Held in New Orleans**

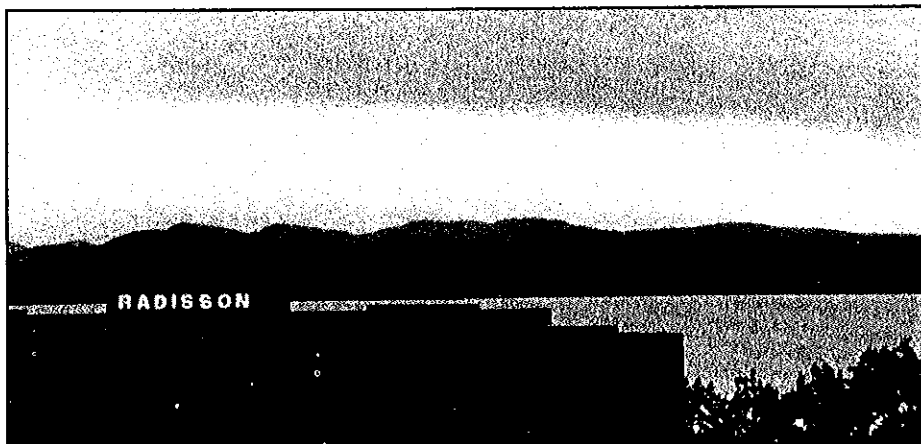
A NASJE technical assistance workshop, in conjunction with a court security management seminar for Louisiana judges, sheriffs, and other security-related employees, was held in New Orleans, March 8-10. Fourteen judicial educators participated in the workshop.

This workshop was second in a series of three. The first was co-conducted in Seattle on October 7 and 8 before the NASJE annual conference.

The entire New Orleans program was an excellent parallel learning experience: judicial educators discussed and evaluated the adult education process and, at the same time, learned court security techniques.

Carol Weaver, assistant professor, School of Education, Seattle University, led the workshop on "Critical Components for Quality Judicial Education." The workshop began on Thursday afternoon with judicial educators discussing hallmarks of effective instruction and the judicial educator's role in the coordination and instruction of adult education faculty. This included adult education methodologies most appropriate for judges.

Friday morning, the Louisiana judges and security personnel gathered for a one-day seminar on court security management that was led by Fred A. Geiger, chief judge, Illinois Circuit Court. Judge Geiger is a nationally recognized authority on court security and serves as a faculty member of the National Center for State Courts' Institute for  
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## PRESIDENT'S COLUMN

Rita Stratton



The NASJE board of directors met in Dallas, February 17 and 18, 1990. The board discussed future goals for NASJE and finalized several issues. An audit of NASJE financial records has been completed and was accepted by the board. The board adopted NASJE travel expense regulations and a travel reimbursement form. Winslow Small was asked to research whether it would be more feasible for NASJE to be incorporated or to remain as a nonprofit educational association. Scott Smith was asked to look into bonding of NASJE officers.

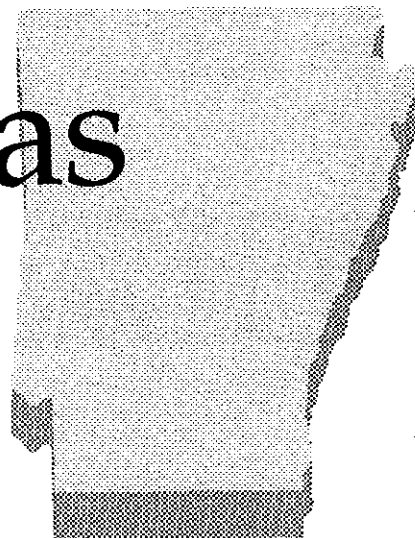
Jerry Beatty presented a draft of a new NASJE promotional brochure. The board reviewed the proposal, made several suggestions, and Winslow Small was asked to prepare the brochure in final form. The brochure will be ready for distribution to NASJE members at the October annual conference.

The board reviewed current SJI-funded grants of which NASJE is a co-grantee. The board unanimously agreed to request continuation funding for NASJE *News* and suggested a reader survey be conducted. Winslow reported on meetings he attended, on behalf of NASJE, during the ABA mid-year convention. He attended a meeting regarding an international judicial exchange program and a meeting of the executive com-

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## STATE PROFILE

# Arkansas



When one thinks of Arkansas, one does not instantly think of a model program of judicial education; rather, one thinks of a bare-footed hillbilly, Wal Mart, Central High, and the Razorbacks. Yet, in Arkansas there is a thriving judicial education program that has grown significantly since its inception.

The judicial education responsibilities of the state lie within the Administrative Office of the Courts (AOC). The office employs a judicial education coordinator, Kay Boothman. Besides serving as the state judicial educator, until recently, Kay was responsible for all department publications.

Before 1985, several employees of the AOC conducted education programs in addition to their main department jobs. With the election of a new chief justice, a full-time position was established specifically for education. This position not only reduced the responsibilities of other employees but was created with an eye to developing an effective, full-scale educational program.

Before the official position was created, the department held two educational conferences each year for appellate and trial judges and one conference each year for limited jurisdiction judges and their clerks. The department now provides a minimum of nine programs annually for 217 appellate, trial, and limited jurisdiction judges, 124 limited jurisdiction clerks, and 70 local court administrators. The department also provides staff support for programs for court reporters.

The appellate and trial judges conferences are held during a three-day period in the spring and fall of the year. A variety of programs exposes appellate and trial judges to different aspects of their profession. Trial judges are allowed to attend out-of-state educational programs as well. Although funds are limited,

approximately 15 judges attend these out-of-state sessions annually.

Funding for programs comes from two major sources—state funds and filing fees. Limited jurisdiction judges and clerks recently secured legislation that allows funds to be collected from civil and small claims case filings. These funds are earmarked for in-state educational programs for these two groups. The AOC administers the funds.

In addition to the AOC's regular programs, special programs are provided through grants and other special sources as funds become available and needs arise. One recent example was the creation of a trial court juvenile division establishing 17 new judicial positions. These newly appointed judges needed immediate training, which the AOC provided.

The future bodes well for judicial education in Arkansas. The state is one of six selected to attend the Leadership Institute at Appalachian State (see winter 1990 NASJE *News*). In addition, a comprehensive, weeklong orientation program for new trial judges is on the horizon. Two new manuals, one for limited jurisdiction judges and one for limited jurisdiction clerks, will be the basis for comprehensive orientation programs for those two groups.

While Arkansas may not be a state that comes immediately to one's mind with the mention of judicial education, the state supreme court and administrative office of the courts have a strong commitment to maintain an effective judicial education program. ■

# Creating with Vision

by Maureen Conner

Why does it behoove us to study visionaries? Why should we study the elements of vision making? The answer is simple. We will never get beyond the present unless we have a vision for the future. Incremental changes are possible, minor improvements are inevitable, but greatness will never be realized without a passionate commitment to our vision.

As professionals charged with the responsibility of providing adult continuing education, we must become visionaries and proceed down the less traveled road where visions rule the day.

**Characteristics of a Visionary: Could You Be This Person?** For a vision to be a vision it must be born

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Maureen Conner is director, Judicial Branch Education, Administrative Office of the Illinois Courts.—ED

from pure thought. The visionary connects the everyday world with the imagined, combining wisdom and folly, listening and action, planning and spontaneity, and the ordinary and the sublime. Visionaries are purposeful, focused, and action oriented. Making a contribution, righting a wrong, and leading the way to new heights of human evolution are often what drive a visionary. Make no mistake about it, visionaries are not dreamers—they are doers.

**Creating a Vision.** Having ideas and dreams may give one reason to ponder the possibilities, but creating a vision commands a result. Going beyond current circumstances and making the extraordinary a reality is creating your vision.

Robert Fritz, author of *The Path of Least Resistance*, describes vision as "the inner crystallization of the result that you want to create, so that the result is conceptually specific and

tangible in your imagination—so tangible and so specific, in fact, that you would recognize the manifestation of the result if it occurred." The vision becomes the guiding force and yardstick by which all activities are measured. Creating a vision is creating a new thought structure that draws opportunity to you. It is a way of thinking and living that keeps you in constant communication with the larger picture.

The steps to creating a vision are developing an idea, holding the idea until the mental picture is clear, knowing the desired results, taking action, persisting in the face of failure, and acknowledging the vision as complete when the vision becomes reality.

Successful creation of a vision is possible only when the creator identifies intimately with the results. This intimate identification must remain constant if the vision is to be

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## Burlington, continued

informative, and enjoyable program again this year.

Potential presentations being discussed or developed include The Use of Technology in Judicial Education; Developing Presentations Addressing Gender, Ethnic, and Racial Issues; Drugs; Computer Literacy for Judges; Project Management; and Negotiating Skills along with the perennially requested "Hot Topics" in Judicial Education and others. In addition, the NASJE Educational Methods Committee will set a precedent this year by helping the faculty incorporate adult-training methods into their presentations. The committee will also close the program with a discussion of the adult-training methods used.

As a result of the tremendous number of SJI-sponsored and other programs expressing interest in displaying their services and products and meeting with judicial educators at this program, it appears that we may also experi-

ence a most intriguing and comprehensive National Resource Display.

As part of your program, the Northeast Region also promises a delightful, genuine Vermont culinary feast at the annual banquet.

Burlington, like the NASJE program, also offers something for everyone. This city on the eastern shore of Lake Champlain presents a beautiful view of the Adirondack Mountains of New York to the west of the lake, as they silently invite each Vermont visitor to ride the ferry from in front of our hotel for a brief visit to the other side.

Just south of the city is the Shelburne Museum. Called New England's version of the Smithsonian Institute, it is home to numerous and various period buildings and artifacts, some dating from before the Revolution. Included in its collection is the USS *Ticonderoga*, the last intact sidewheel steamer in the U.S. Just north of the city is another attraction for history buffs, the Ethan Allen Homestead.

For those NASJE members who prefer to travel a little further in their spare time, Stowe, Vermont, is about 30 miles away. The adventurous might wish to ride the gondola to the top of Mount Mansfield for another breathtaking view, stop by the famous Ben and Jerry's Ice Cream factory, or visit some of the many shops, restaurants, or tourist attractions in this world-renowned ski resort.

More ambitious travelers might wish to combine their trip to Burlington with a visit to Montreal in the French-speaking province of Quebec, Canada, 80 miles north of the city. Quebec is truly a little bit of Europe in North America.

NASJE members or others who have suggestions for potential topics, programs, faculty members, or presentations for the program, the "Hot Topics" presentation, or the National Resources Display should contact Ed Borrelli, NASJE Northeast Regional Director, at (212) 587-5829. ■

"transfer the intellectual capital needed to provide this training at the state or local level." The materials are specifically designed to be used by state-based faculty, whether they are judges without much prior teaching experience or writing teachers without much prior knowledge of judges or courts.

The project designers were careful to base their curriculum modules on the variety of written work that trial judges produce. "We tried to

present all of their basic writing tasks as meriting treatment with care equal to that customarily given the legal opinion," said project administrator Reaves.

During the project's first phase, Dr. Rubin collected and analyzed over 300 trial court documents from Colorado, Georgia, and Nebraska. The writing samples were separated into six types: legal opinions, orders for relief, orders directing trial procedures, court administration,

findings of fact, and personal correspondence. The results of Dr. Rubin's analyses of each type of document are contained at the end of each section of the manual.

Dr. Rubin found that the "average readability" (on the Flesch grade-level equivalent scale) of these judicial documents ranged from a high of 17.5 for orders and injunctions to 12.4 for correspondence. Judicial opinions setting forth findings of fact or explaining legal conclusions fell in between. Faculty using the manual could include this information in teaching segments focusing on the many audiences that a particular writing may have—including the press, the litigants, or the lay public, as well as attorneys or the appellate court.

The principal contents of the manual are the participant materials and instructors' guides developed by Professor Floyd and tested with trial judges in Georgia and Colorado programs during the course of the project.

Each unit contains learning objectives, camera-ready materials for distribution, and instructional exercises or case examples. Dr. Rubin's research notes contain additional illustrative excerpts. Additional instructors' materials are found in the concluding section of the notebook.

The unit materials do not contain any detailed lesson plans or learning-activity trainer's notes with sample schedules. Professor Floyd has, however, written a prefatory instructor's guide explaining how the materials were used in the Georgia session. The instructional activities designed by Professor Floyd included lecture, individual class writing exercises, group exercises, peer critiques, "homework" assignments, and faculty critiques of individual writing samples.

The Georgia sessions involved a relatively elaborate structure of six 5-hour sessions, six weeks apart. The Colorado program, on the other hand, used a more conventional three-day single session. According to Professor Floyd's report to the Tucson seminar on "Continuing Professional Education and Contem-

### Test Your Judicial Education "Readability Score"

How readable are your letters and brochures? What about your descriptions of how to qualify for reimbursement? The following chart is taken from Rudolf Flesch, *How to Write Plain English: A Book for Lawyers and Consumers* (Barnes & Noble).

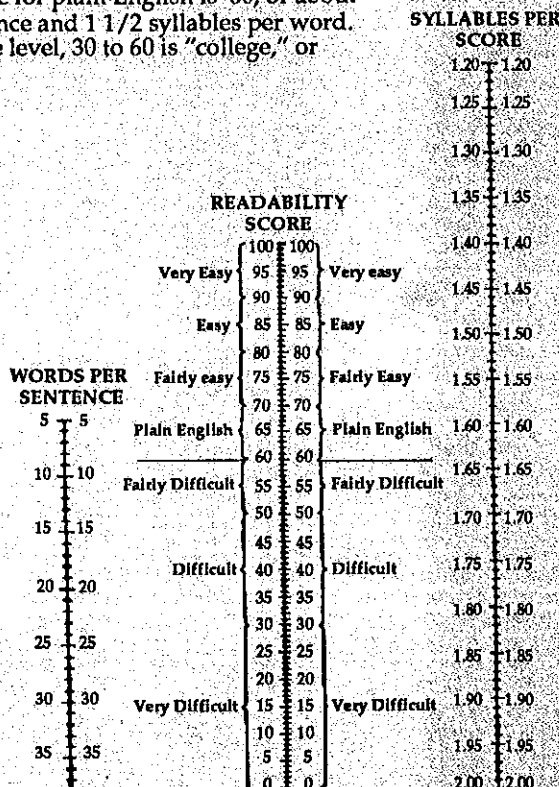
1. Count the words in your piece of writing.
2. Count the syllables in your writing, as the words are pronounced.
3. Count the sentences.
4. Figure the average number of syllables per word.  
Divide the number of syllables by the number of words.
5. Figure the average number of words per sentence.  
Divide the number of words by the number of sentences.
6. Find your readability score. Find the average sentence length and word length of your piece of writing on the chart below, then connect the two figures with a ruler. The intersection of the ruler with the center column shows your readability score.

The minimum score for plain English is 60, or about 20 words per sentence and 1 1/2 syllables per word. Translated to grade level, 30 to 60 is "college," or above grade 12.

#### Readability Chart

Take a pencil or ruler and connect your "Words per Sentence" figure (left) with your "Syllables per Word" figure (right).

The intersection of the pencil or ruler with the center column shows your readability score. The minimum plain English score is 60.



porary Education in the United States," the materials worked equally well in both settings.

As noted by Rich Reaves, "effective writing is critical to achievement of any court's purposes." Judicial writing courses are for the "mature writer," and are designed to deal with the "wordy, tangled, too-complex prose style," which can prevent effective communication of the judge's thoughts or intentions. This project has provided a significant contribution to development of state-based judicial writing courses.

\* Indeed, in preparing for this project, Professor Floyd attended the course offered by the National Judicial College, which was organized by Professor Elizabeth Francis and included on its faculty Joseph M. Williams of the University of Chicago, author of *Style: Ten Lessons in Clarity and Grace* (which was included with the manual). Dr. Floyd also drew upon five years of experience as director of legal writing for the University of Georgia School of Law and as judicial writing instructor in previous courses offered by the Institute of Continuing Judicial Education of Georgia. ■

## "What Is Wrong with Legal Writing?"

Criticism of legal writing is not new and it is not difficult to find.

Richard Wydick in *Plain English for Lawyers* puts it this way: "We lawyers cannot write plain English. We use eight words to say what could be said in two. We use old, arcane phrases to express commonplace ideas. Seeking to be cautious, we become verbose. Our sentences twist on, phrase within clause within clause, glazing the eyes and numbing the minds of our readers. The result is a writing style that has four outstanding characteristics. It is: (1) wordy, (2) unclear, (3) pompous, (4) dull. . . ."

In addition, you may want to use some common legal document to point out the problems with legal writing. I have used the following standard definition of "document" often used in interrogatories as an example of what is wrong with legal writing:

The term "document" shall mean the original and any non-identical copy of

any kind of written, printed, recorded, graphic, or photographic matter or sound reproduction, including, but not limited to, correspondence, telegrams, tapes, cables or other written communications, bills of lading, warehouse receipts, analyses, estimates, projections, transcripts, bank statements, checks, cancelled checks, corporate records, stock certificates, journals, ledgers, financial statements, claims, work papers, bulletins, digests or any other information or data records, summaries, or compilations (including all underlying, supporting or preparatory materials and drafts thereof) from which information can be obtained, or translated, if necessary, by you into reasonably usable form.

Wouldn't "anything upon which information is recorded" be equally as comprehensive a definition?

—Professor Daisy Floyd, Lubbock, Texas, excerpted from "Instructors' Guide," *Manual for the Judicial Writing Workshop for Trial Judges*. ■

## Transitions



Karilee C. Endow has been employed as the project coordinator for the Hawaii Judicial Education Program in Honolulu. Kari is a graduate of the William S. Richardson School of Law at the University of Hawaii and is a member of the Hawaii and American Bar Associations. She served as clerk with the Hawaii Supreme

Court and as an associate with a local law firm. We welcome Kari as a member of the National Association of State Judicial Educators.

Charles Claxton, director of the Leadership Institute in Judicial Education, has moved the Institute from Memphis State to Appalachian State in Boone, North Carolina.

Richard L. Butler has joined the Texas Municipal Courts Training Center in Austin as a training specialist.

Debbie Gordon, administrative assistant with the Alabama Judicial College, has joined the ranks as a member of NASJE.

Winslow Small, associate director of the California Center for Judicial Education and Research, has joined NASJE and begun working with the Western Region of the association.

The members of the NASJE *News* editorial committee wish a farewell to Carroll Edmondson, of North Dakota. Carroll has accepted a position as trial court administrator in Jacksonville, North Carolina. He has been a contributor to the newsletter and a contributor to our organization. We wish him well.

As this issue went to press, NASJE *News* learned that Judge V. Robert Payant has been named the new dean of the National Judicial College.

Membership information is available by writing Diana Clemons, Chair, NASJE Membership Committee, Education Services, Administrative Office of the Courts, 100 Millcreek Park, Frankfort, KY 40601-9230; or by calling (502) 564-2350.



NASJE News asked several members to describe their

## Worst Nightmare in Judicial Education

I'm not sure whether it was some great educator or my mother who said, "Always finish with a bang so the crowd goes away wanting more!" For several years the closing session on Friday morning of our Annual Conference of Judges was led by a speaker who was John F. Kennedy, the Pied Piper, and Jay Leno rolled into one. However, in 1989 the speaker became ill and called to withdraw, expressing his sincere regrets. The problem was he forgot the two-hour time difference when he called on Thursday afternoon, the day before his scheduled appearance. In spite of a frantic last minute search for a replacement, it became necessary to announce the cancellation of the Friday session. Unfortunately many of the "commuter" judges had already left.

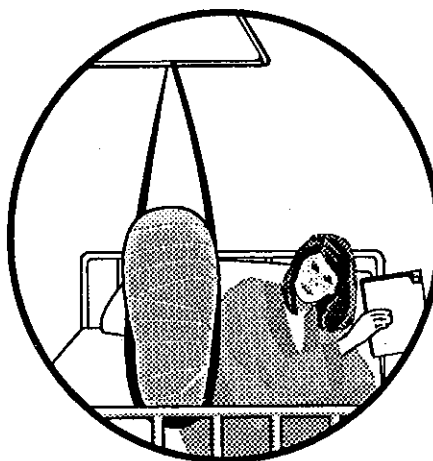
Early Friday morning when the commuters appeared, I had to tell them the program was cancelled, news that was not always received graciously. I also had to negotiate a settlement with the hotel for unused meeting rooms, uneaten meals, and unoccupied rooms. There was a silver lining of sorts. This nightmare could have happened in the middle of the conference instead of the last day!

—June Cicero, Minnesota

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We used to have a three-day residential conference for all of the administrative law judges each year. My greatest fear had always been that I would get sick and be unable to run the conference. Since I do not have a staff that also works closely on this project, I really felt that I had to be there at any cost. In 1985 my fear was realized. I quite suddenly and unexpectedly herniated a disc and was unable to walk because of the pain traveling down both legs. As the day of the conference drew closer, I remained in traction in the hospital and there was no relief in sight. (My boss did offer to have an ambulance transport me to the conference—I declined the offer!) I

finally decided that I had to go through every possible moment of the conference with the colleague from work who had been asked to do the administrative details for me.



We spent a couple of hours on the phone as I reviewed all of my notes with her and walked her through a usual conference. I gave her as much information as I could, including individuals she could rely on for assistance, the personalities of the judges, and the competence of the administrative staff at the conference site. We also spoke during the conference as questions arose. Unfortunately, a hard rainfall during most of the conference did not make the situation any easier, but everyone survived (and several had a greater appreciation of the work a conference requires). And after back surgery I was as good as new.

In the years that followed, I noted that people were particularly protective as the time of the conference drew near. I was not allowed to carry anything, quizzed about my physical and emotional health daily, etc. I soon learned that my colleagues were concerned that I might miss another conference and they would be asked to do my job. [Their worst nightmare in judicial education?!]

—Randy Bloom, New Jersey

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Our practice at judicial conferences is to house attending judges in

double rooms. At my first judicial conference, after only two weeks on the job, I was responsible for making these room assignments. Although I did not know the judges at all, I assigned a retired judge and an active judge to share a room, thinking it appropriate since they came from the same jurisdiction.

The next morning a kindly judge took me aside to suggest that I might want to make some rooming changes for the next conference. It seems the reason the judge retired was because his roommate had defeated him in the last election!

—Suzanne Keith, Tennessee

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I must say that I've had no nightmare concerning judicial education.

Perhaps, this is because I have not been involved in this field too long enough to recognize a calamity when I see it. It also could be that I am so battle-scarred from 60 years of the vicissitudes of life that I am unable to panic over anything that does not threaten the well-being of my immediate family. Honestly, if things go wrong, they go wrong, and I just don't worry about it. Maybe, in another 3 1/2 years on the job, I shall feel differently.

I am sure that I can attribute my good fortune to a large degree to the efficiency of the rest of the staff. The one event that I can think of that would be closest to a calamity would be for Cathy Springer and her assistant to become seriously ill a week or two before our annual conference in September. This would truly result in chaos. It would cause great concern and much additional work, but I don't believe that it would cause me to panic.

—George Glass, Indiana

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A number of years ago in a somewhat recurring theme, I found myself with an open two-hour block of instruction in a two-day program

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## THE UNIVERSITY OF GEORGIA CENTER FOR CONTINUING EDUCATION IN COOPERATION WITH NASJE

### Editor's Column

Happy Spring from The University of Georgia Center for Continuing Education! As you can see, we've picked a bright new color for the *Advisory Bulletin*.

I appreciate all of the feedback I received from many of you. Readers were excited to have the opportunity to learn more about continuing professional education from others in the field and within academic settings. In this issue, we learn more about the system of accreditation used in continuing medical education. Accreditation in CJE is gaining the interest of many in judicial education. Also, information on a recent doctoral study on how judges become "expert" on particular issues is presented, along with a short article on interactive video. I commend all of these articles to you for your own continuing education.

Please don't hesitate to contact me if you have suggestions for articles. I look forward to hearing from you.

*Diane E. Tallman*  
Editor

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### Accreditation in Continuing Professional Education

Tom Pearson

Professionals encounter new information on a regular basis. Without access to new information, the professional may stagnate. It is vital to organize educational activities in the most efficient and effective manner available in order to allow professionals to gain the much needed information in quick and focused ways.

One approach used to keep abreast of changes in knowledge by some professions is through education for credentialing purposes, in particular, accreditation. Its purpose is to assure professionals and the public that educational activities experienced by learners meet acceptable standards of education. While accreditation is voluntary, it is subject to various pressures, especially when licensure or certification of members depends upon attendance at accredited learning activities. One good example of accreditation in continuing professional education is the system used in continuing medical education, or CME. This article will highlight the CME system, which may have implications for accreditation in continuing judicial education.

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Accreditation assures  
that educational activities  
meet acceptable  
standards of education.

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#### The Basics of Accreditation.

All CME programs which have an interstate, regional, or national focus are accredited directly by the ACCME (Accreditation Council on Continuing Medical Education). Meanwhile, local organizations such as community hospitals and clinics fall under the jurisdiction of intrastate accreditation. Although there are two jurisdictions of accreditation, all sponsors, whether intrastate or interstate, must show compliance with equivalent standards.

The accreditation process is fairly straightforward. After one completes a very detailed application form, a site visit is made by the accrediting body if the application form is acceptable. The approved application and report

from the site visit are submitted to the accreditation review committee for final decision. The accreditation review committee can recommend accreditation (full, provisional or probationary), non-accreditation, or deferred action.

**Standards for Accreditation in CME.** There are specific standards which have been identified as "essentials" for becoming accredited in continuing medical education. The essentials represent commonly accepted criteria of what constitutes accredited CME.

**Mission Statement.** The first essential states that the sponsor shall have a written mission statement formally approved by its governing body. The mission statement represents the guiding force of any CME program. It serves to relate the activity of the CME program to the overall mission and purpose of the organization as a whole. A mission statement is very often not given enough credit in importance as a planning tool and rationale for the program. Great care should be taken in formulating the mission statement.

**Needs Assessment.** The second essential states that the sponsor shall have established procedures for identifying and analyzing the needs and interests of prospective participants. Accurate and periodic needs assessment provides a sound basis for overall program development. Note that the scope of this essential includes both *needs* of learners as well as their *interests* or desires. It is critical that needs assessment involve more than just intensive collecting of data. Integral to the process is a systematic analysis and prioritization of the information to determine which areas can and should be developed into learning activities.

**Learning Objectives.** The third essential directs that the sponsor shall have explicit learning objectives for each CME activity. Learning objectives are nothing more than a precise statement of intent or a targeted outcome established for a given learning activity. Well stated learning objectives not only serve as a guide for the planners and faculty, but they also serve as a measure for potential participants to determine if a proposed course of activity is appropriate for them to attend and fits their own personal learning needs.

**Consistency of Content and Method.** The fourth essential stipulates that the sponsor shall design and implement educational activities consistent in content and method with the stated objectives. In other words, information-oriented activities are often best handled through use of didactic methods such as lecture, while educational programs seeking to teach hands-on skills will have performance oriented objectives and teaching learning strategies that actively involve the learner.

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Essentials identify a core set of principles by which quality in CME can be assessed and maintained.

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**Evaluation.** The fifth essential states that the sponsor must evaluate the effectiveness of its overall CME program and component activities and use this information in its CME planning. Evaluation is probably the most challenging and at the same time most misunderstood of all the essentials. Evaluation basically means an attempt to make an informed judgment about whether you accomplished what you set out to do in a learning activity. As with needs assessment, you do not conduct evaluation simply by collecting data — the central point is to analyze the evaluation information, draw conclusions from what is indi-

cated and act on those conclusions.

**Management.** According to the sixth essential, the sponsor shall provide evidence that management procedures and other necessary resources are available and effectively used to fulfill its CME mission. As with any enterprise, an education department or unit must have appropriate management mechanisms in place to allow for a smooth operation.

**Joint Sponsorship.** Of all the essentials, the one that probably receives greatest scrutiny by the ACCME and is most open to potential abuse is the seventh essential — that the sponsor shall accept responsibility that all essentials are met when they jointly sponsor a program with non-accredited entities. The ACCME has specific requirements for valid joint-sponsorship programs; for instance, there must be consistency between the nature of the jointly sponsored activity and the scope of the written mission statement which has been adopted by the accredited sponsor.

**Accreditation in CJE?** In its brief history since the early 1980s, the ACCME has been able to accomplish the close-to-impossible task of bringing together the many powers, factions, and movements within the CME world and getting them to agree on a core set of principles by which quality in continuing medical education can be assessed and maintained. There is now a unique challenge and opportunity presented to continuing judicial educators to establish a system of accreditation. The first step in developing such a system is to identify the "essentials" that might be appropriate for CJE. It falls to the coordinators, developers, and administrators of continuing professional education to uphold the essentials or standards of any system; therefore, their input is critical in developing criteria and standards.

*Thomas Pearson, Ed.D., is Director of Education at the American Academy of Dermatology.*

## RESOURCES

Brookfield, S. D. (1986). **Understanding and facilitating adult learning.** San Francisco: Jossey-Bass.

This book addresses how educators attempt to assist adult learning by blending respected theories with practical knowledge. Voluntary participation, mutual respect, collaborative spirit, critical reflection, and self-direction are explored. Brookfield proposes a new concept of the teaching/learning process that includes critical analysis of self and society.

Daloz, L. P. (1986). **Effective teaching and mentoring.** San Francisco: Jossey-Bass.

According to Daloz, a mentor is a trusted guide rather than a tour director for one's own education journey. He demystifies the mentoring relationship by explaining how mentors share reactions and thoughts with their adult learners. Daloz suggests how a practitioner can improve the quality of the educational experience through the use of concrete and practical suggestions. The message of this book is that education is not a bundle of tricks, but occurs through the teacher/mentor's willingness to share the learning experience.

Nadler, L. and Nadler, Z. (1987). **Successful conferences and meetings.** San Francisco: Jossey-Bass.

Nadler and Nadler have written a comprehensive conference planning book that is easy to read through its question-and-answer format. It focuses on the logistical aspects of conference planning and contains topical checklists in each chapter. Checklists guide practitioners on topics such as designing a conference, food and beverage functions, transportation issues, special events, coordinating exhibits, and registration.

Wlodowski, R. J. (1985). **Enhancing adult motivation to learn.** San Francisco: Jossey-Bass.

Wlodowski's book is a useful and easily readable resource for practitioners wanting information on how to motivate people. He analyzes how attitudes, needs, stimulation, affect, competence, and reinforcement can motivate the adult learner. Practical strategies are explained for each motivation factor through the use of clear examples and easy-to-read charts.



# How Judges Become Expert About Contemporary Issues

Pat Stein

The impact of the judicial system on society is enormous as monumental decisions are decided by judges daily through the court system. In order for our court systems to effectively serve the needs of the public, the judiciary must be knowledgeable about the current issues facing the courts. As within any profession, there are members who seem to excel in particular areas or have what is often called "expertise" about a particular topic or issue. The question then can be asked, how do some judges become expert on a particular issue?

**Purpose of the Study.** The purpose of this particular study was to discover how judges become expert about contemporary issues facing the courts. Thirteen judges, who were identified as experts on contemporary issues, were selected for the study. A qualitative research design was utilized and data were gathered from in-depth interviews with the participants, using a semi-structured interview guide.

**Results.** The responses of the judges evolved into five major categories. The first category, *discovery*, addressed reasons why the judges pursued this issue. This category developed as the researcher identified triggering mechanisms which occurred that prompted the judge to take action with a particular issue. Another discovery in this category was the "fuel" or the personal impetus behind the triggering mechanism that prompted the judge not only to take action but to pursue the issue in greater depth than other issues. The triggering mechanism and personal impetus elements formed the basis for the judge to recognize and pursue a judicial need which he or she identified in the judicial system.

The second category, *action*, is the stage at which an observable action took place with the issue. Two different types of action emerged. The first, named "maverick,"

represents new and creative approaches used by some judges. The second type is called "traditional action" and identifies the approaches by judges who utilize actions generally accepted or followed by the judiciary. It is also at this stage where some judges are beginning to be recognized by others as experts. If the judge is considered a maverick, then he or she is often recognized as an expert by others, because of his or her new and often innovative approach to the issue. When the judge is recognized by others at the traditional action stage, it is usually because of his longevity in successfully dealing with the issue.

*Learning*, the third category, highlights techniques and resources utilized by the judges to become expert in their issue. Three strategies used were: outside experts, reading, and continuing judicial education activities. Information gained in this category enabled the judges to gain a better understanding and expanded perception of the issue.

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## How do some judges become expert on a particular issue?

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*Reinforcement*, the next major category, contains the elements of catalyst, confidence building and judicial peer input. This category resulted when judges attempted to clarify in their own minds that the procedures utilized with the issues were effective, or even that they were expert at this point. The judges served as catalysts for the issues through various methods. Their intentions were to implement a procedure to seek other judicial review of the issue, or to provide the programs for other judges or audiences outside the judiciary. Several judges served in the dual role as the catalyst, or actual implementor, of the program or action. It was the result of the catalyst procedures that the judges were reinforced by either judicial peers or outside sources

as to their work with the issue. At this time some judges started expressing confidence, or even feeling "expert" in dealing with the issue. Even though the judges usually sought information from outside experts during the exploration stage of the issue, the judges often turned to their judicial colleagues at this time for reinforcement on the issue. The final category, *maintenance*, represents the "coasting" stage of the model where the judge is still involved with the issue but often the active part of acquiring information and/or dealing with the issue has gone into "automatic pilot." This stage usually occurs after the judges have been recognized as an "expert" on the issue.

**The Synergistic Triad.** It appears that judges do participate in a synergistic triad in order to become experts. The three categories of this triad — action, learning, and reinforcement — all contribute to the judge becoming expert for two reasons. The first reason is that judges actively participate in the issue throughout these categories. Secondly, in all these categories, the judges acquire information about the issues. As a result of the participation, the judges gain experience with the issue. Discovery serves the role of "gate" to the synergism. Even though the judges acquire information in this category, the discovery category plays the important role of providing the "fuel" for the judges to enter the synergistic state on an issue. If judges do not encounter the triggering mechanism, feel the personal impetus, and then decide the judicial need, then they will not, in all probability, progress through the triad of categories and reach the same pinnacle of "expert status" as the judges in this study.

The maintenance category also serves as the "gate" out of the synergistic stage. This is the stage where most of the judges were during this study. They have left the most active part of dealing with and/or acquiring information about the issue. However, the gate can be opened and they can, and do, return to the triad of categories.

**Conclusions.** Conclusions to the study were that expert judges do engage in a pattern of behavior to become experts. This information can be utilized by judges, planners of CJE programs, the legislative branch and as a model for judges in their socialization process. The elements of the process identified by the judges for becoming expert about the contemporary issues can be used by prospective judges who are preparing to ascend to the bench. Veteran judges, who often face problems such as lack of release time for formal education, or the feeling of isolation can also use this information to become more proficient in areas in which they feel deficient. Planners of judicial education programs at various levels can use the information from the categories to plan a wider range of formal and informal activities and procedures. Establishing differences in approaches to acquiring competence on different issues can be used by legislators, those who influence the legislative process, and licensing or certification boards to acknowledge alternative and flexible approaches to current educational requirements.

*Pat Stein, Ed.D., is Assistant Professor, School of Home Economics at Eastern Illinois University.*

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### **Continuing Professional Education Advisory Bulletin**

Diane E. Tallman, Editor

Georgia Center for Continuing Education  
The University of Georgia  
Athens, Georgia 30602  
404/542-2275

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## **Interactive Video: New Worlds of Instructional Technology**

Brad Cahoon

Imagine a teaching machine that combines the best features of television and personal computers, capable of displaying video images and computer graphics on the same screen, with stereo sound and a pressure-sensitive screen that allows a user to interact with an instructional program through the touch of a finger. Now imagine the programs that might run on such a machine: complex simulations using real-world settings and human actors, programs that bring learners into learning situations as participants, presenting them with new information through sight and sound and then immediately compelling them to apply that information to the simulation model.

This dream machine and its software already exist in a variety of forms. The system described above is the IBM InfoWindow, running training materials such as the Management Skills Development Series created by Wilson Learning. Far from being experimental, these are proven products that have been commercially available for several years. They represent the first steps toward the new learning environments made possible by the technology of interactive video.

### **What is interactive video?**

First, it is not a single product or system. Several competitive standards are evolving in the field: videodisc, CD-I, and DV-I are all different versions of the same basic technology. The common denominator in these systems is the use of optical media to store video images.

The concept of optical media is probably best known through CD audio recordings. The principles of optically-stored video are the same. Information is stored on a plastic disk coated with a special reflective film, and is "read" by the video player with a laser device. The educational advantages of videodisc are obvious when compared to ordinary videotape. Tape is

excellent for the continuous presentation of video, but what if you want to go to a particular scene or image? In contrast, any frame of video stored on the surface of an optical disc can be located and accessed in a second or two. For educational applications like simulations that required extensive searching and branching, optical video is far superior to tape.

**Learning Through Interactive Video.** To fully utilize the capability for rapid searching, most interactive video systems employ a microcomputer to control the videodisc player. A program designed to work interactively with a learner can respond to that learner's requests or answers by showing a particular segment of motion video. Instead of passively absorbing information, the viewer is required to act on what he or she is seeing, and those actions will in turn affect the video images that are subsequently displayed. Learning becomes a highly participatory, interactive experience that allows the learner to advance at his or her own pace, digest information, and utilize new information immediately. This technology has many possibilities for continuing judicial educators, such as preparing new judges, working through case studies, or understanding the implications of new laws and procedures.

Many adult learners are unable to attend conventional workshops and conferences, or prefer an individualized learning environment. This exciting instructional technology might be particularly useful in training judicial personnel at various sites across a state, or allowing judges to work at their own independent pace.

*Brad Cahoon is a Program Specialist in Individualized Instruction, The University of Georgia Center for Continuing Education.*



and no idea how or what to do with it. Reacting in my normal studied, rational and empirical manner I quickly called a fellow judicial educator, who, as it turned out, was also a spawn of Satan. Mr. Damien (the Spawn) said "Glad you called, have I got a guy for you!—This guy is incredible!! Knows the subject like he invented it, he is a cross between Bob Hope, Leo Buscaglia and Billy Graham. He will make laughing, loving believers out of everyone there. He will touch their souls and change their lives!"

This speaker was obviously better than the invention of pockets so I put him on at 1:00 p.m. (the zone of death for speakers), right after the largest lunch ever consumed by humans. The room was just slightly warm and the seats very comfortable. Dr. Sominex (the speaker) proceeded to open his briefcase, take

out a one half inch thick sheaf of papers and began in a steady monotone voice to read word for word from his text, creating what can only be described as an excellent alternative to ether. Within fifteen minutes even the strongest willed of the attendees had been visited by Morpheus, the God of dull speeches. It was interesting, to say the least, observing Dr. Sominex speaking to a room full of 45 comatose bodies. Of course Dr. Sominex ended up as one of our highest rated speakers.

—Dan Schenk, South Dakota  
*Editor's Note: A bit of creative writing from Dan Schenk, who never had an educational nightmare.*

■ ■ ■

Picture late January in Minnesota, bitterly cold, dingy snow piled

on either side of the street in downtown St. Paul. In pre-dawn darkness, you skid at every intersection, praying you make it to the parking ramp. You hope for a parking spot near the elevators. At last you arrive safely, the bellman quickly unloads your car and you set off for your meeting room with a sigh of relief. All is well; the worst is over.

AND THEN . . . Johnson's Law goes into effect. (Johnson is two steps beyond Murphy.) Only thirty minutes to go and the room is a shambles. The remains of last night's banquet, full ash trays, and half-empty wine glasses are still on the tables. An odor not unlike that of a cheap neighborhood bar hangs heavy in the room. There's no time for panic or blame—that waits until later. You grab every hotel employee you see to help clear, clean,

*continued on page 12*

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## President's Column, *continued*

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mittee of the lawyers committee of JAD to determine if more cooperation and collaboration are needed between national organizations. NASJE is regularly requested to be represented at several meetings during ABA conventions. The board agreed NASJE should continue to send representatives, and the president should assign persons to attend such meetings in order to allow more involvement of NASJE members.

Ed Borrelli reviewed plans for this year's annual conference. Many topics have been suggested but not yet finalized by the Northeast Region. Plans are to ask SJI grantees to attend the conference to provide NASJE members with information regarding grants that affect our work. The board agreed that Sunday afternoon will be set aside for committee meetings and regional meetings.

Scott Smith reported on site selections for the 1991 annual conference, which will be held in the midwest. A ballot of site selections for 1991 will be mailed to the entire membership for a vote sometime during the summer.

The board reviewed recommendations submitted by the educational methods committee. The

board has requested the committee to work with the Northeast Region to prepare a faculty guide book and to draft review criteria for the board to use in determining NASJE support of grant proposals submitted by organizations requesting endorsement.

The board discussed long-range plans for NASJE, including the possible expansion of NASJE membership. The board considered launching a membership drive directed at persons who are not state judicial educators but who may be responsible for court-support staff education and/or education of judges on large courts. Questions discussed were whether increased membership would adversely affect established networks among state judicial educators and increase attendance at annual meetings and whether NASJE should remain a small association. The board stressed that such persons are eligible for membership and encouraged to join NASJE; however, the board will not undertake a major membership drive.

The board discussed at length the need for staff services for the association. Due to the increased activities of the association, it was felt the board should seriously investigate this need. Each board member was

requested to provide Rich Reaves with a list of functions a staff person might perform, and after such a list is compiled, the board will further discuss the need and determine what direction it should take regarding staff services.

The expansion of duties of regional directors was discussed. It was agreed that regional directors need to establish more frequent and greater contact with members in their region. It was determined that each regional director will meet with their region during the annual meeting in October. The board expects that such contacts and meetings will develop greater networking opportunities, foster the sharing of experiences and needs, and facilitate interaction among regional members. Regional directors will also assist the secretary/treasurer with the collection of unpaid membership dues.

I encourage anyone who would like a copy of the board meeting minutes to contact Larry Stone. I also encourage members to contact their regional director or any member of the board to offer suggestions of how we can improve NASJE and be of greater service to you. ■

# Practical Tips for Judge-Teachers

by Paul M. Li

## 1. Use an Overhead Projector

The overhead projector has become the standard instructional tool in continuing professional education. Virtually all the best judge-teachers today use it. The reason is simple: using an overhead projector will increase the audience's attention and learning by several hundred percent!

A Socony-Mobil Oil Company survey shows that we *learn* 1 percent by taste, 1-1/2 percent by touch, 3-1/2 percent by smell, 11 percent by hearing, and 83 percent by sight. We also *retain* (remember) about 10 percent of what we read, 20 percent of what we hear, 30 percent of what we see, and 50 percent of what we both see and hear.

The message for judge-teachers is clear: if after spending hours preparing a presentation you would be satisfied with your audience learning 11 percent of what you had to teach and afterwards remembering 20 percent of what it had learned (for a 2.2 percent net retention of your presentation), then simply lecture the participants. On the other hand, if you want your audience to learn over 90 percent of what you have to teach and afterwards to retain 50 percent of what it learned, then use an overhead projector.

Another interesting study was made in 1981 by the Wharton School of Economics. In a six-month test involving 36 groups of MBA students, 67 percent of the audience agreed with the position taken by the person using an overhead projector, regardless of whether that person favored or opposed a product. The user was perceived as being significantly better prepared, more persuasive and credible, more interesting, and able to build a group consensus in 28 percent less

time. When using the projector, the presenter also was able to reduce significantly what he or she had to say orally and yet cover the same amount of material (this finding should particularly comfort presenters who have too much information to convey within the time allotted). Using the projector also increased significantly the audience's retention.

It is tempting simply to tell the audience all you know about your topic. As judge-teachers, however, your concern should be not only *what* is to be taught but *what* is the most effective *way* to learn. And learning how to use an overhead projector will take less than 30 minutes.

*As a general rule, you should project everything you will refer to, and hand out in writing everything you will project.* Your audience will then be able to maintain eye contact with you (see 8, below), rather than rush to copy what you have projected or said. Also, do not use a typewriter to make your transparencies. People in the back cannot see them. *Write out your transparencies by hand; use both upper and lower case letters; and use different colored pens for emphasis (43 percent more persuasive).* Limit yourself to just the key words and cases. For audiences of up to 100 people, limit yourself to one idea per transparency, with a maximum of six lines and six words per line. For larger audiences, limit yourself to just 15 words per transparency and use a wide marker pen. Don't project printed or typed materials unless the letters are at least one-half inch size. Finally, turn off the projector when you are changing transparencies and, more importantly, when you are not discussing the information on a transparency. A 30-minute practice session is all you will need to master sufficiently the use of the overhead projector.

## 2. Use a Problem-solving Approach

Judges will encounter court problems in the context of particular sets of facts. So problem solving is

the best way to help judges understand what they have to learn. Facts are facts, but facts become knowledge if used in a practical example. Likewise, knowledge becomes skill if learners are given an opportunity to apply it. A common learning objective is to equip judges for handling the 10 most common (or most important) problems they might encounter in a particular court proceeding.

A technology study comparing the effectiveness of presenting the same content by lecture, modeling, and simulation shows that both learning and retention are enhanced through use of simulation-skills teaching methods:

### Learning and Retention

Format	24 Hours	30 Days
Lecture (Listening)	40%	15%
Modeling (Watching)	70%	30%
Simulation (Doing)	90%	65%

## 3. Outline Your Discussion Topics

List your topics on a flip chart or overhead transparency and refer to it when you begin and end each topic. This will make it much easier for the audience to follow your presentation. It will also help you to improve the organization of your materials. Check off each topic when the audience indicates that you have adequately covered it and there are no additional questions about the subject.

## 4. Always Provide the Judges with a Checklist or Script

Like other professionals, judges attend continuing education programs to obtain *practical* knowledge, and particularly the "how to" judicial skills and techniques that other judges are successfully using in their everyday work. What the participants most want to take home is a procedural checklist of about 1,500 words, with standard court forms and spoken words, for handling the court proceeding or courtroom problem you discussed in

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Paul M. Li is director of the California Center for Judicial Education (CJER). His practical tips are based on nearly 25 years of watching and conducting judicial education programs.—ED

your presentation. The better checklists should include the 10 most common problems that judges may encounter in handling a particular court proceeding, together with practical advice on how best to resolve each problem. Adults are very task oriented. Since your objective is to equip judges for handling actual courtroom proceedings fairly, correctly, and efficiently, give them the necessary tools.

#### 5. Walk the Judges Through Several Scenarios or Examples Using the Checklists

Again, knowledge becomes skill if applied by the learners. Always begin with one or more *simple* (!) examples until you are sure the judges have become comfortable with the basic procedures. Test whether they can identify the critical points and then centralize your instruction around a discussion of those points. Limit yourself to three or four issues per hour. Focus on conduct: make the judges participate by having them do something. Also, provide closure: confirm/validate your points or message.

#### 6. Don't Apologize

Apologies are always perceived as insults, particularly if the apologies are about a speaker's inexperience, inadequacies, or lack of time. Apologies make you *appear* unprepared and inexperienced, which are deadly sins that make the audience wonder why you were selected to waste their precious time. Never apologize.

#### 7. Never Openly Look at Your Watch

Looking at your watch makes the audience anxious and eager to leave. It also makes you *seem* to be off schedule and disorganized, which are other deadly sins. Place your watch on the lectern before you begin.

#### 8. Never, Never Read Your Presentation or Keep Your Eyes Totally on Your Notes

Maintain eye contact with the participants. Nothing else will make the audience lose interest quicker than to have you read to them. Try to vary your eye contact from side to side and forward to the middle of

the audience. If you are too nervous, look right above the heads of persons in the middle. It will appear that you are looking at them.

#### 9. Always Leave Time for Questions

No matter how well you think you've covered a topic, someone will have a question or concern. Always leave time to answer it.

#### 10. Repeat All Questions

Audience members have different hearing levels and varying attention spans. Therefore, you should repeat all questions and rephrase them if it would help comprehension. Your answers become meaningless when the listeners have not heard the questions.

Remember that judges are action oriented. They want to know how best to perform their judicial duties. *You were (or should have been) selected as a faculty member because of your expertise in handling one or more judicial tasks.* Your educational objective should be to share your practical knowledge, skills, and techniques with the judicial audience. Your role is not that of a law professor, who imparts *theoretical* information about laws and legal errors but not the practical judicial knowledge and skills that judicial educators have developed and other judges really want (which is why continuing professional education programs primarily use practitioners, rather than professors, as teachers). Indeed, most judges in their everyday courtroom work can rely on their own research and the lawyers appearing before them for the applicable laws and legal theories; they don't need to attend continuing education programs to learn the law. So don't be satisfied with a scholarly approach. Instead, teach judges *how* to do their work. You will not only be performing a great service to your colleagues and the public, but you will also become an instant star judicial educator. ■

### Creating, *continued*

realized. The desired outcome cannot be achieved without the acknowledgment of what the outcome looks, acts, and feels like.

**The Sabotage Begins.** When the conflict arises between what is and what can be, sabotage begins. The visionary can be the saboteur as easily as anyone else. Some acts are overt sabotage. But it is the more subtle tactics that go unnoticed and masquerade as acceptable, indeed wise, methods of bringing about change that you must beware. Here are just a few classic sabotage tactics:

- Settling for what is because it is so much better than what was in the past.
- Accepting a compromise that gives only part of the vision on the basis that something is better than nothing.
- Being so process oriented that the process becomes the driving force rather than the outcome.
- Playing to the resistance that arises out of change, thus giving power to the resistance instead of the vision.
- Giving up on the vision when appearances suggest that nothing is being accomplished.

The extent of the sabotage is indirectly related to the distance that must be traveled between current circumstances and the manifestation of the vision. It is a human tendency to stay with the familiar; but creating a vision requires one to be comfortable with the unfamiliar. A vision is a vision only if one goes beyond what seems possible and comfortable.

**Conclusion.** The visionary's energy is contagious. It will lure one away from traditional thinking into the land of imagination. If you choose to become a visionary, your life will express what you choose to create. Others will feel your excitement and will follow. There is something within all of us that wants to see greatness develop in both people and institutions. Greatness is at the very core of every vision. ■



# Judicial Education in West Germany

by Daniel J. Meador

The German Academy for Judges (*Deutscher Richter Akademie*), founded in 1973, provides educational programs for all judges in West Germany. In earlier years, judicial education programs had been offered at various places throughout the country. Since 1973, however, all professional instruction for German judges has been conducted at the permanent home of the academy in Trier.

The academy is run by the ministers of justice of the 11 West German states.<sup>1</sup> In effect, they form a board of directors. The states provide one-half of the financing for the academy (prorated according to the size of the state); the other half comes from the federal government. The operations and functioning of the academy are in the hands of a full-time director, who has 11 full-time staff members and 16 part-time employees. The director is a judge who holds the position for a period of three to four years and then rotates back to the courts of his state.

The academy offers courses that are determined by a group composed of a representative from each of the 11 justice ministries. The group meets twice annually to set the program of instruction for the ensuing year. The courses for each calendar year are scheduled in advance, and a description of each course with its dates is included in a printed brochure mailed to all judges in Germany. Responsibility for each course is assigned to a state. That state plans the content of the course and selects the instructors.

The courses offered by the academy are either one week or two weeks in length. Approximately 40 judges are enrolled in each course. Two courses are always conducted simultaneously, so that at any given time there are approximately 80 judges in residence at the academy except for the vacation times. There

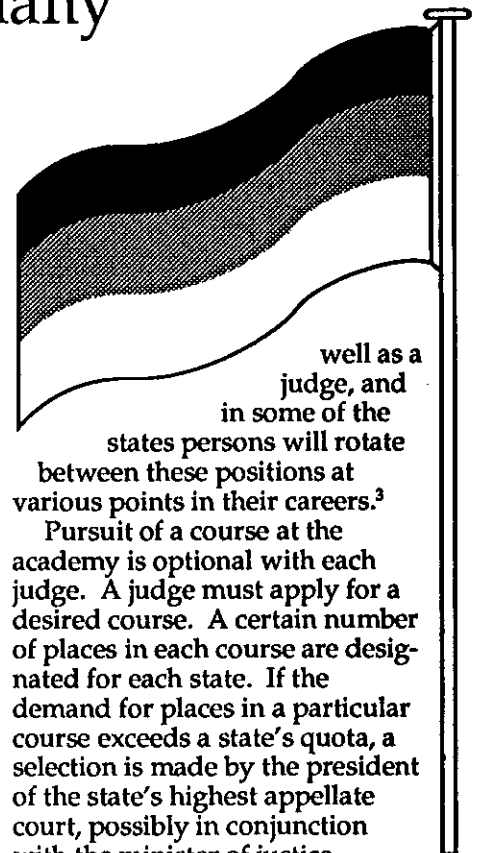
is a break in the schedule at Christmas and Easter and an interval of several weeks in late summer during which no courses are conducted. A total of 50 courses will typically be offered in each calendar year, with a total annual enrollment of approximately 2,000 judges.

The courses cover a wide range of subjects. They include traditional substantive and procedural subjects such as "Settlement in the Civil Trial," as well as interdisciplinary and newly emerging topics such as "Gene Technology, Reproductive Medicine, and the Law."

At least several instructors teach in each course, running up to as high as 16 for some two-week courses. The instructors include judges, prosecutors, practicing lawyers, law professors, and professors from other disciplines involved in the course, such as medicine, psychology, and other sciences. In all courses emphasis is placed on group discussion and interaction among participants.

In West Germany there are five separate judicial systems, inherited from the judicial structure of 19th-century Germany. The largest is the "ordinary jurisdiction," which includes criminal cases and most private civil litigation. The others are the finance courts, administrative courts, social courts, and labor courts. Each of these five systems has both trial and appellate levels, the lower level being courts of the states and the top appellate level being federal courts.<sup>2</sup> Each of these systems is spoken of as a "jurisdiction." As thus used, that word has no territorial ingredients; each of the five jurisdictions is country-wide in scope.

Most of the judges attending the academy's courses come from the ordinary jurisdiction, but judges from all of the five systems pursue studies there. Prosecutors also attend some of the courses, along with judges; in Germany a legal career in the public service often includes service as a prosecutor as



well as a judge, and in some of the states persons will rotate between these positions at various points in their careers.<sup>3</sup>

Pursuit of a course at the academy is optional with each judge. A judge must apply for a desired course. A certain number of places in each course are designated for each state. If the demand for places in a particular course exceeds a state's quota, a selection is made by the president of the state's highest appellate court, possibly in conjunction with the minister of justice. Apparently there is usually no problem of this sort, and a judge who wants to attend a particular course can normally be enrolled in it. All expenses are covered, so attending a course does not impose any financial burden on the judge. It is estimated that approximately 50 to 70 percent of all German judges have attended courses at the academy.

There is a somewhat mixed view as to whether attendance at the academy's courses is beneficial to the judge's career. In Germany a judge's advancement from the lowest courts up the judicial ladder is largely in the hands of the president of the state's top appellate court and the Justice Ministry. One might think that attendance at the academy's courses would be a positive factor in the selection of a judge for advancement. But it may be that a judge's absence from duties at his home base will be viewed unfavorably at times, depending on the magnitude of the work to be done and the attitude of the judicial officials in that state.

In several ways the academy resembles the National Judicial  
*continued on page 12*

Daniel Meador is James Monroe Professor of Law, University of Virginia; Director, Graduate Program for Judges.—ED

Court Management. Judge Geiger addressed such topics as: Need to Enhance Security, Legal Issues, Preventative Security, Risk Reduction, and How to Implement Change.

The educators started the morning in the judges' sessions. Carol Weaver provided each educator with observation analysis forms. During the first hour of the court security program, educators evaluated the instructors' teaching techniques and material. The educators then left the judges' conference and met for instruction and discussion on education theory and debriefed the instructors'

presentation. This format was followed for three consecutive sessions throughout the day.

On Saturday morning, educators analyzed Judicial Education Environment, Adult Professional Education, Involvement of Planning Committees, and How to Make Change Happen.

Everyone left the workshop with a much better understanding of how to provide continuing education for adults, along with valuable knowledge of court security management. Each judicial educator received a comprehensive judicial education curriculum for court security and

jury management and a copy of the program materials that were distributed to the judges.

The material, planning, and presentation of this seminar were supported by a grant from the State Justice Institute. Antoinette Bonacci, staff associate, Institute for Court Management, was the program coordinator. The following state judicial educators served on the planning committee: Ellen Marshall, chair, Carroll Edmondson, Jeff Kuhn, Doug Lanford, Dee Lawton, Bob Payant, Nancy Scheffel, and Larry Stone. ■

## NASJE News Survey

NASJE News is designed to provide a forum for the exchange of useful information regarding Judicial Education. Please take a moment to give us your comments and suggestions.

I. Do you read NASJE News? Yes ☐ No ☐

II. Please circle the appropriate number to rate the value of topical areas of interest to you. An example of an article is listed next to each topic area to assist you in determining the type of information covered in the topic area.

		Not Valuable		Somewhat Valuable		Valuable
1.	New Developments in Judicial Education, e.g., "Technical Assistance Workshop" (this issue)	1	2	3	4	5
2.	Judicial Education Activities, e.g., "CJE Leaders Convene in Tucson" (winter 1990 issue)	1	2	3	4	5
3.	Judicial Education Materials, e.g., "Trial Judges Writing Project" (this issue)	1	2	3	4	5
4.	Information About Judicial Education Organizations, e.g., "Arkansas" (this issue)	1	2	3	4	5
5.	Resources, e.g., "Three Cooperative Judicial Education Projects Begin" (winter 1990 issue)	1	2	3	4	5
6.	Exchange of Judicial Education Expertise, e.g., "Practical Tips for Judge-Teachers" (this issue)	1	2	3	4	5

III. Please share with us your comments and/or suggestions:

IV. Please check your profession:

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V. Would you like to continue receiving NASJE News?

Yes ☐ No ☐

If no, please print name:

VI. Please detach, insert in the supplied envelope, and return no later than June 30, 1990.  
 Thank you for your assistance!

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## Worst Nightmare, *continued*

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and reset the room. You work a small miracle, and put on a welcoming smile as you greet your participants.

All this in spite of a long history with the facility, and a signed contract for twelve separate functions scheduled throughout the coming year. Later, you learn that a self-important young sales rep cancelled the contract because you were "away" when he called two days earlier, assuming that you would not be needing the room if you are out of town. Whatever happened to that young man? I know he left the hotel business! ■

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## Judicial Education, *continued*

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College in Reno. Perhaps the most significant difference is that the academy is fully financed by the cooperative efforts of the federal government and the state governments and is under the collective management of the states. There is no judicial education institution in the United States financed and managed in that way. The academy is the sole provider of judicial education in Germany, whereas in the United States there are multiple programs available.

### Notes

1. The Federal Republic of Germany consists of 10 states (*Laender*). Although West Berlin occupies a special legal and political status, it is for most practical purposes

an eleventh state of the Federal Republic, and it is so considered here.

2. Elsewhere I have undertaken to describe this five-way structure of the German judiciary in terms understandable to American lawyers and judges. See Meador, "Appellate Subject Matter Organization: The German Design from an American Perspective," 5 *Hastings Int'l & Comp. L. Rev.* 27, 31-35 (1981).
3. For a description of judicial career patterns and the rotational aspects in some states, see Meador, "German Appellate Judges: Career Patterns and American-English Comparisons," 67 *Judicature* 16 (1983). ■



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## National Association of State Judicial Educators

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