Leadership Institute ... The Sequel: "The Advanced Training"

Karen Waldrop

How many times have you seen the sequel to a good movie and been disappointed? Or taken someone to a restaurant you thought was wonderful the last time you were there, but found the subsequent visit a great letdown? Or visited with

Karen Waldrop is NASJE western regional director and director, education services, Supreme Court of Arizona.—ED

people you found absolutely intriguing the first time you interacted with them, but found them profoundly boring the second time? Sounds all too familiar, right?

Well, such is not the case with the sequel to the Leadership Institute in Judicial Education! No one left the Advanced Training thinking that the first experience was the best; the thinking was that the second phase complemented and gave closure to

the first. Revisiting the people and the substantive components of adult education theory at the Leadership Institute's Advanced Training was empowering and energizing to all involved!

The Advanced Training was held in Washington, D.C., on November 15-17 at the Embassy Row Hotel. The states participating in the reunion were Alabama, Arizona,

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Kay Boothman

I tis a cold, cloudy day in Little Rock, Arkansas, in early fall of 1987. In an attractive neighborhood, a modest, soft-spoken woman finds that a cassette tape has mysteriously appeared on her doorstep overnight.

"Good morning Ms. Boothman, Your mission, should you choose to accept it is to chair the editorial committee of NASIE News. You have less than three months to start the process, but you do have an eager committee of NASIE members to help—unfortunately they have no experience publishing newsletters. You will have staff help, but they will be 750 miles away in Williamsburg, Virginia. You will need to decide the appropriate format, appearance, editorial style, and audience of the newsletter. AND you must find people who will write for the newsletter for free. You must produce four high-quality issues a

year. This tape will self-destruct in 30 seconds."

The circumstances may be a little over-dramatized, but the core facts are true. Fortunately for all of NASJE, Kay Boothman, the Steel Magnolia of Little Rock, accepted the mission impossible and chaired the committee. For four years Kay guided the committee through the initial exciting days and through the subsequent days when article ideas seemed as common as a five-leaf clover. Her southern charm and polite-yet firm direction kept the newsletter on course. Her attention to detail—reading last versions of copy, writing articles that no else had time to write, thanking our many. volunteer authors, and countless other tasks—is visible in every page of every issue of NASJE News.

Kay has resigned from the editorial committee to reclaim some of the nights and weekends that



NASJE News has required over the past four years. The gavel has been passed to Michael Runner, assistant, director of the California Center for Judicial Education and Research. Kay will be missed by all who remain involved with the newsletter, but her efforts will not be forgotten. She's a jewel; an Arkansas original.

Thanks, Kay.

NASJE News Spring 1992

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Perspectives for Judicial Education
confidence in page nine

Judicial Education and the Indian Child Welfare Act

James Ganje

The North Dakota Supreme Court and the North Dakota Department of Transportation completed a two-and-one-half day tribal/state conference on traffic safety and matters of jurisdiction late last year. While the larger part of the conference covered issues relating to traffic safety in Indian country, a portion of the conference considered jurisdictional issues that arise in criminal law and domestic relations. Perhaps one of the most problematic and troublesome areas with respect to tribal/state relations is the application by state courts of the federal Indian Child Welfare Act, and a segment of the conference session on domestic relations was dedicated to explaining the requirements and obligations imposed by the act. The primary goal was to familiarize state court judges with the act's provisions and to lay the groundwork for a more fruitful discussion between tribal court and state court judges regarding application of the act's provisions. While this brief article cannot provide a full discussion of the act's requirements, it will provide a brief overview of some of the act's more important requirements.

The Indian Child Welfare Act of 1978, codified as 25 U.S.C. sections 1901-1963, was enacted by Congress in response to what was viewed as the often unwarranted removal of Indian children from their families. Congress was concerned that states, primarily through the action of state courts in custody proceedings involving Indian children, had failed to recognize tribal relations of Indian people and the cultural and social standards prevailing in Indian communities and families. The act, then, applies to Indian child custody proceedings. These proceedings include

James Ganje is staff attorney for the North Dakota Administrative Office of the Courts.—ED

foster care placement, termination of parental rights, preadoptive placement, and adoptive placement. The act provides that tribal courts have exclusive jurisdiction over Indian children in Indian country and concurrent jurisdiction over an Indian child who does not reside within the reservation. Notice to the Indian child's tribe must be given if a child custody proceeding originates in a state court and if "the court knows or has reason to know that an Indian child is involved." The scope of this particular requirement cannot be underestimated. The act defines an "Indian child" as any unmarried person who is under age 18 and is either a member of an Indian tribe or is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe. Consequently, a state court judge must always be sensitive to the possibility that the child in a child custody proceeding may be an Indian child as defined in the act. This applies equally to state court judges in those states where there is no federally recognized Indian country because the act applies to, or can have an impact upon, any child custody proceeding involving an Indian child wherever that child may be located. The act further provides that the state court must transfer the case to tribal court if the tribe or either parent requests a transfer, unless one of the parents objects. The state court can refuse to transfer the case to tribal court for good cause.

In the event an Indian parent loses parental rights, the state court must give preference to the Indian family and tribe in the following order—a member of the child's extended family, other members of the child's tribe, or other Indian families. Only after considering these possible placements, may the state court allow the adoption of the child by a non-Indian family. A state court

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Strategic Management in the Courts: Training Staff in How to Plan for the Future

David A. Price, Ph.D.

ood management requires Jgood planning." This aphorism links management, the process of directing an organization toward achieving objectives, with planning, the series of steps by which goals, methods, and means are wedded. It assumes a future and a desired place in that future. A discussion of this principle most likely would be found in a textbook on business management. Yet, within the last few years and with increasing frequency, it has found a place in primers on court management as well. Its application to the court environment has begun to alter dramatically the posture many courts have historically taken toward management demands. Through planning, they have begun to learn that they can take a proactive rather than a reactive posture toward change. Evidence for this shift in focus is abundant. Many courts from Maine to Hawaii have had or have recently established futures commissions to examine the health of and offer a prescription for the judiciary that will take it into the next century.

Why has there been this surge of interest in planning for the future? After all, the courts have for years been experiencing rapid changes in the nature of their caseloads (e.g., white-collar crime increasing in proportion to traditional street crime) and increasing demands from society to provide leadership in newly emerging areas of criminal and civil

ety to provide leadership in newly emerging areas of criminal and civil

Dr. Price is a senior researcher at the Center for Policy Studies, a nonprofit corporation located in Denver, Colorado. This article is derived from an SJI-funded project," A Futures Planning Program for Judges and Court Administrators." The project is developing an approach to long-range, strategic planning and a set of curriculum materials for the approach. Final products from

the project should be available this sum-

mer.—ED

justice (e.g., drug-related offenses, product liability litigation). Therefore, it cannot be said that courts have suddenly discovered the future, because they have already seen it and experienced its effects. What they seem to have discovered, however, is that they can anticipate and help to shape that future. How? Through good planning, which in turn provides the basis for good management.

Historically, there has been a scarcity of good planning in the courts. This can be attributed to a number of factors, but one that seems key is that the courts frequently lack the knowledge about what constitutes good planning and lack the skills to undertake it. Therefore, good planning will only occur when the judges, court staff, practitioners, researchers, and policymakers involved in shaping the court's responses to demands are adequately trained in the theory and processes involved in planning. Herein lies the role of and challenge for the judicial educator.

The outcome of good planning is usually a written document that sets continued on page four

What Is Good Planning?

Good planning is a linear process, partially repetitive, that involves a series of interrelated steps. Listed below are eight steps that may define the scope of the planning process in the courts:

- Initiating and agreeing on a planning process (i.e., what should be the scope and outcomes of planning?);
- Identifying organizational mandates and clarifying missions and goals (i.e., what is the court's mission?);
- Developing a comprehensive organizational vision for the future (i.e., ideally, how would the court be organized to accomplish its mission?):
- Conducting trends analyses and constructing scenarios (i.e., what external demands will potentially affect the court, and what implications do these demands have on the operations and structure of the court?);
- Conducting an organizational assessment (i.e., what are the relative strengths and weaknesses of the courts relative to their established goals?);
- Outlining strategies to manage issues (i.e., what actions should the court initiate to achieve its objectives?);
- . Operationalizing the strategies (i.e., implement the plant); and
- Monitoring and evaluating organizational performance (i.e., how well did the plan work?).

forth objectives and defines a method for implementing and measuring the effects of those objectives. The document serves many purposes, perhaps the most important being that (1) it establishes a blueprint for action that is tangible; (2) it can be reviewed by others in developing a shared commitment to its successful implementation; and (3) it can be revised in developing courses of action.

This last feature of a written plan, flexibility, may be its most potent. That is, the plan that results from good planning should be capable of being modified and updated. Modification may be necessary if the plan is not practical, possibly because the funds to implement it fully are not allocated. Alternatively, the plan may not work either because it cannot be implemented as designed or because it fails to meet its intended objectives. Or the external demands that led to the plan may change, which may require revising the plan or discarding it for a different plan. Good planning will produce a flexible plan that can accommodate these unanticipated obstacles.

Education—The Key to Good Planning: As courts begin to look toward the next century and take a more proactive posture toward changing demands for services, the role of the judicial educator will be ever more important. This results because the consequences of good planning are court structures and services that meet demands adequately. The consequences of poor planning, on the other hand, may be a misallocation of resources and a court system that administers justice ineptly. Education in the fundamentals of the planning process is necessary before the court can identify and adopt adequate and appropriate responses to emerging demands.

Before education in the planning process can begin, however, there are certain characteristics participants should possess. Choosing the right team can be critical to the success of training and to its effectiveness in fostering change in the courts.

 Participants should be convinced of the merits of good planning. If they do not believe that good planning is a key to good strategic management, the impact of education in the planning process may be diluted.

 Participants should look beyond the frenetic present and be able to formulate strategic options to meet emerging and future needs.

- Participants must not be expecting a "quick fix." If done correctly, the planning process is lengthy and may consume considerable resources.
- Participants should understand that whatever strategic plan is

The next several years will offer tremendous opportunities to judicial educators because their actions will help shape the complexion of the courts.

outlined as a result of the planning process is flexible. It can and should be changed as experience and demands dictate.

 Participants should be part of a team that includes a judge and a court administrator. No matter how good the planning process, the prospects of implementing a plan are reduced if judges and court administrators do not support it.

Resources Available to the Judicial Educator: Training the judiciary in the planning process is no different from training them in other skills. That is, it uses the same edu-

cational tools as those used in other learning situations. Before applying those tools, however, educators will need a thorough understanding of each of the eight steps in the planning process (see page three).

The Center for Public Policy Studies, under a grant from the State Justice Institute (SJI), is developing a set of curriculum materials for training the judiciary in the planning process. This effort is part of a larger project on futures planning in the courts. By June 1992, with the help of an advisory board representing a broad range of perspectives on the courts, the project will have accomplished three major tasks:

- Detailed an approach to longrange, strategic planning in the courts;
- Developed a set of curriculum materials to teach the approach to teams representing a broad range of trial courts nationally; and
- Conducted a seminar to provide selected court teams with (1) a basic level of understanding about planning concepts; (2) how to use those concepts with available economic, demographic, and general trends data to estimate demands on the courts; and (3) methods of developing appropriate court responses to those future demands.

A major purpose of the training seminar is to test both the planning approach outlined in the guide and test the usefulness of the curriculum materials. Final versions of the guide and curriculum materials will be available to all interested individuals sometime during the summer of 1992.

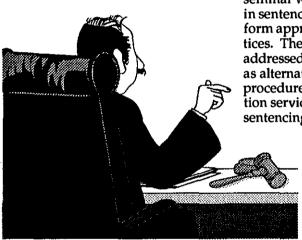
SJI also is sponsoring other projects related to futures planning in the courts. Videos, handouts, reports, and other educational materials are or will be available from these projects. In some instances, funding to use or to help disseminate the products from these projects also may be available from the Institute.

The next several years will offer tremendous opportunities to judicial educators because their actions will help shape the complexion of the courts. Materials now being developed under a wide range of projects will assist judicial educators in their critical role as facilitators for change.

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Sentencing in Alabama

S parked by a dramatic influx of individuals into the adult prison system from 1980-1990, the Alabama Department of Corrections' budget has increased four times over the past decade and currently comprises almost 18 percent of the state general fund budget. According to Corrections' figures since 1980, the prison population has risen from 6,000 to 15,000 inmates. During fiscal year 1990-91 alone, the inmate population increased by 1,400, and projections



indicate that commitments will continue at the current rate or will increase. As a result of inadequate space in Alabama prisons and jails, sentences for serious offenders are being dramatically reduced without judicial involvement. Yet, at the current costs, Alabama cannot continue to build prisons to meet this growing population. Recognizing this fact, Alabama is one of the nation's leaders in developing effective alternative punishment programs in order to stabilize the growth of its prison population.

The primary objective of sentencing reform in Alabama is to provide all judges with judicial education and training on effective methods of punishment and rehabilitation. Since 1988, Alabama has hosted three sentencing institutes, a faculty skills workshop, and regional prison tours. The first Alabama Sentencing Institute was developed in response

to the Alabama Judicial Study Commission's Prison Review Task Force. Inspired by this report, the Alabama Judicial College (AJC) together with the National Judicial College (NJC) designed the first comprehensive education program on sentencing for Alabama judges. The first Sentencing Institute brought Alabama judges and probation officers together to discuss sentencing patterns and alternatives used nationally and throughout the state. The objective of this innovative seminar was to eliminate disparities in sentencing and to develop a uniform approach to sentencing practices. The faculty of national experts addressed a number of issues such as alternative sentences, revocation procedures, statutory limits, probation services, and the victim's role in sentencing, to name a few.

Intrigued by the results of the Prison Review Task Force, representatives from the Edna McConnell Clark Foundation observed the first sentencing program. Because of their interest in the task force's work

and the quality of the conference, the Clark Foundation selected Alabama as a target state to assist in developing community-based alternatives to incarceration. The New York-based foundation was established by Edna McConnell Clark and her husband, W. Van Allen Clark, to assist disadvantaged persons who are inadequately served by established institutions.

The Clark Foundation awarded the AJC approximately \$130,000 to provide a faculty-training workshop and two sentencing conferences. The conference, titled Alabama Sentencing Institute II, was developed for judges who were unable to attend the first institute and also as a follow-up for those participants who had attended the previous program. The training used a mixture of lecture, panel discussion, case study, role play, and a "mock court sentencing." Topics were devoted to



the sentencing process and other substantive issues such as sentencing nonviolent and violent offenders and identifying community resources. As a follow-up to this institute, regional prison tours were conducted for sentencing judges.

Another interesting education project funded by the Clark Foundation was Alabama judges' participation in sentencing seminars at Yale University Law School directed by Professor Dan Freed. A total of 13 trial judges participated in these seminars over a two-year period. The program provided an excellent opportunity for judges, attorneys, and Yale faculty and students to learn from exchanging and discussing their ideas on sentencing practices. The seminars fostered a better understanding of the thought processes involved when judges impose sentences, write explanatory sentencing orders, and when judges learn how sentencing discretion is exercised. As a result of their participation at Yale, these judges not only successfully developed and implemented alternative programs within their communities but were used as advisors and instructors at the third conference on sentencing.

Before the third seminar, 22 Alabama trial judges and representatives from the Alabama Department of Corrections and the Alabama Board of Pardons and Paroles participated in a faculty development workshop. The program offered instruction on innovative and effective

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CONTINUING PROFESSIONAL EDUCATION ADVISORY BULLETIN

A service of the JUDICIAL EDUCATION

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Diane E. Tallman

Project Manager, JEAEP
Department of Human
Resource Development
Georgia Center for
Continuing Education
The University of Georgia
Athens, GA 30602
404-542-2275

Richard D. Reaves

Project Advisor, JEAEP Executive Director Institute of Continuing Judicial Education School of Law The University of Georgia Athens, GA 30602 404-542-7491

Editor's Column

In this first Advisory Bulletin of 1992, we offer information on how to develop programs with a clear understanding of the audience's needs. Whether programs are mandated or voluntary, knowing one's audience is critical to offering continuing education that is needed and desired by participants.

The JEAEP Project is pleased to announce that we have been granted continued funding by the State Justice Institute. As such, we are able to continue to offer the *Technical Assistance Consulting Service* for NASJE members in 1992. In this issue, we list some of the current consultations of the service. We hope it inspires other judicial educators to take advantage of this unique service and obtain a consultant who can assist in completing a particular project.

Diane E. Tallman Editor

"Educator, Know Thy Audience" Successful Program Development Begins with a Clear Understanding of Participant Needs

Why Would Anybody Want to Participate in Continuing Education?

Why do people participate in continuing education? Why do they attend seminars, conferences, workshops; buy (and hopefully read) correspondence courses and self-study materials; acquire and use audiotapes and videotapes; invest in compact disc-based information systems and computer-based training packages?

Some people participate in continuing education because they're interested in advancing their careers; some attend simply to keep the jobs they have. Some attend (or read, or watch, or listen to, etc.) at the urging of their supervisors, some from a more internally-focused motivation. Some come to get away from the office for a while (the "tax-deductible mini-vacation") or because a workshop is in a city where a child attends

college and a visit can be combined with legitimate work. Some come to hear the "gospel" from the singular expert; others attend to network with colleagues and share valuable practical information. Some come to acquire CEUs that might be necessary in order to maintain work-related licenses, certifications, etc. Some come just because they want to, because they simply love learning.

The Singular, Correct Answer

There are nearly as many reasons for participating as there are people, and all of the above reasons are correct answers to the question, 'Why do people participate in continuing education?" For program planners, however, the "motivators" list — the things that drive people to participate can be distilled into one succinct word benefit. People will act according to what I call their "reasonable expectation of benefit." Program providers extend to the audience an offer to participate, an opportunity to make an investment of time and money (both in short supply these days), and the potential participant will evaluate the offer on the basis of perceived benefit inherent in the transaction. It is critical to note that it is the perception of implicit and/or explicit benefits as perceived by the buyer that drives the buying decision. The benefits as perceived by the program provider are incidental to the buying decision, although they may shape the offer (via promotion and marketing materials). Buyers drive the market in continuing education within every type of educational institution. Even if the educational program is a mandatory one, the motivation to participate can flucuate greatly. For instance, judges attending a mandatory program will want to participate more actively when the program reflects some of their needs and desires, as much as is possible for the program planner to accomodate.

Toward Market-Driven Education

Market-driven education is, admittedly, a very "Madison Avenue" approach to

educational program and product development. The singular simplistic notion underlying the process comes very much from the commercial sector "find out what they want to buy, and sell it to them!" No matter how unique, or timely, or critical, or whatever else, if the audience does not perceive a benefit, they won't show up, at least not on a consistent basis. Too much continuing education these days is programmed for the benefit of the instructor ("this is what I'd like to talk about...") or the program planner ("I know a good person who's going to be intownanywayand we could gethim/ her cheap...") without full consideration of the audience, the people for whom the program is ostensibly targeted, those who will ultimately benefit from participating, and those whose support is necessary for the program's success.

Implications for CE Program Developers

If we accept the straightforward logic of the above, we must also then accept a shift in operating patterns amongst CE program providers. If we desire to avoid the "ready, fire, aim" mentality, how can we refocus our thinking?

The task of effective program developers hinges on their ability to understand that they are serving a market They must accept that not only are they serving a market, but they are in fact serving a multiplicity of markets, for within each market segment lies numerous subsegments. For example, for years, the American Institute of Architects treated its market — architects — monolithically, as if all architects were the same, interested in the same subjects, experiencing the same problems. A program would be developed by a subject-matter committee and promoted to the entire membership of the association. The promotion and marketing expenses were very high as a consequence, and participation was relatively low because the programs were either too narrow (based on the specialized interests of a particular committee) or too general in an

effort to appeal to as many people as possible.

During a planning session, an effort was made to take a closer look at the broader market. At the outset, a "career phase" scheme was developed that covered an architect's lifespan, from entry into professional school through internship, early licensure, midcareer practice, career redefinition, transition into non-traditional practice, senior-level practice, and emeritus prac-

If we desire to avoid the "ready, fire, aim" mentality, how can we refocus our thinking?

tice. Through discussion, it became clear that within a given subject area the needs of a junior practitioner were fundamentally different than those of a senior practitioner. It was acknowledged that different people do different things within firms. Further examination of the broader market revealed distinct differences in the issues and needs of those working alone or in very small firms as contrasted to those in larger firms or governmental agencies and/or institutional settings. Further, the planning group acknowledged that there are important differences between firms. Eventually, a market segmentation scheme was developed that provided a matrix of possible audience segments into which virtually any architect could be placed. This same type of segmentation could be accomplished for state judicial personnel to better understand their particular needs, circumstances, and types of learning preferences.

Once that task was accomplished, the program developers undertook a series of information-gathering activities that focused on building intelligence on each market segment — size of the segment, issues important to individuals therein, learning style preferences, buying patterns, etc. A good deal of very useful information was

developed by revising the workshop participant evaluation form to include demographic questions ("Who are you?") and benefit questions ("What do you want?") in addition to questions about that particular program. Follow-up "customer service" instruments were developed for purchasers of products (books, tapes, self-study sets, etc.) that, on the surface, asked about the quality of service provided (essential in any effective service organization) but equally importantly, found out who was buying what type of products and in what additional products/services those individuals would be interested. Event forms for participants of conferences and committee meetings were refined to solicit similar information. Members of planning and education committees can also be utilized to interpret current information on what types of programs are critical to their colleagues.

Effective program development, then, is based on a clear understanding of the target audience(s). That understanding is predicated on good-quality, current, benefits-oriented information about each of the many audience segments educators are called upon to serve. Only by understanding the special issues, needs, and concerns of those segments can successful programs be built — successful for both the participant and the provider.

Donald R. (Chip) Levy is Principal of The Rochelle Organization, Inc., a consulting group based in Washington, DC. Prior to this, Levy was Senior Director, Professional Development, American Institute of Architects.

Technical Assistance Consulting Service Update

As one of the services provided to state judicial educators, the JEAEP Project sponsors the *Technical Assistance Consulting Service*. This service offers judicial educators the opportu-

nity to receive technical assistance focusing on a special concern or project in their organization. The *Consulting Service* acts like a broker to link judicial organizations to local consultants. The consultant works directly with the judicial educator; however, all consultation fees, materials, and travel expenses of the consultant are paid for by the JEAEP's *Technical Assistance Consulting Service*. Funding for the JEAEP Project is provided by the State Justice Institute.

All NASJE members are eligible to apply for a technical assistance (TA) consultant through this service. Potential TA projects can relate to any part of the educational function of the judicial organization. Needs assessment, curriculum development, the development of mentoring programs, organizational development, and evaluation are examples of the types of projects that a consultant might assist with. During the first year of the Consulting Service, 11 consultations were provided. In the Summer 1991 issue of the Advisory Bulletin, we provided an update on the six technical assistance projects currently underway. We now have seven more projects in progress. Executive Summaries will be disseminated to NASJE members as these TA projects come to a close. The recent projects underway are:

California Judges Association. A consultant will assist judges in enhancing their communication skills for more effective presentations for an upcoming series of public forums sponsored by the CJA. These forums provide an opportunity for judges to educate the community about the business of their courts and to respond to questions.

Maryland Administrative Office of the Courts. A consultant is working with the state judicial educator to develop evaluation methods for measuring the effectiveness of the management and supervisory skillbuilding training programs previously implemented by the state. After testing, it is anticipated that this evaluation will be used in further areas of skills training.

Minnesota Supreme Court. Technical assistance is focused on helping develop a long-range curriculum for court and district administrators. These groups will become state employees in 1994. The consultant is assisting in developing a plan for meeting the needs of both new and experienced administrators.

New Hampshire Administrative Office of the Courts. A consultant is working with the state judicial educator to develop a mentor program for new judges in the state. Beginning with an assessment that asks judges to reflect on their most challenging decisions, this program will target the most difficult areas for new judges. The consultant will also assist in designing an evaluation for the program.

Tennessee Supreme Court. A consultant will assist in developing and implementing a faculty development workshop aimed at trial and appellate judges in Tennessee. The one-day workshop will be held in April 1992.

Tennessee Supreme Court. A consultant will develop and conduct a 1 1/2 day workshop on effective instructional strategies for 20-25 judges who serve as instructors in continuing judicial education programs. The workshop will occur in February 1992.

Washington Office of the Administrator for the Courts. For this technical assistance project, a consultant has assisted in the development of a comprehensive curriculum for trial court personnel. The consultant met with planning groups to facilitate the curriculum development and provide information on adult learning. The curriculum will be complete in March 1992.

The JEAEP Project has been granted continuation funding from the State Justice Institute for 1992. This means that there is continued support for the

Technical Assistance Consulting Service. Requests for new TA projects should be forwarded to Diane Tallman, Project Director, or Richard Reaves, Project Advisor.

All requests for technical assistance are reviewed and approved by the JEAEP Advisory Panel. Requests can be made at any time; however, the first round of requests should be submitted to the JEAEP Project Office by June 1, 1992. Contact Diane or Rich for more information on this service.

Top Leadership Skills Named for Continuing Educators in the '90's

"Leadership" may be the new buzz word for continuing education this year. Everyone is talking about it. And some actually have some relevant implications for the changing role of leaders in continuing education.

In a session last month at the adult education conference in Montreal, Robert Simerly outlined before a packed session audience his top eleven leadership traits for continuing educators in the 1990's. Simerly is dean of continuing education of the University of Nebraska-Lincoln.

- 1. The ability to deal with ambiguity.
- 2. The ability to deal with simultaneity.
- 3. The ability to manage conflict.
- 4. The ability to engage in transformational leadership.
- 5. The ability to create internal and external marketing strategies.
- The ability to utilize computer technology.
- 7. Sophisticated financial planning and modeling.
- 8. The ability to help others to become powerful.
- 9. The ability to decentralize decision-making and budgetary responsibilities.

- 10. The ability to develop a dynamic organizational culture.
- 11. The ability to engage others in strategic planning.

(Reprinted with permission from Adult and Continuing Education Today, November 25, 1991 issue.)

Resources

Brockett, R. G. (Ed.). (1991). Professional development for educators of adults. San Franciso: Jossey-Bass.

As educators of adults, we often forget to attend to our own professional development needs. However, in order to continue effectively serving our learners, we must take time to critically reflect on our role as educators. This newly published resource targets the experienced practitioner seeking professional growth, as well as the neophyte learning about their profession and their role within it.

The initial chapter sets the framework for the remainder of the book by emphasizing that professional development does not simply consist of mastering skills; rather, it plays to each individual's unique talents. The following three chapters highlight literature in the profession as a vehicle for professional growth. Chapter 2 offers strategies for keeping updated with information resources in adult education. Chapter 3 identifies the spheres of adult education knowledge and literature, discusses "classic" adult education books, and presents ways to organize and manage a reading program. Readers are presented with approaches to research strategies for critiquing the quality and usefulness of research findings in Chapter 4.

An aspect of professional development is contributions made to the field. Vehicles for making contributions are discussed in Chapters 5 through 7.

In Chapter 8, the author presents her own personal experiences from graduate school to highlight its importance as a vehicle for professional development. A four-step approach to becoming a reflective practitioner is provided in Chapter 9. In conclusion, Chapter 10 offers ways to articulate a personal development plan and draws on the salient features of the preceding chapters in implementing the plan.

This book is an excellent resource for any educator working with adult learners. It offers something for the professional development of every educator at any level.

Orem, S. D., & Brue, D. F. (Eds.). (1991). Practical programming in continuing professional education: Examples for understanding and improving practice. Washington, DC: American Association for Adult and Continuing Education.

The exchanging of experiences and ideas among colleagues is a popular form of professional development. In this book, continuing professional educators with at least three years of experience share their successful programs and experiences. The format is arranged around seven major providers of continuing professional education — professional associations, education institutions, government agencies, labor unions, business and industry, and the service industry.

Each author informs the reader about the unique features of their own organization. Comparing and contrasting among the varying programs and providers helps readers with their own programming efforts. In addition, authors share their background and opinions on the definition of continuing professional education. This information provides a framework for understanding each educator's experience and environment which influences their programming activities.

The first section of the book offers program experiences of continuing professional educators within professional associations. The programs target architects, physicians, judges, and the clergy. The continuing professional educators in the following section develop programs within higher education institutions. They discuss successful programs for mental health professionals and human resources practitioners. Two government agencies --- Illinois Department of Children and Family Services and U.S. Department of Agriculture Graduate School --- offer their programming ideas in Section 3. Continuing professional education programs for the UAW-auto industry and as joint ventures provided by labor unions are presented in Section 4. Section 5 offers examples of training programs in business and industry with emphasis on technology and action learning. Programming provided by the service industry for such professions as accountancy, law, manufacturing, and the military are described in Section 6. The book concludes with suggested readings for further information on continuing professional education, and a summary table of authors' opinions on criteria for predicting success and future trends.

Continuing Professional Education Advisory Bulletin

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Diane E. Tallman, Editor

JEAEP Project Office
Dept. of Human Resource Development
Georgia Center for Continuing Education
The University of Georgia
Athens, GA 30602
404/542-2275
404/542-5990 FAX



NASJE News asked some SJEO's how they are dealing with sentencing education issues. Their answers:

MISSISSIPPI. Krista Johns reports that a grant from the Governor's Office of Federal-State Programs permitted her office to conduct a seminar for judges, legislators, and correctional officials. The issues: (1) the effects of fail and prison overcrowding, (2) the problems of juveniles kept in adult facilities, and (3) the role of alternatives to incarceration in dealing with those problems.

In addition, the Mississippi Judicial College has recently emphasized sentencing issues in circuit judge workshops, including a conference this fall that will focus on sentencing as it pertains to sub-

stance abusers.

WISCONSIN. V. K. Wetzel reports that this office concentrates on programs that emphasize alternatives to jail or prison, given the overcrowded conditions in both. Overcrowding is a severe problem in the state; sentencing guidelines and mandatory sentence legislation both reduce discretion Nevertheless, sentencing is an important part of the annual criminal law seminar conducted for the state's judges. One day of the three-and-a-half-day conference is spent on sentencing issues. The ses sion includes presentations by correctional officials on available resources and program needs and discussions of case studies in small groups led by judges.. Fairness issues are sometimes dealt with by changing the race and sex of the hypothetical defendants to see if that makes any difference

Wisconsin has guidelines that require reasons for deviations from the guidelines. The state sentencing commission conducts its own training on the use of the guidelines. Judicial education credit is

given for the training.

COLORADO. Virginia Leavitt reports that her office has recently conducted two seminars funded by the Colorado Division of Criminal Justice for local teams of judges, probation officers, and treatment officials. Teams were limited to five members or less, and the seminars had no more than 45 participants. The sessions dealt with the effects of drug cases on the local criminal justice system.

The program is based on one developed by the American Probation and Parole Association. It was modified by an advisory committee that included two state trial judges, a chief probation officer, a representative of the governor's office, and a treatment provider to change its focus to the sentencing decision. The program includes sessions on pharmacology, understanding the cycle of recovery from drug abuse, and the use of intermediate sanctions and community corrections. In one interesting session, some participants created hypothetical

drugs and others created hypothetical offenders, and the group then discussed whether any offenders were likely users of any of the drugs.

The session on the drug abuse recovery cycle and the prevention of relapses will be repeated for several other judicial groups.

IOWA. Jerry Beatty reports that Jowa's prisonovercrowding problem is serious, but that the indeterminate sentencing structure used in Jowa shifts many critical sentencing issues to the parole board. Magistrates use community corrections programs as their principal sentencing option, and they are frequently updated in developments affecting those programs.

NORTH CAROLINA: Jim Drennan reports that North Carolina has created a sentencing commission (1990) which must develop a structured sentencing proposal for the legislature to consider in 1992. Reports from correctional officials about how they try to cope with prison and jail overcrowding as well as discussions of sentencing alternatives, are regular agenda items for judicial conferences. For new superior court judges, the sentencing book of instruction is the longest one in the new judges school. It uses case studies extensively

In 1992 the superior court judges will have a special seminar on handling and sentencing drug offenders, funded by the Governor's Crime Commission

MASSACHUSETTS: Robert Clayman reports that his office and others in Massachusetts have regular programs on sentencing, especially for the levels of court that use fails as a sanction. The overgrowding problems are most severe in falls. Since pretrial release policies have a great effect on the fail population, those topics are also often included in training

programs

Robert raises some questions that he believes he and other judicial educators must address as they deal with sentencing issues. They are: What is the role of the judicial educator in (1) addressing fairness and cultural sensitivity in sentencing training? (2) involving the judiciary in the development of sentencing policy by executive and legislative authority?; (3) promoting greater understanding among the courts and the various nonjudicial officials who have an impact on the sentencing process?

Is your state doing interesting things in this area? If so let us know. We'll tell everybody! ■

Leadership Institute, continued

Arkansas, Iowa, Massachusetts, and Minnesota. Again, the State Justice Institute funded the event. The project is cosponsored by Appalachian State University and the Women Judges' Fund for Justice.

The Cast: Teams were limited to the state judicial educator and one judge from the April 1990 session, the very first Leadership Institute. The enthusiasm thought to have been left behind in Boone, North Carolina, over 18 months ago was soon revived as team members met old acquaintances and refamiliarized themselves with the work other states were striving to accomplish.

Substantively, Dr. Chuck Claxton from Appalachian State University and Dr. Patricia Murrell from Memphis State University carried the group into a higher level of adult education theory, based on adult development and founded on the familiar Kolb Model presented at the Leadership Institute. The Kolb theory suggests that learning is a four-part process and the Kolb Model, therefore, accentuates the four steps of learning. To learn more of the Kolb model and the Leadership Institute, see "Leadership Institute in Judicial Education," NASJE News, vol. 5, no. 3 (summer 1990). Greater detail was given to curriculum and program development with emphasis on the influence and impact of adult development/life cycle on knowledge acquisition. The Honorable E. G. (Ted) Noyes, Jr., associate presiding judge of Maricopa County Superior Court and dean of the Judicial College of Arizona, also served on the faculty and shared his perspective as a judge.

In support of the substantive offerings, Marilyn Nejelski, executive director of the Women Judges' Fund for Justice, and Pamela Bulloch from the State Justice Institute added their expertise and experience to the educational sessions. Catherine Pierce, although present as the official evaluator of the event, provided much support to the substantive components of the Advanced Training. Logistics were in the hands of Tess Riedl from Appalachian State and Evelyn Devlin from the Women Judges' Fund for Justice.

The Plot: So, what happened? It will probably be hard for you to believe! After a review of the information offered at the Leadership Institute, with some new perspectives added (and I will not reveal them here; you will have to attend a future session of the Advanced Training to reap the harvest of information), the state teams gave updates on progress achieved toward the very lofty action plans they had designed in 1990. Each team was to implement the action plan developed for their respective state, given their current environment, stage of development, and areas of need.

Lights, Camera, Action . . . : Alabama reported having adopted a conceptual model of judicial education, which encompassed New Judge Transition, Continuing Education, System Management Training, and Career Development. Judicial education has become a catalyst for change in the state courts; states are offering more small conferences and discovering many new sources of funding.

Arizona made substantial progress on three separate action plans: (1) establishment of the Judicial College of Arizona to oversee the systematic evolution of the curriculum for judges in areas of Programs for New Judges, Continuing Education, Career Development, and the Judicial Conference (the structure is designed, and the board members have been appointed; the college becomes operational January 1992); (2) design and development of a probation officer certification program to enhance the professional image of officers (the curriculum has been designed, and a pilot program is scheduled for the spring or fall of 1992); and (3) the enhancement of local training for judges and support staff (with the assistance of local training coordinators, statewide and regional conferences have been supplemented by more than two

thousand locally sponsored programs throughout the state in FY 1990-91).

Arkansas established a structure and standards for judicial education and obtained substantial funding from the state legislature. They created a comprehensive orientation for new judges accompanied by faculty development. In addition, the education committee held a retreat to examine the needs of judicial education in the state. Among the topics discussed were the needs of the midcareer judge, marketing education programs, and the development of teaching teams. A needs assessment was designed, administered, and collected. The education committee plans to use the results of the survey to develop further the already-growing curriculum.

Iowa appointed its Leadership Institute team as the Supreme Court Advisory Committee on Judicial Education. Working on the areas of new judge orientation and intensive continuing education opportunities as part of career development curriculum, Iowa made much progress. Their orientation program now has five components: a mentor judge system, an orientation manual, a two-day orientation program, five videotapes on various subjects, and judicial training at a national forum. In addition, Iowa has incorporated the Kolb Model into several educational programs including judicial writing and communications semi-

Massachusetts obtained funding from the State Justice Institute to establish a foundation for judicial education through curriculum development, faculty training, program evaluation, and needs assessment. The team has proposed the creation of a Center for Judicial Studies to provide judges with access to major colleges and universities to focus on broad philosophical implications of judging and multidisciplinary approaches to professional development.

Minnesota designed and developed a systematic needs assessment and established a Pre-Bench Train-

President's Column, continued

ing Program to supplement their current orientation program. The team used a Responsibility Charting Technique, which identified those in the state judiciary whose involvement is essential to the success of the education process, determined the primary tasks, clarified each individual's role relative to the tasks, and established a reasonable date for completion of the tasks.

The Critic's Point of View: What a sequel! Two thumbs up! The team members from the Advanced Training have voiced a need to meet with the 1991 Leadership Institute team members at some time in the future. Since the 1991 and the 1992 casts are good in their separate encounters, think what a show they could create if brought together!

All the teams left the Leadership Institute in November with the be-

liefs that:

 Judicial education needs to be based on both long- and shortrange skill/ability enhancement for judges;

 Teaching for development of the individual is the most sound approach to curriculum and pro-

gram design;

- Curriculum and program development, to be most effective, should address the variety of learning styles in every population; and
- Great things can be accomplished with a team approach.

If you have not experienced the Leadership Institute, do. If you have experienced it, the Advanced Training is a treat to anticipate. The enthusiasm created in the initial program is truly enhanced and given depth in the sequel.

Teams from Colorado, Delaware, Louisiana, Mississippi, North Dakota, and Texas will participate in the next Leadership Institute at Appalachian State University in Boone, North Carolina, April 25-30, 1992. For further information, contact Dr. Chuck Claxton, (702) 262-2875, or Marilyn Nejelski, (202) 783-2073. ■

Authored by experts in the field of adult education, the manual applies academic theories to the practical lessons and activities of judicial education. Some of the authors will be invited to conduct a workshop on specific topics addressed in the manual at the annual NASJE conference at Charleston, South Carolina, in October.

The Leadership Institute held its first Advanced Leadership Training session in Washington, D.C., November 15-17, 1991. Two members from each of the six judicial education leadership teams that participated in the first Institute attended. The second Advanced Leadership Training seminar (1991 teams) will be held this summer. The six states invited to attend the third Leadership Institute in Boone, North Carolina, April 25-30, 1992, are: Colorado, Delaware, Louisiana, Mississippi, North Dakota, and Texas.

The challenge to consortium members was to develop a coordinated, cost-effective plan to enhance judicial education services in the light of ever-tightening fiscal constraints. Members were asked to create a 5- to 15-year vision for judicial education and assess the contribution and impact of the consortium

in reaching that goal.

A vision for judicial education was also the focus of the NASJE board meeting. Facilitated by Professor Hudzik, the board began a process of "Thinking and Acting Strategically in an Organizational Context." Hudzik pointed out that "strategic planning" involves: (1) a vision, (2) belief in possibility, and (3) commitment to action in the long

run. It has been said: "Action without vision leads nowhere; vision without action merely passes time!"

After completing several exercises, the NASJE board identified six major areas of concern, namely: (1) composition of membership, (2) membership involvement, (3) links or association with other professional organizations, (4) project management, (5) professional development of judicial educators, and (6) networking. The board expects some or all of these matters will be discussed at our next annual conference.

I would like to mention a few additional items in brief.

- Principles and Standards for Continuing Judicial Education will be published and disseminated to judicial educators, chief justices, and court administrators shortly.
- The annual NASJE conference will be held at the Hawthorn Suites Hotel, Charleston, South Carolina, October 11-14, 1992. A principal theme of the conference is planning and budgeting with limited resources. A workshop on grant writing is also anticipated.
- Western Regional Director Karen Waldrop (AZ) was recently appointed to the Curriculum Advisory Committee for the National Judicial College.
- Judicial Educator Dennis Catlin (MI) will represent NASJE at the Commonwealth Cooperation in Continuing Judicial Education (Workshop) in Vancouver, British Columbia, Canada, March 11-13, 1992. Representatives from several Commonwealth nations are expected to attend.

Membership Information

To receive membership information, write Diana Clemons, chair, NASJE Membership Committee, Education Services, Administrative Office of the Courts, 100 Millcreek Park, Frankfort, KY 40601-9230; (502/564-2350).

Sentencing in Alabama, continued

teaching methods and on developing learning objectives. The attendees developed presentations for evaluation by faculty and fellow workshop participants. Additionally, representatives from the Clark Foundation and other nationally acclaimed experts in the field of sentencing practices and community-based resources provided information on developing alternatives and locating local resources to support such programs.

This conference, "Sentencing in Alabama," featured Alabama trial judges teaching other Alabama judges about model community-based punishment programs developed in their counties. Another unique aspect of the program was that key players such as defense attorneys, district attorneys, and probation officers, as well as judges, were brought together to share in this learning experience. Portions of this program were filmed by the "MacNeil/Lehrer News Hour." Seminar topics included: What Does

a Prison Sentence Mean?; Sentencing Planning and Advocacy; Community Participation in the Sentencing Process; Bringing the Community and the Courts Together; The Judge, the Victim and Sentencing Realities; Sentencing Drug Offenders; and Writing Sentencing Orders.

In the summer of 1990, Chief Justice Sonny Hornsby, of the Alabama Supreme Court, appointed a task force to deal with community-based sanctions. This task force resolved the various problems concerning community-based sanctions and proposed legislation. Due in a large measure to the work of this committee, many diverse entities in the criminal justice system were brought together for the first time to discuss a common problem. Judge Leslie Johnson, of Florence, Alabama, chaired this committee, and working in a joint effort with other groups, including Alabama's District Attorneys Association, Crime Victim's Compensation Commission, the State Attorney General, the Justice

Fellowship, Board of Pardons and Paroles, and the Department of Corrections, The Alabama Community Corrections Act, was introduced and passed in the state's 1991 legislative session. This bill provides authority to local communities to develop punishment and corrections programs as alternatives to incarceration. It establishes a means by which local communities can contract with state agencies to provide various treatment and rehabilitative services. This legislation will be a tremendous asset to rural counties with limited resources to provide communitybased alternatives.

Using judicial education as a means to disseminate information on sentencing programs, Alabama has made great strides toward developing intermediate punishment programs within its communities. The state plans to continue moving ahead to improve rehabilitative services with corrections while maintaining public safety.

Indian Child Welfare Act, continued

may disregard the above preferences if it can show good cause for doing so. A determination that there is "good cause" not to follow the preferences should be based upon the request of the biological parents or a child of sufficient age, extraordinary physical or emotional needs of the child, or the unavailability of suitable families. In essence the "good cause" provision is one method of arriving at a determination that is in the "best interest of the Indian child." Finally, and perhaps most importantly, if a state court proceeding or placement violates the provisions of the act, the proceeding or

placement may be invalidated upon the petition of the child's parents, Indian custodian, or tribe. Consequently, it is imperative that state court judges have at least a passing familiarity with the act and its requirements.

The Indian Child Welfare Act of 1978 was enacted in response to a very real concern that the cultural and traditional understanding of Indian children was being dissipated by the hasty and imprudent placement of Indian children in non-Indian families. These are still important concerns for the Indian tribes of this nation. Congress, through the

enactment of the act, has imposed federal procedural and substantive law upon state courts in custody proceedings involving Indian children. State court judges should be aware of the act's requirements, or at least that the act exists, so that if an Indian child is before the court in a custody proceeding, the judge can address the situation in an informed manner. There are numerous subjects that are appropriate for judicial education efforts. The Indian Child Welfare Act should be among them.

NASJE News Spring 1992



PROFILE

Laurence B. Stone

s a judicial educator, Laurence B. Stone is unique. His communications background, the entrepreneurial aspects of the Ohio Judicial College he directs, and his use of the Attendee Class Hour (ACH) as the unit of participant measurement exemplify this uniqueness.

There are no current judicial educators on record as having put their wives through medical school. And how many judicial educators evidence the kind of personal equilibrium that may have inspired Rudyard Kipling to write "If"?

Yet this is the presidentelect of NASJE, Larry Stone. Keenly perceptive behind dark-rimmed spectacles, dignified of stature, rooted, somewhat reserved, Larry's diplomatic yet forthright speech comes forth in a wellmodulated, deliberate cadence uttered in a vocal timbre most pleasant.

Born the fourth of four sons, sixteen years after the third-born, Larry's father, an agricultural agent, died when Larry was but five years old. This was one reason why Larry worked as a youth to defray expenses. He delivered newspapers and helped in a book store.

Larry wanted to enter the field of television since he was twelve. The medium was young and very challenging. At his New Jersey high school he ran the audiovisual club. When he reviewed the Michigan State University catalogue the son of an audiovisual faculty member had in his possession, he decided to head to Lansing, Michigan. It was a good decision.

It was at Michigan State that Larry earned his baccalaureate in communication arts, majoring in television and radio. It was at Michigan State that Larry earned a master's degree in education, majoring in instructional media, while producing, directing, supervising, and scheduling at the university's closedcircuit educational television station. And it was at Michigan State that Larry met and married Linda Chapman after pinning Linda backstage with a "Wintergreen for President" button from the MSU production "Of Thee I Sing." Candidate Wintergreen's platform was to "put love back in the White House." It worked for Larry and Linda. They are in their twenty-seventh year of marriage.

In 1969, two years after the birth of their son, Bob, now in his third year of medical school at John Hopkins, the Stone family moved to Athens, Ohio,

and Ohio University. While serving as director of instructional television and radio at the university, Larry pursued his doctorate. He acquired 46 post-masters credits before moving to Columbus, where he next served as general manager of Video Record, Inc., for four years. In this capacity, Larry coordinated the videotaping, editing, and playback of the first two simultaneous videotape trials held in Akron on August 1, 1972—an event that drew worldwide attention. Larry also worked with Ohio's chief justice designing and implementing the Franklin County Criminal Trials Videotaping Project.

Since its founding in 1976, Larry Stone has served as the director of the Ohio Judicial College. He is a veteran in this industry. When support from the Law Enforcement Assistance Administration expired in 1982, the Ohio Judicial College became a division of the Ohio Judicial Conference. For a time, financing then came exclusively from tuition fees paid by participants. In July of 1989, the college became a division of the Supreme Court of Ohio, which pays the salaries of the five college staff members. Though tuition currently continues to underwrite direct program expenses, Larry's goal is to eliminate the necessity for tuition. It should come as no surprise that the college in Columbus has self-instruction and reference materials that include a library of 400 audio and 100 videocassettes. Nor it is a surprise that the college sponsors teleconferencing. In addition to teleconferencing, the Ohio Judicial College last year conducted 58 days of programs for more than 3,000 attendees. Using the ACH measurement, there were 15,274 attendee class

How was Larry introduced to NASJE? It came first through an announcement of the NASJE gathering in 1979 in Indiana. Larry attended, and with but a couple of exceptions, had participated in the NASJE conferences each year since. Larry returned after his Indiana experience because he found "a great group of people who provided very valuable information. I perceived it to be extremely worthwhile for networking and developing the whole profession."

Whether serving in NASJE office, teaching other educators, or patiently listening to their children on NASJE bus tours, Larry has himself

continued on page twelve

Profile, continued

made countless and immeasurable contributions to the organization and its members, not only in matters of technology, but in other substantive areas. Larry authored articles even before NASJE, and continues this effort. NASIE News has published three articles by Larry on the effective use of videotape and television in judicial education.

In addition, Larry has lately coproduced videotapes on "Performance Appraisal in the Courts" and "Budgeting for the Court" for the Institute of Court Management. He is a popular advisory committee member or participant for several State Justice Institute-funded projects, including projects on Judicial Mediation, Delay Reduction, Evidence, the

Judicial Education Manual, the JERITT project, and the Judicial Education Management System—to name but a few.

With so much productivity, what does Larry do for leisure? He rises daily at 5:30 a.m. and walks. Naturally, he loves the theater. (Once he acted as a waiter in Bertolt Brecht's The Good Woman of Szechwan.) He enjoys seeing the names of friends and acquaintances periodically in the list of credits for various television productions. Classical music, stamp collecting, meaningful reading, and an Apple MacIntosh keep Larry "out of mischief," as does the Worthington, Ohio, Methodist Church, where he is an active mem-

English man of letters Hilaire Belloc once said that "a gentleman is one who does not offend." Larry Stone is such a person. Dr. Linda Chapman Stone describes her spouse as a "most caring, compassionate person about whom there is nothing false." Last October at the San Antonio NASJE deliberations, Larry effectively ran the session "What's Bugging You?" One answer never surfaced: Laurence B.

With this volume, the first NASJE News of a year will be the spring issue. The fourth issue will be the winter issue.



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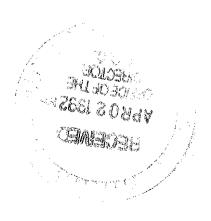
The editorial committee encourages contributions to NASJE News from judicial educators and other interested parties. Not every contribution will receive a byline. Articles will receive a byline under the following guidelines:

The writing is intended to reflect the opinion of the author; the editorial committee finds it appropriate to give a byline to make clear that the writing does not reflect the opinion of the editorial committee; or the writing reflects a substantial piece of work that occupies a prominent place in the newsletter and is at least one newsletter page in length.

In applying these guidelines the committee will resolve close issues against giving bylines to committee members and in favor of giving bylines to noncommittee members. When noncommittee members make contributions not otherwise credited, their names will be listed as contributing to that newsletter.

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