

## One More Time: How Do We Teach Gender Fairness?

Gordon I. Zimmerman

**A**lmost every state chief justice has made it clear: gender bias in the court system cannot be tolerated, and instruction in gender fairness must be part of judicial education programming. The good news: judicial educators, their education committees, and many committed faculty support the gender fairness mission. The bad news: regardless

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*While Professor Zimmerman's article addresses gender fairness specifically, these techniques may also be applied to other fairness issues, such as religious, racial, and ethnic.—ED*

of course content, methods, and faculty skill, some judges resist the message, criticize the program, and sometimes even obstruct learning.

This writer has observed many "gender bias" courses; that experience has yielded several conclusions.

1. Outsider expert lectures, by themselves, yield neither attitudinal growth nor observable behavioral change.
2. Presentations that take the form of preaching—examples of villains and victims, demands for change, warnings of possible discipline—are counterproductive.
3. Strategies and solutions generated by the instructors are not as powerful as those generated by learners themselves.
4. Large-audience formats (more than 50-60 people) are unreliable in building commitment or results.

5. One-time, short-duration programs cannot alone achieve significant, immediate change in long-term values and habits.

Too often, selected faculty are placed in a no-win position, asked to deliver results with formats that are doomed to fail. Faculty credibility and the compelling importance of gender fairness in the courts are both challenged.

The best gender bias courses begin with strong budgetary and administrative support. Leaders who mandate such courses must back up their mission statement with resources. The judicial educator has a right to ask these fair questions. Can judges get adequate release time to attend programs? Will travel and administrative costs be covered, or must we borrow from already strained educational budgets? May

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## National Consortium of Task Forces and Commissions on Racial and Ethnic Bias in the Courts Is Making Progress

**T**he increasingly diverse makeup of the U.S. population raises important opportunities and complex challenges about our attitudes and behaviors toward those who differ from ourselves. These differences may be in terms of race, ethnicity, physical ability, or sexual orientation.

Appreciating diversity doesn't mean merely tolerating it or only expressing an ideal view of the subject. To embrace diversity means taking

action to promote differences as a source of strength.

Actions under way by a group of state courts include the creation of the National Consortium of Task Forces and Commissions on Racial and Ethnic Bias in the Courts (Consortium). The Consortium provides task forces and commissions on racial/ethnic bias in the state courts with an opportunity to summarize the Consortium's work and objectives, to share research goals and

methodology, and to provide a blueprint for future efforts. The Consortium will address three areas:

1. developing a manual on implementing and operating a task force on racial/ethnic bias in the courts. The manual will reflect the collective knowledge, geographical differences, and various perspectives of different task forces and commissions

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## PRESIDENT'S COLUMN

*Jerry Beatty*



I want to thank sincerely the members of the National Association of State Judicial Educators for giving me the opportunity to serve as your president the past two years. It has been a most rewarding experience culminating in a renewed appreciation for the knowledge, skills, and dedication of judicial educators across the nation. I am truly grateful for the cooperation, counsel, and encouragement of the NASJE Board, committee chairs, and others who have always been there to help. I hope that in some small way our endeavors have contributed to the growth and development of judicial education in the United States.

Upon assuming this office, we suggested three goals for NASJE: (1) increased membership and participation; (2) enhanced support and technical assistance to state judicial education programs; and (3) closer cooperation between state judicial educators and national judicial education providers. Although economic conditions, revenue shortfalls, and budget cuts have impeded the creation of new judicial education offices, curtailed staff growth and program expansion, and reduced the number of organizations with multiple memberships in NASJE, we are pleased our membership from 42 states

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# The Pro Se Litigant: Responsibility of the Court

*Trine Bech*

Courts are not what they used to be. Gone are the days when each litigant came to court with an attorney who neatly presented the facts and provided the applicable law. Statistics from most family courts show an increasing number of litigants now represent themselves.

Whereas attorneys are trained to deliver the relevant facts and focus the judge on the applicable law, the pro se litigant in the courtroom believes the judge must hear the whole tale and leaves it to the judge to find the law. With this change in the dynamics, the courts and judges have an added responsibility.

In states where this question has reached the highest court, the answer has fairly uniformly been that it is the trial court's responsibility to ensure that there is no unfair advantage taken of the pro se litigant, and that the litigant's cause and defense not be defeated solely by reason of the unfamiliarity with procedural or evidentiary rules. Appellate courts have further held that it is the trial court's responsibility to reasonably accommodate the pro se litigant, but not to offer affirmative help. A thin line separates accommodation and help.

Courts could take the position that as long as reasonable protection is provided the pro se litigant, their responsibility has been fulfilled. Although this approach may protect the trial courts against being reversed on appeal, it does not serve the ultimate goal of fair adjudication. If the litigants in our courts continue to represent themselves, the goal of fair adjudication can only be met by helping pro se litigants resolve their cases, apprising the litigants of their rights, and aiding them in their presentations.

The pro se litigant has characteristics that warrant special protection and different responses from the

court. An unrepresented party lacks procedural and substantive legal knowledge and depends upon the court staff and judge to file the necessary pleadings and present the case. In addition, without the impartial representation of a lawyer, the litigant's emotional investment in the case prevents a rational approach to resolution. When one party is pro se, ethical considerations make the opposing attorney reluctant to negotiate, and with no independent advisor, the litigant looks to the court as the only forum for resolution.

The courts cannot address these issues without substantially increasing the backlog of cases requiring court intervention. Thus, the solution lies in a change in public policy and revolves around whether courts should be available to people without the legal know-how of attorneys. When the dispute centers around custody of children and the financial well-being of families, however, public policy demands that the courts be available to solve disputes if the family members cannot do it themselves.

Although commercial enterprises have created divorce kits with forms for use by unrepresented litigants, the courts do not have any quality control over these forms, and there is often little guidance in how to complete them. Statistics show that only highly educated and relatively affluent litigants have taken this route, and such kits are applicable to only the simplest of divorces. Thus, the kits do not fill the need of the general public to reach the courts. Some state courts have prepared manuals for pro se litigants, which, in language readable by a layperson, explain the court process. The Vermont legislature in 1990 addressed the problem by imposing the duty upon the court administrator to create forms for pro se litigants in the family court. Preliminary statistics in the new family court in Vermont show that pro se plaintiffs have in-

*Trine Bech is family court magistrate, Family Court of Vermont.*

creased from between 3-5 percent when divorces were heard in superior and district courts, to between 40-55 percent after 16 months of operation of the family court.

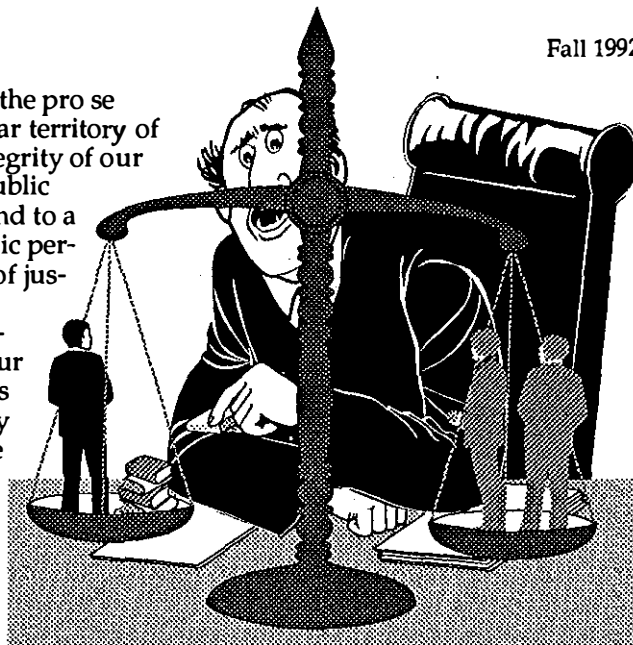
The thorny problem of who assists a pro se in completing the forms has not been resolved by making the court responsible for the accuracy of legal forms. In Vermont, the court staff is troubled by the fine line between clerical assistance and legal advice. Although the form preparation service may make the court available to litigants who previously found the court beyond their reach, it raises serious questions about the possible unauthorized practice of law by the court staff and jeopardizes the sacred neutrality and independence of the court. Clear directives are yet to be developed for the court staff to address these concerns.

The small-claims experience provides a helpful perspective for how courts can provide guidance in the negotiation and trial preparation phases. In the District Court of Union County, New Jersey, the court's law clerks work with the unrepresented litigants both to mediate disputes and to help prepare the litigants for the courtroom. In courts where law clerks are a coveted commodity and only available for the judges, *pro bono* members of the bar can provide the same, and probably better, service. In cases in which an attorney represents one party against a pro se litigant, this third-party involvement removes the ethical dilemma of the attorney and opens the case to much-needed negotiations. Such programs, however, will require many hours of free service from the bar, and the requests for attorneys' assistance and their training and supervision must come from the court and the presiding judge. In addition, the limit of the responsibility of the *pro bono* attorney must be clearly defined. In family court, trained family mediators from the mental health professions are better resources to solve family disputes than lawyers and courts, and procedures for such alternative dispute resolutions should be explored.

Where law clerks, *pro bono* attorneys, and mediators are not available, the trial court must develop a

system to help prepare the pro se litigant for the unfamiliar territory of the courtroom. The integrity of our court system and the public funding allocated depend to a large extent on the public perception of the delivery of justice. With the large increase of litigants representing themselves in our courts, this perception is going to be substantially influenced by the pro se litigant. Therefore, we are left with little choice.

Active participation in the courtroom by the judge, however, threatens impartiality and places the judge in the position of interrogator. Judges feel uncomfortable with this activist role required in assisting the pro se litigant. Settlement or pretrial conferences in court before trial, in which the judge narrows the legal issues and identifies the particulars of the dispute, have been found useful to reduce active participation by the judge at trial and to save trial time. Such conferences also give the parties a chance to talk settlement, familiarizes the pro se litigant with the courtroom, and prepares the litigant emotionally and substantively for the fact-finding process. At any evidentiary hearing, however, the trial judge, to ensure a level playing field, is forced to take total control of



the proceeding and be the prosecutor, defender, and decider.

As this confusion of roles threatens the integrity of the judicial system, we should concentrate our energies on developing a system in which every litigant is guaranteed an attorney. Litigants representing themselves have shifted the responsibility of presenting the case from themselves, through their attorneys, to the courts. Rather than funding the courts exclusively by filing fees, a sliding scale user fee for litigants representing themselves could provide the necessary added funding for a pool of court-appointed attorneys. This solution is a little-explored concept and yet a larger question of public policy. ■

## NASJE News Editorial Policy

**N**ASJE News covers a variety of topics to satisfy the diverse needs of state judicial educators for information and advice about their work. Every issue of the newsletter contains information in the following topic categories:

1. *News and information* (articles that report on current judicial education happenings, including announcements of upcoming events and descriptions of conference proceedings);
2. *Principles of judicial education* (articles that provide a theoretical rationale for judicial education);
3. *Practical advice for judicial educators* (articles that detail the steps or procedures associated with the activities of judicial education); and
4. *Role models* (articles that describe in detail the operations of a state's judicial education effort or the career of a specific judicial educator).

Each issue of the NASJE News will attempt to achieve a balance among the four categories of topics, with substantial emphasis on practical advice and news/information items. ■

# 1992 NASJE Annual Conference

## October 11-14, 1992 ■ Charleston, South Carolina

### Sunday, October 11

4:00 - 5:00 p.m.

#### **Orientation to NASJE Goals and Services for New Members**

Faculty: Rita Stratton, Past President, NASJE

Goal: To formally introduce new members to one another and to NASJE.

Objective: To orient the new or relatively new members to the goals and services of the association.

Description: The speaker will outline the history, growth, and future of NASJE and explain current NASJE projects and committees as well as NASJE's relationship to national judicial education providers. Members will learn how they can take an active role in NASJE.

5:00 - 7:30 p.m.

Conference Registration and Reception

### Monday, October 12

8:45 - 9:00 a.m.

Conference Welcome and Overview

Faculty: Kay Boothman, *Southeast Region Host*  
Maureen Conner, *Education Committee*

9:00 - 11:10 a.m.

#### **NASJE Annual Business Meeting**

Presiding: Dr. Jerry K. Beatty, *President, NASJE*

Description: The president addresses matters that come before the board and NASJE members according to the bylaws of the association.

11:10 - 11:15 a.m.

#### **Introduction to What's Buggin' Me: A Systematic Approach to Identifying and Realigning NASJE's Goals, Objectives, and Policies**

Faculty: Laurence B. Stone, *President-elect*

11:15 - 11:30 a.m.

Break

11:30 - 12:45

#### **What's Buggin' Me**

Goal: This will be the second step in NASJE's long-range planning process. Small groups will make recommendations to the board of directors on how to improve NASJE in specific areas. Participants will benefit by participating in a problem-solving exercise, which can be replicated in their own states.

Objective: Each group will identify one or more goals, objectives, and/or policies to improve NASJE.

Description: Each participant will be assigned to a small group to discuss and make recommendations to the board of directors on matters of importance to the future of NASJE. Seven areas of concern were identified at the board's strategic planning

session held in February: membership composition, membership involvement, relations with other organizations, project management, continuing education, networking, and board member responsibilities. Each small group will be facilitated by a board member.

12:45 - 1:45 p.m.

Group Lunch

1:45 - 3:55 p.m.

#### **Sharing Your Innovations and Ideas**

Goal: To introduce attendees to topics that can fit the needs of their in-state or national programming.

Objective: Participants will identify the key points in the chosen topics with a goal of incorporating the material in their judicial education programs.

Description: Nine 40-minute topics will be offered. The participants will select three presentations, which will focus on technology, teaching/learning methods, cutting-edge legal issues, research, and publications.

6:00 - 9:00 p.m.

Conference Banquet

### Tuesday, October 13

8:45 - 3:00 p.m.

#### **Session A: Effective Budget Planning and Management in the 1990s**

Faculty: Dr. John K. Hudzik, *Michigan State University*

Goal: This program is designed to meet the needs of both new and experienced NASJE members who have responsibility for budget planning and administration. The program will help the judicial educator confront one of the major challenges of the 1990s: doing more, doing it better, and doing it with less.

Objectives: At the end of this session, participants will be able to: 1) describe the public-budgeting process; 2) discuss the implications of today's fiscal trends on tomorrow's public-sector programs; 3) generate properly developed funding requests; 4) effectively use program benefits and successes in seeking additional funding; 5) successfully apply for grant funds; 6) examine various funding strategies used by state judicial educators to support judicial education activities; 7) build a budget for a judicial education program; 8) resolve typical problems encountered by judicial educators in the budget development process; 9) effectively present a budget proposal.

Description: In preparation for this course, a survey questionnaire will be sent to all judicial educators asking about budgeting for judicial education activities in their states. The survey will include questions on various funding mechanisms, impediments to adequate funding, cost-control measures, efficiency methods, alternate sources of revenue, and measures of success. A high rate of response to the survey will be critical to the success of this program, since the instructional material presented during the session will incorporate much of the information captured by the question-

naire. The survey will be distributed in early August, and the responses will be due in early September.

### **Session B: Work Smarter, Not Harder: Managing Competing Priorities**

Faculty: Dr. Murlene E. McKinnon, MACNLOW Associates

**Goal:** Reduced economic resources, increasingly efficient and accelerated information delivery, and systems that require us to handle multiple responsibilities with decreased authority have all conspired to create numerous workplace stressors. Nevertheless, stress is an inside job. This session will examine internal stress factors, recognize how they affect our response to situational workplace stressors, and teach how we can reorient ourselves and our time management capabilities to manage more successfully the competing priorities of an overburdened system.

**Objective:** After this session, the participants will be able to identify their own personal factors that cause them to respond in a debilitating fashion to workplace situational stress; identify the opportunities and realistic limits of the 1990's workplace and recognize how these influence our choice of responses; and develop a personal head- and heart-healthy action plan that outlines specific methods for handling time and managing competing priorities.

**Description:** Managing competing priorities is a reality of the contemporary workplace. This session will identify ways in which the judicial educator can not only survive but flourish in such an environment.

### **Session C: Judicial Education: Process, Methods, and Administration**

Faculty: Dr. Louis Phillips (Faculty Development), Phillips and Associates  
 Dr. Sandra A. Ratcliff (Conference Administration), American Judicature Society  
 Dr. Donna S. Queeney (Needs Assessment), The Pennsylvania State University  
 Dr. Thomas G. Pearson (Evaluation), American Academy of Dermatology  
 Scott C. Smith (Conference Site Coordination), Texas  
 Dr. Kent L. Gustafson (Media and Technology), The University of Georgia  
 Dr. Joan E. Dominick (Teaching Methods), Kennesaw College

**Goal:** To familiarize judicial educators with the key components necessary in managing their areas of responsibility, including the critical and often overlooked details as well as the broad generalities.

**Objectives:** Plan and develop their own needs assessments and evaluation tools. Establish efficient methods to accomplish their own unique educational goals. Determine effective program management strategies for use in their own environments.

**Description:** This session will provide participants with vital information regarding the process of conducting judicial education and conference planning, from beginning to end. Based on the JEAEP manual, *Adult Education Perspectives for Judicial Education*, and using many of the contributing authors,

the program will highlight key points regarding process, methods, and administration of judicial education programs. Topics to be covered include Needs Assessment, Evaluation, Faculty Development, Teaching Methods, Media, Site Coordination, Conference Administration, and Board Relations. This session is a must for new judicial educators and will provide even the seasoned veteran with some new perspectives.

12:00 - 1:00 p.m.

Group Lunch

### **Wednesday, October 14**

8:30 - 11:30 a.m.

### **Session A: Grant Practicum: Resources, Strategies, and Management Techniques for State Judicial Educators**

Faculty: Dr. Dennis Catlin, Michigan  
 Robert Clayman, Massachusetts  
 Holly Hitchcock, Rhode Island  
 Ellen Marshall, Maryland

**Goal:** To provide targeted information about both public and private grant sources, to recommend model proposals and reporting forms, and to develop a schematic design for a potential grant project.

**Objective:** After participating in this session, educators will be able to identify in clear, direct, and specific language the need for the project; match the project objectives with the most appropriate grant sources; understand how to write effective grant proposals; develop strategies and guidelines for more effective use of internal resources during the grant's application and management phases; and convince stakeholders to support the project.

**Description:** Experienced judicial educators and other adult educators will lead workshop participants through a practicum of the grant process from identifying the need for the project through reporting to stakeholders.

### **Session B: Conference Facilities Contracts**

Faculty: Blane L. Teagle, Staff Attorney  
 John R. Meeks, Staff Attorney  
 Office of the State Courts Administrator, Florida

**Goal:** To provide participants with useful information and skills in the area of conference facilities contracts, which will result in the facilities and services you need at a price you can afford.

**Objectives:** After this session, the participants will be able to identify essential elements of contracts between state judicial educators and conference facilities; evaluate and edit important contractual provisions, including clauses pertaining to cancellation, room blocks, release dates, and rights of first refusal; decide whether to use contracts submitted by the conference facility or whether to design their own standard contracts; complete a list of potential problem areas to consider before entering into contract negotiations; identify effective methods for negotiating with hotels and other conference facilities both before the program and on-site.

**Description:** This hands-on session will review contract essentials through determining program needs and evaluating contract clauses. A practical guide to facilities negotiations will also be included.



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*This list of state judicial educators represents the latest information we have received. Please notify us if any changes should be made.—ED*



# CONTINUING PROFESSIONAL EDUCATION ADVISORY BULLETIN

A service of the  
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## Editor's Column

Good ideas are often used across a variety of contexts. Recently, continuing educators have borrowed a tried and true idea from business for motivating staff and maintaining a stable work force -- career ladders.

The first article profiles career ladders in two state judicial education offices -- Utah and Florida. The following article discusses the factors that make or break a career ladder, and places the efforts of Utah and Florida in the context of how other professions are using career ladders. Career ladders in any context provide sound ideas for judicial educators concerned with maintaining a motivated, loyal staff.

*Diane E. Tallman*  
Editor

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## Career Ladders in Judicial Settings

Career ladders have become increasingly popular, especially in business and industry, as companies respond to decreasing loyalty and employee turnover. Ladder programs provide incentive and sustain motivation through increasingly complex training for current and future jobs. In general, the goal of career ladder programs is to provide a path for employees to advance, vertically or laterally, in their careers. This article profiles a career ladder program used by the Administrative Office of the Courts in the state of Utah. The career ladder that is being developed in the Clerk of Courts Office in Miami, Florida will also be discussed.

### Utah's Career Ladder

Utah has recently developed a career ladder program for court clerks which is called *Career Track*. The need for such a

program was identified by a committee chaired by Elma Ashley, Judicial Support Coordinator, and employees from all aspects of the court system. The program is administered by the Judicial Support Coordinator in the State Court Administrator's Office.

*Career Track* is specifically designed for line clerks of the court; however, training is provided to supervisors. Training is divided into three levels and consists of on-the-job and classroom training, supplemented by a training manual. Level I orients the employee to the court system, on-the-job training, and some interpersonal skills. Level II provides further on-the-job training plus training about other court levels other than the court where the clerk works, and some problem-solving skills. Level III is the final rung on the career track ladder and allows the employee to attend classes to increase knowledge and acquire additional skills to advance to a higher position. Employees who wish to enter a supervisory role must complete some supervisory and management training.

Joan Bly, Associate Judicial Support Coordinator, reports that employees were initially hesitant in becoming involved in *Career Track* but that changed after they attended a few classes. They are now aggressive in their progress and their critiques help administrators plan future educational programs. As would be expected, the time factor has been the major limitation. Supervisors have had to reprioritize their duties because they are required to spend a significant amount of time with employees following the program.

### *Career Track* Level I

Joan Bly has provided a summary of requirements for a Deputy Court Clerk following the court clerk *Career Track*. An employee hired as a Deputy Court Clerk

(continued...)

must complete Level I within the first year, the probationary period. The employee follows their own plan outlined in their "Knowledge and Skills Record Plan" which includes attending an orientation session covering information about personnel benefits. After two months from initial employment, the employee completes the *Introduction to the Courts Academy* training. This includes sessions on such subjects as sexual harassment, ethics, role of the clerk, and overview of the court system. In addition, the employee must perform all aspects of a single function area, demonstrate an understanding of legal terminology, and complete courses on interpersonal skills and customer service.

#### **Career Track Level II**

The requirements at Level II must be fulfilled in not less than two years, and not more than three years of an employee's hire date. The employee must complete the workbook and procedural manual for the court operation, demonstrate an understanding of case flow management, and complete a course on problem solving skills. In addition, the employee must demonstrate that he/she understands a trial court and appellate court that is not his/her own, and jury management. The employee needs to demonstrate knowledge in the allied agencies which interface with the court, and in accounting procedures. An employee who has completed these requirements and has spent two successful years on the job is able to advance to a higher grade level. An employee is not required to advance further than Level II on the *Career Track*.

#### **Career Track Level III**

The Deputy Court Clerk who has successfully met all the requirements of Levels I and II and wishes to progress receives a great deal of intensive classroom education at Level III. At this stage, the employee must attend a class and describe a trial and

appellate court which is not his/her own; complete "Advanced Case Management," "Team Building," and "Constitutional Law and Procedural Advise" courses; complete a course on writing; and complete the written proposal. Although Level III is the final stage in *Career Track*, employees need not be discouraged. An employee who successfully completes the three levels of the *Career Track* can compete for supervisory positions at the next grade level.

#### **Florida's Clerk Learning Network**

The Clerk of Courts in Dade County, Florida has established an Office of Education and Training to develop a comprehensive human resource management and development system for its 1200 employees. This system includes a Quality Improvement Process (QIP), a career ladders system, and Assessment Center. In the QIP, each employee identifies the processes they use in their job and each of the 82 work units/teams determines its own standards. From these processes, competency standards are derived which will form the rungs of the career ladder. It is anticipated that a career ladder will have 15 to 20 rungs. Employees progress up the ladder by demonstrating competence required for each rung. Training for the competency standards will be provided by the Office of Education and Training.

After an employee feels confident about his/her ability to perform, he/she moves to the Assessment Center, where the employee demonstrates this ability through activities such as role-plays and simulations. After the Assessment Center evaluates the employee's performance, a Career Counseling Service advises the employee about options, especially further training that may be recommended to improve performance. Additional training is provided by the Office of Education and Training which may be in the form of mentor relationships, internships, traditional classes, or self-directed study. This training helps

ensure that the employee will improve his/her performance and move up the career ladder.

The *Clerk's Learning Network* will provide professional development to each of the 1200 clerical and managerial employees in the Clerk of the Courts Office while simultaneously improving overall customer service and work performance. Although the *Clerk's Learning Network* is still in the conceptual phases, team building has already resulted from employees getting together to discuss their work.

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### **Career Ladders: From Research to Practice**

Career ladders have become a popular response to having employees choose to terminate employment rather than advance and assume managerial responsibilities (Goldstein, 1988; Lentz, 1990). Career ladders are paths designed for employees to advance in their career without necessarily assuming administrative duties. They are commonly used for clerical, technical, and paraprofessional employees. This article will discuss factors associated with the success and failure of career ladders and will provide some actual examples from business and industry. Career ladders that are used in the contexts of civil service and nursing will also be discussed.

#### **Recommendations for a Successful Ladder**

For a career ladder to be successfully implemented, Goldstein (1988) recommends that promotion be discouraged as the main symbol of career achievement. Drema Howard of the Career Center at the University of Kentucky, recommends that the se-



quence of steps not be overemphasized, and that individual needs be considered. Howard and Berkman (1989) believe that a successful career ladder will also recognize that employees plateau and career needs will shift. Lentz (1990) recommends that career ladders have a commitment from management and a promotion review committee to objectively evaluate candidate's qualifications. Goldstein (1988) claims companies with successful career ladders, such as IBM, 3M, and Texas Instruments, are diligent in retaining and motivating key employees, and compensating them with salaries comparable to supervisors without the rigors of management.

#### **Why Career Ladders Fail**

Research indicates that common problems exist in career ladders. Most frequently cited was that ladders are used as "dumping grounds" for unsuccessful managers (Berkman, 1989; Goldstein, 1988; Lentz, 1990). According to Drema Howard, another issue is that employees cannot develop skills to advance because they do not have the opportunities to develop the skills necessary for advanced positions. Lentz (1990) notes that career ladders must grow along with the organization. Lentz (1990) and French (1988) warn that career ladders may not be successful if they do not develop credibility or status or there is a lack commitment from management. Lentz (1990) and Berkman (1989) claim problems also exist when the ladder is too narrowly defined, when the rungs are not equal, and when goals are not well defined. Finally, Goldstein (1988) reports that a 1982 study by Columbia University's Center for Research in Career Development found career ladders to often be ineffective because of inequitable salary and title comparisons, among other reasons.

#### **Career Ladders in Business and Industry**

Career ladders have most frequently been used in business and industry. Lentz (1990) profiles one such example at Dow Corning. At Dow Corning, management decided to update their career ladder, citing that it needed to be flexible enough to grow with the organization while adhering to the company's mission of recognizing, rewarding, and encouraging continued growth for employees who choose to remain in technical positions rather than follow a managerial career path.

According to Lentz (1990), the new career ladder program began by forming the Promotion Review Committee to establish guidelines for promotion, review candidates' qualifications, and identify candidates. The new program has two major components: (a) a listing of four criteria for all senior professionals, and (b) a listing of characteristics for each criterion and for the different job levels. These listings were developed collaboratively by the Promotion Review Committee and the directors of each department.

Transamerica Life Companies has successfully operated a career ladder in data processing for eight years. According to Joan Klubnik, Career Development Administrator for the company, the ladder was easy to develop because there is consensus on the hierarchy of job knowledge and much research has been conducted on skills needed in data processing.

Klubnik reports that at Transamerica, career ladders are spelled out vertically within a job field, but also show movement into other areas. The company originally developed a map of how careers interrelate but found it was too complex to be practical. They then decided to develop a ladder for each position, such as programmer or consultant. The manager performs career counseling by educating the employee about how ladders mesh with others. The employee can voluntarily discuss career options, obtain

information on the various ladders and the detailed information on the different positions with his/her manager. The manager is deemed most appropriate for tying skills to jobs. However, if an employee is uncomfortable discussing career opportunities with his/her manager, the employee can seek guidance from the Career Development Administrator.

#### **Career Ladders for Women in Government**

State and local governments employ many workers in clerical, technical, and paraprofessional occupations. These jobs have been traditionally held by women. Figart (1989) examines the public sector for career development methods that may be especially beneficial for women to move up the career ladder or create ladders. Figart claims a career development program must involve collaboration between labor and management. This is necessary if changes in job classifications and hiring practices are desired in civil service agencies which are responsible for job classification and hiring. Labor unions have identified three means of career development: (a) the crossover method, (b) the bridge method, and (c) the skills-upgrading method.

According to Figart (1989), the skills-upgrading method is used when a target occupation requires specific skills. Education is in the form of on-the-job training, classroom training, or off-site courses. This method is most relevant for unskilled employees. New York City uses the skills-upgrading method through a cooperative arrangement between an AFSCME Local and local educational institutions. Various colleges provide training in such areas as management, court reporting, and nursing and respiratory therapy.

In the crossover method, employees "cross over" to an entry-level job on another career ladder which requires similar knowledge, skills, and experience. Figart (1989) reports that

this method uses on-the-job training and is especially relevant for employees in dead-end positions. The cross-over method was used in Los Angeles, in conjunction with the skills-upgrading method. Librarians were given automation classes to upgrade skills, and were also offered courses in writing, speaking, and public relations to help them seek careers in other areas of government.

In the bridge method, new positions are created between existing ones (Figart, 1989). This method is appropriate when there is a large number of highly technical positions and a smaller number of non-technical positions. The bridge method was used in Massachusetts by an AFSCME Local which set up an apprenticeship for janitorial and housekeeping staff. The apprenticeship served as the bridge to move these employees into skilled positions such as carpenters, painters, plumbers, and electricians.

### Career Ladders in Nursing

Career advancement in nursing has historically been based on academic achievement because clinical ladders have not existed (French, 1988). Hospitals are currently realizing that competence, rather than academic success, will differentiate nurses. A clinical ladder is a type of career ladder in which the needs of nurses who wish to continue working in a clinical area, rather than administration, are addressed.

French (1988) notes several important factors to consider in implementing a clinical ladder. First, management must familiarize nurses with clinical ladders instead of insisting on developing a clinical ladder. This is important so nurses do not perceive the ladder as a "management" program. Another consideration is that the ladder must be developed collaboratively between management and staff. Also, staff members using the ladder must overwhelmingly support the ladder. Finally, French advises

that management should firmly commit to the career ladder before it is discussed with staff to avoid lack of credibility between management and staff.

### Implications for Judicial Education

This research on career ladders covers a broad scope, from business and industry to nursing. But there are certain aspects relevant to judicial educators who are considering implementing a career ladder in their court system.

A career ladder may be needed in your court system if you have concerns about retaining and motivating non-judicial employees, especially in light of budget constraints. Incentives other than money can be offered; however, equality must be stressed. Lateral career ladders are very common and are no less important than vertical ones, for which the reward is promotion. Promotion is *not* the only symbol of achievement and this must be communicated to your staff. The focus of the ladder should be on the needs of each individual employee, as these needs will change. The success of a career ladder will depend in part on the commitment from the administration in your court system. In addition, forming a committee or task force consisting of employees from all areas will help the success of a ladder. Once a career ladder is established, it is necessary that employees have the opportunities to enhance their knowledge and skills. Therefore, classroom training should be offered and encouraged. Educational opportunities can be facilitated through cooperative arrangements with local universities and colleges. Finally, if a career ladder is not feasible in your court system, a career planning seminar may be just as effective in retaining and motivating employees.

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### References

- Berkman, B. N. (1989). The ups and downs of climbing the technoladder. *Electronic Business*, 15 (6), 68-70.
- Figart, D. M. (1989). Collective bargaining and career development for women in the public sector. *Journal of Collective Negotiations*, 18, 301-313.
- French, O. E. (1988). Clinical ladders for nurses: Expect a resurgence of interest but there will be changes. *Nursing Management*, 19 (2), 52-55.
- Goldstein, M. L. (1988). Dual-career ladders: Still shaky but getting better. *Industry Week*, 236 (1), 57-60.
- Lentz, C. W. (1990). Dual ladders become multiple ladders at Dow Corning. *Research Technology Management*, 33 (3), 28-34.

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### Continuing Professional Education Advisory Bulletin

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## National Consortium, *continued*

2. publishing a quarterly newsletter. The newsletter will detail the activities of Consortium members and discuss general issues concerning racial/ethnic bias in the courts
3. holding a national conference on racial/ethnic bias in the courts

In May the consortium gathered for its fourth annual meeting. Ms.

Desiree Leigh, the 1992 Consortium coordinator, spoke of the state court system as a very appropriate place to start looking at the complex challenges minorities encounter with the judicial system. Minorities across the country feel disenfranchised with the courts, tend to distrust the court system, and feel that bias prevails. Michigan and New Jersey studies have found that minorities

underutilize the courts compared to their white counterparts. The studies found that minorities do not believe they will get appropriate compensation. It's very discouraging, says Ms. Leigh, that people won't use the system for which they have inalienable rights.

See the accompanying chart for a quick glance at the major activities of the 17 states in the consortium. ■

**Spring 1992 Major Activities Completed/in Progress by Consortium Members**

|                                                                                               | AZ | BC | CA | DC | FL | HI | IA | MA | MI | MN | NF | NJ | NY | ND | NS | OR | WA |
|-----------------------------------------------------------------------------------------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| Preliminary Study of Problem                                                                  | X  |    | X  | X  | X  | X  |    |    | X  | X  |    | X  | X  |    |    |    | X  |
| Task Force Established                                                                        | X  |    | X  | X  | X  | X  | X  | X  | X  | X  |    | X  | X  |    |    | X  | X  |
| Formulated Task Force Mandate                                                                 |    |    | X  | X  | X  | X  |    | X  | X  | X  |    | X  | X  |    |    | X  | X  |
| Literature Search                                                                             | X  |    | X  | X  | X  |    |    | X  | X  | X  |    |    | X  |    |    |    | X  |
| Case Review of Substantive Law Areas                                                          |    |    | X  | X  | X  |    |    | X  |    |    |    |    | X  |    |    |    |    |
| Review of Written Rules, Forms, and Statutes                                                  |    |    | X  | X  | X  | X  |    | X  | X  | X  |    |    | X  |    |    |    |    |
| Public Hearing                                                                                |    |    | X  | X  | X  |    |    | X  | X  | X  |    | X  | X  |    |    |    | X  |
| Regional Bar Meetings                                                                         |    |    |    |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |
| Listening Sessions                                                                            |    |    |    | X  |    |    |    | X  | X  | X  |    |    |    |    |    |    |    |
| <b>Surveys</b>                                                                                |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Lawyers                                                                                       |    |    |    |    | X  | X  |    | X  | X  | X  |    |    | X  |    |    |    | X  |
| Judges                                                                                        |    |    |    |    | X  |    |    | X  | X  | X  |    | X  | X  |    |    |    | X  |
| Jurors                                                                                        |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Court Personnel                                                                               |    |    |    | X  | X  |    |    |    |    |    |    | X  | X  |    |    |    | X  |
| Litigants                                                                                     |    |    |    | X  |    |    |    |    | X  | X  |    | X  | X  |    |    |    |    |
| <b>Focus Groups</b>                                                                           |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Lawyers                                                                                       |    |    |    |    |    | X  |    | X  |    | X  |    | X  | X  |    |    |    | X  |
| Judges                                                                                        |    | X  |    |    |    | X  |    | X  |    | X  |    | X  | X  |    |    |    |    |
| Jurors                                                                                        |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |    |
| Court Personnel                                                                               |    |    |    |    |    | X  |    |    |    | X  |    | X  | X  |    |    |    | X  |
| Litigants                                                                                     |    |    |    |    |    | X  |    |    |    |    |    | X  |    |    |    |    |    |
| Court Watching                                                                                |    |    |    |    |    |    |    | X  |    |    |    |    | X  |    |    |    |    |
| Regular Procedure in Place for Obtaining Press Coverage                                       |    |    | X  |    | X  |    |    | X  | X  | X  |    |    |    |    |    |    | X  |
| Interim Reports                                                                               | X  |    |    | X  | X  |    |    |    | X  | X  |    | X  | X  |    |    |    | X  |
| Final Report                                                                                  |    |    |    |    | X  | X  |    |    | X  |    |    | X  | X  |    |    |    | X  |
| Other Reports                                                                                 |    |    |    |    |    |    |    |    |    |    |    | X  | X  |    |    |    |    |
| Implementation Committee Established                                                          |    |    |    |    |    | X  |    |    |    |    |    |    | X  |    |    |    | X  |
| Development of Judicial Education Courses                                                     |    |    | X  |    |    |    |    |    | X  | X  |    |    |    |    |    |    | X  |
| Other Activities/Comments                                                                     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| 1-Day Seminar Diversity and Cultural Awareness for Advisory Committee Members, July 1991      |    |    | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| Establish Full-time State Bar Position of Assistant Executive Director for an Open Profession |    |    |    |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |
| Court Personnel Education                                                                     |    |    |    |    |    |    |    |    |    | X  |    |    |    |    |    |    | X  |

Legend: BC - British Columbia, NF - Newfoundland, NS - Nova Scotia

**Distributed at the annual meeting of the National Consortium of Task Forces and Commissions on Racial/Ethnic Bias in the Courts**

## President's Column, *continued*

remains high and our annual conference is well attended despite budget constraints, out-of-state travel limitations, and increased dues. We are delighted that at least four states—Delaware, Hawaii, New Mexico, and Oregon—have chosen to establish new or expanded judicial education offices.

We believe the high attendance at our annual conference mirrors the maturity of the profession, the quality and relevance of the educational programs, and the recognition that continuing education is as vital to judicial educators as it is to judges and other court staff. Although we do not expect budget problems to go away anytime soon, we are optimistic that NASJE's membership will increase as the economy improves and the number of judges and staff grows to address the burgeoning number of court cases.

One of the factors that has strengthened NASJE is the broad participation of its membership in the Association's activities. Over one-third of our 100-plus members contribute to a NASJE committee or project. While we are pleased with the participation rate, there undoubtedly are ways to encourage even greater involvement. To this end, we are holding a session on "What's Bugging Me: A Systematic Approach to Identifying and Realizing NASJE's Goals, Objectives, and Policies" at the annual NASJE conference in Charleston, South Carolina, October 11-14. During this period, all members will have an opportunity to discuss ways the Association can improve communications and enhance the participation of all members.

During the past two years, we have made significant progress in reaching our second goal—providing technical assistance to judicial education organizations. With grants from the State Justice Institute (SJI), NASJE has spearheaded two technical assistance projects—the Judicial Education Reference, Information, and Technical Transfer Project (JERITT) and the Judicial Education Adult Education Project (JEAEP).

JERITT offers technical assistance through subject matter searches (including a massive program database) and on-site consultations (usually between state judicial educators), while JEAEP contracts with educational consultants to help judicial education organizations fulfill specific needs. Together, they have provided technical assistance to nearly 50 projects representing over half of the states.

NASJE also has been very supportive of the Leadership Institute in Judicial Education (LIJE), sponsored by Appalachian State University and the Women Judges' Fund for Justice, which together with JERITT—cosponsored by the School of Criminal Justice, Michigan State University—and JEAEP—cosponsored by the Center for Continuing Education, University of Georgia—make up the Judicial Education Technical Assistance Consortium. Since April 1990, 18 five-member state judicial education teams have attended the Institute, and team leaders from 12 states have completed an advanced training seminar. Following the initial training program, each state judicial education organization is provided on-site technical assistance to help the state's judicial education team refine or implement the "action plan" it promulgated at the Institute.

NASJE News and the numerous judicial education publications of JERITT and JEAEP, including *Programs Summary*, *Products Review*, *Issues and Trends*, *Needs Assessment and Program Evaluation*, and *Adult Education Perspectives for Judicial Education*, provide a wealth of information to judicial educators. The last manual will be showcased during the workshop, "Judicial Education: Process, Methods, and Administration," at the forthcoming NASJE conference.

Our third goal—closer cooperation between state and national judicial education providers—has advanced considerably, though efforts to further improve communications should continue. We are pleased that a NASJE representative was asked to serve on the National Judicial College's Long-Range Planning Committee, the Curriculum Evaluation Committee, and the Curriculum Advisory Committee as well as other advisory groups. The National Cen-

ter for State Courts provides financial management and production staff assistance to the NASJE News editorial committee, which is composed of state and national judicial educators. (Recently, both the National Judicial College and the National Council of Juvenile and Family Court Judges made a financial contribution to the newsletter.) The Center also provides technical assistance and administrative support to NASJE's SJI-funded Judicial Education Management System (JEMS) project, which will assist the development of automation in judicial education offices.

We also have attempted to establish a closer relationship with the Conference of Chief Justices and the Conference of State Court Administrators. A chief justice and two state court administrators serve on the Judicial Education Technical Assistance Consortium. Last year, two NASJE members, Rita Stratton (KY) and Chuck Claxton (Appalachian State University), served on a judicial education panel at the joint annual meeting of the Conference of Chief Justices and the Conference of State Court Administrators in Philadelphia. On July 23, 1992, NASJE's *Principles and Standards of Continuing Judicial Education* were disseminated and endorsed by the Conference of Chief Justices at its 44th annual meeting. The CCJ board of directors also discussed the possibility of establishing a liaison relationship with NASJE.

Let me add a personal note of congratulations and gratitude to the scholarship, perseverance, and hard work of the Standards Committee—Tony Fisser (CT), chair, Richard Saks (NJ), Catherine Springer (IN), Rita Stratton (KY), and Joseph Trotter (American University)—for preparing the *Principles and Standards*. They solicited input from a wide spectrum of judicial education providers and experts in career development and continuing professional education. We expect the document will serve as a guide for the development and advancement of quality educational opportunities for the judiciary throughout the nation.

Our next task is to develop standards and guidelines for the continuing education of court system



professionals. In conjunction with American University's School of Public Affairs Justice Projects Office, and with the support of the National Association for Court Management, the Institute for Court Management of the National Center for State Courts, and others, NASJE plans to develop continuing education standards for court staff.

We would be remiss if we did not mention the contribution of SJI to judicial education. As illustrated above and noted in previous columns, SJI has played a critical role in promoting education and training for judges and court support staff. By funding projects sponsored by state judicial education offices, NASJE, and other providers serving state judiciaries, SJI has encouraged the development of innovative programs and materials. Forty-seven state judicial departments have received some form of educational assistance from SJI. We hope SJI will continue to explore cost-effective ways to maximize the impact of funds available to educate and train officers and employees of the judicial branch of state government.

Again, thanks for all your help. Because of YOU, we have a lot to be proud of. I am confident our new president, Larry Stone (OH), will lead us in new tasks and accomplishments. His broad and diverse experience, conscientiousness, dedication, and vision will serve us well. Best wishes to Larry and the new NASJE Board members who will be elected at NASJE's annual conference in October. See you in Charleston. ■

## Keep Your Conferences Secure

**H**ow often does this occur at a judicial conference? You drive into the conference hotel parking lot under the hotel marquee, which reads "WELCOME! JUDGES CONFERENCE." You walk through the front door of the hotel lobby to check in and to register for the conference and see a kiosk with an announcement of judges hospitality in room 401. These signs are often helpful to conference participants in locating the workshops or special events. Yet, these directives can also be an open invitation to trouble.

Judges are particularly vulnerable to violence from individuals who believe that they have been wrongfully judged or who believe that the justice system has failed them in some way. State trial judges have reported being stalked and harassed and their lives threatened by defendants or others affected by the judicial system. It is crucial to consider the potential danger associated with the lives of trial judges. This potential for violence has grown in proportion to the increased frequency with which violent criminals, drug traffickers, and other litigants are involved in courts across America.

In a recent survey, judges reported feeling safer at judicial conferences than at the courthouse. As judicial educators, however, we must not take it for granted that removing judges from their immediate home and work environment will

eliminate potential risk. Although the risk may be reduced, it is not eliminated. Unfortunately, the increases in incidences of random violence committed by individuals who have a beef with the judicial system are a constant reminder to us to be cautious.

The following are some helpful hints for providing conference security, which can easily be incorporated into the conference-planning steps:

- before each conference, local law enforcement agencies should be notified of the hotel, dates, and times of the judicial conference;
- before the judicial conference, judicial education staff should meet with the hotel and security staff to discuss in detail the program agenda, special requirements, and emergency procedures to be followed;
- the hotel should be advised not to advertise the meeting on an indoor or outdoor marquee before or during the conference;
- all suspicious persons loitering around the meeting should be reported to hotel security and local authorities; and
- judges and their family members should be given name tags, which must be worn at all times throughout the conference. These name tags must be visible before entering any work session or social event. ■

## Transitions

**N**ASJE has enlisted nine new members since November 1991. They are: Elizabeth Hodges, Director of Judicial Education to the Supreme Court Committee, New Hampshire Administrative Office of the Courts; Paul L. Biderman, Director, New Mexico Judicial Center, Institute of Public Law, University of New Mexico; P. M. (Duffy)

Dubhaigh-Ingrassia, Program Coordinator, New Mexico Judicial Center; Bruce E. Bohlman, Chairperson, Judicial Education Committee, North

Dakota Judicial Conference; Meredith Hofford, Project Director, Family Violence Project, National Council of Juvenile and Family Court Judges; Frannie Maguire, Training Administrator, Administrative Office of the Delaware Courts.

In addition to the six members listed above, the following are new members via transfer: Nori J. McCann-Cross, Judicial Education Director, Oregon Judicial Department; Sharon Gilson, Judicial Education Officer, Administrative Office

of the Utah Courts; Leslie G. Johnson, Director, Mississippi Judicial College. ■

### Membership Information

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



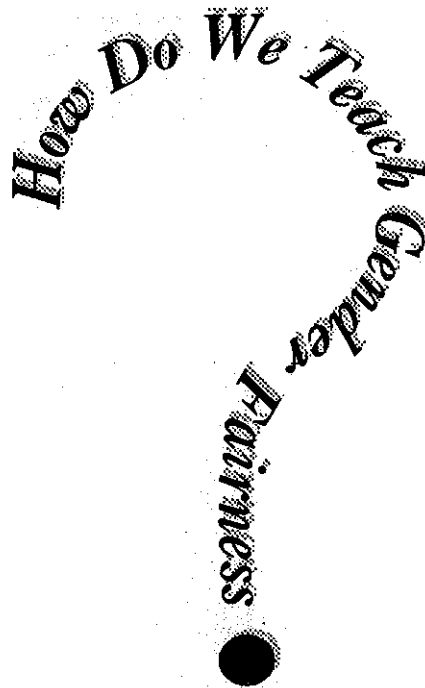
## How Do We Teach Gender Fairness, *continued*

we develop formats that are time-rich with relatively smaller groups of participants?

### Strategies for Gender Bias

**Course Development and Delivery.** If committed support exists, the judicial educator is well positioned to build a results-based plan. The following strategies have proved most reliable:

1. *Select skillful, committed faculty.* A team of three or four is better than one. Both men and women should be on the team. Outside experts may be on the team, but the core should be respected judges.
2. *Conduct an advance planning/development session.* Let the team assess the needs, write learning objectives, create design and content, and even rehearse key segments.
3. *Aim at behaviors (and decisions), not attitudes or raw knowledge.* Cognitive and attitudinal goals are fine, but they are a means to an end—improved judicial behavior. Bad: "judges will increase awareness (build sensitivity)." Good: "judges will use and enforce gender neutral language" or "judges will create guidelines for fair decisions in domestic violence cases."
4. *Use structured learning activities.* Unstructured discussions with random comments give the naysayer a forum and do not yield specific strategies. Structured activities, such as case problems, demonstration scenarios, "strategy" brainstorming, written decisions, and group action planning, give the serious learners a chance to create a constructive training product.
5. *Aim at the learners most likely to learn.* Group 1 consists of the committed believers in gender fairness. Group 2 is the broad middle group, perhaps passive or unaware, but not hostile. Group 3, a relatively small minority, is angry, suspicious, defensive, and obstructive. Aim at Group 2. Group 1 will support the faculty, so "preaching to the choir" is unnecessary. Group 3 may never change; we must not waste pre-



- cious time trying to persuade the lost cause.
6. *Aim at the future, not the past.* Other courses direct judges toward practical future applications, regardless of past deficiencies. The gender fairness approach should be equally forward-looking, which by definition is more positive than dwelling on judicial and system failures.
  7. *Consider blending gender issues in other courses.* Instead of raising a red flag ("Now we're going to have a course on gender bias"), several states have experimented with building gender components in such courses as "sentencing," "family law," "criminal trials," "domestic violence," and "abuse and neglect."

**Preparing for Problems.** Some formidable trouble spots remain, including the need to predict and plan for disagreement. "Isn't this just part of the radical feminist agenda?" No, it is the mainstream commitment to treat everyone fairly, regardless of gender. "You just want us to adopt politically correct language." We aren't talking about PC, but language choices affect perceptions, and all parties should perceive a problem undiluted by gender fac-

tors. "We're spending all this time trying to change the cosmetics of judicial demeanor?" No, the most important strategies go beyond demeanor and deal with fairness in a large inventory of judicial decisions on a variety of topics. "Isn't some gender bias caused by others, like lawyers, staff, and police?" Much of it is, but the judge is in the best position to assure that others do not bring it into the courtroom.

Another problem is class size. With a large group, find ways to make it "smaller," with individual and small group projects. Strategy sessions, checklist preparation, and decision making on problems can build intensive learning experiences, especially if facilitated by a trained group leader. In some programs, almost half the class time is spent in groups.

A third problem is the faculty member's "agenda" and perceived role. The best faculty are committed, but they may become frustrated when learners do not appear to "buy in." Faculty must resist being preachy, dogmatic, or prescriptive. Adult learners must have ownership of their own growth; we cannot learn for them. Thus, passionate commitment must be moderated by patience, tolerance, open-mindedness, and trust. We cannot give resistant people an opening to attack our motives. The best solution to this problem area is prudent selection of faculty.

**Conclusion.** Building gender fairness is a process, not a quick fix. No judicial educator should be criticized when a single, brief course fails to achieve sweeping observable change. No faculty should feel demoralized when a few vocal people try to challenge the mission. We are dealing, after all, not just with traditional values and beliefs, but with deep-seated behavior patterns and habits. If we remember that change comes slowly and that most judges want to be fair, our gender fairness courses should help them perceive potential bias, acquire tools, use resources, and practice skills. Like any other course, gender fairness instruction is doable. ■



## PROFILE

# Kay Boothman

**E**l Dorado, Arkansas, is not a large town. But El Dorado does not have to be large to be special. Located in south central Arkansas, just a few miles north of the Louisiana border, and noted for lush lowland pine forests, El Dorado flourished because of the oil boom of the 1920s. The name itself can be translated "The Golden One."

More than rich oil, more than gold—black or shiny—judicial educators are thankful for a different treasure discovered in El Dorado: Arkansas judicial educator Kay Boothman. For it was in El Dorado that Kay Sims Boothman was raised, and it was in El Dorado that she received her initial moorings.

Born the eldest of two children after her parents had been married nine years, Kay and her younger brother, Philip, were considered "miracle babies." Their parents had almost resigned themselves to not having children. As a result, they were welcomed, celebrated, and even (Kay confesses) "spoiled." This launch into life, propelled today through her marriage to husband Rick for 23 years, is one reason Kay describes herself as a "happy" person.

Growing up in the oil-dominated town of El Dorado was an experience.

Kay's father, to whom Kay was especially close, worked in the oil business himself before his death in 1976. Two oil wells on their property subsidized higher education for Kay and her brother. The well that sent Kay to school was called "Katie Did."

Kay's 72-year-old mother continues to amaze Kay. An avid reader, she is employed by an accountant, works 40 hours a week, and operates a computer.

Family memories are warm and pleasant for this Arkansan. Saturday night was family time. Sunday was church, a family meal, and also (in season) watching baseball with her father. To this day Kay remains a St. Louis Cardinal fan. Twelve years of dance instruction—ballet, tap, and five years dancing on her toes—kept Kay out of mischief if she ever was so inclined. So did school activities. In high school Kay served on the student council, was active in a female key club, and served on the staff of the school newspaper. Later in Arkadelphia, where she graduated from Henderson State University, Kay again served on the college newspaper staff, not to mention the college yearbook. Kay's degree is in speech communication.

It was in the seventh grade that Kay met future

husband Rick at a summer church camp. Rick, who also attended Henderson State University, married Kay the summer before their senior year in college. Because Kay graduated from college in three years, she was able to graduate with Rick, who is one year older.

After graduation, Kay taught high school classes in El Dorado and later in Little Rock as a "long-term substitute." English, journalism, speech, and math were her subjects. Teaching is a "first love" for Kay.

But newspaper work has surfaced frequently enough in Kay's life that the print world could also lay claim to her affection.

For example, when she worked as a senior services representative for an equipment-leasing firm, she edited newsletters as part of her responsibilities. When she came to work at the Arkansas Administrative Office of the Courts in 1985 as an auditor of court records, and as the first judicial educator in the state a few months later when the legislature created the new position, Kay again found herself editing the department's newsletter. Small wonder that in 1987 then NASJE president Richard Reeves appointed her to chair the editorial committee of *NASJE News*. Recently resigned from this position after more than

four years, Kay's success, style, and efforts have been previously commemorated.

Kay is now pursuing her master's degree. Kay's work concentrates on interpersonal and organizational communications. The entire family is absorbed in educational pursuits, since 22-year-old son Rich is a student in the School of Architecture at the University of Arkansas and 19-year-old daughter Brittany attends the School of Education at the University of Arkansas.

How did Kay Boothman enter the world of NASJE where she continues to serve as the southeast regional representative to the board and member of the JEAEP (Judicial Education Adult Education Project) subcommittee? It happened in 1985 shortly after her appointment in Arkansas when she attended the NASJE meeting in Carmel, California. What were her reactions? Coming from a newly established department, she was impressed by the larger staffs of many states and the creative interaction of NASJE participants. So she returned again. Although generous in service to NASJE and peers, Kay deflects credit back to NASJE: "If I have achieved success in this field, it has been because of NASJE."

Kay particularly is grateful  
*continued on page twelve*

## Profile, continued

to her own mentor in this work, the judicial educator from Kentucky and past president of NASJE, Rita Stratton. "From the very beginning, Rita had time for me. Rita is a dear, dear friend."

Since Kay assumed the judicial education reins in Arkansas, educational programs have increased from 3 to 12 a year. In addition, educational opportunities are being offered to a wider spectrum of personnel in the system. Kay Boothman has enjoyed the support of Chief Justice Jack Holt, Jr., in this work. From conversations with Arkansas judges, it is obvious she has a cheerleading section that reaches the breadth and depth of Arkansas.

Of what is Kay Boothman most proud? "I am proud of our growth. I am proud that we are doing some things today we had dreamed of doing." Kay is also proud of her work with *NASJE News*: "NASJE News is good, and it is important. I know judicial educators read it."

"Education is the way I can make a difference," she submits. Because she wants to make a difference, she also teaches English, social science, and business courses three nights a week at a junior college. And because she wants to make a difference, Kay is very active in her church, the Disciples of Christ. Possessing a deep religious faith, she teaches Bible study at the church as

well as an adult Sunday school class.

Life after *NASJE News* continues for this southerner with gentle grace and a warm, infectious smile. She enjoys laughter and is quick with direct retorts. Recalling her grammar school years of freshly starched dresses and polished shoes, Kay continues to render a polite fashion statement while going about the business of making a difference.

When husband Rick thought about an adjective to describe his spouse, one word quickly came to his mind—involved. Kay Boothman, the happy person, one who wants to make a difference, is indeed a woman who is involved. ■



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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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