

## 1997 Annual Conference Lake Tahoe, Nevada

The annual conference will be held in the breathtaking Cal-Neva resort at Lake Tahoe, October 6-8, 1997. This year's conference will focus on "The Courts and Our Community." New this year will be a leadership convocation, which is described in the article below. Due to the overwhelming success of last year's inaugural New Judicial Educator Orientation, this program will be held on Saturday, October 4.

From the plenary session on Monday, October 6, to the close on Wednesday, October 8, the annual conference promises to be educationally rewarding and action packed. Monday afternoon will find NASJE members and guests traveling down the mountain to Reno for visits at both the National Judicial College and the National Council of Juvenile and Family Court Judges. Capping off our day in Reno will be our annual banquet at Harrah's Automobile Museum, a

treasury of antique automobiles.

Educational sessions will include:

- The American Judicature Society's new ethics curriculum on Judicial Relationships with the Public and the Media
- The American Bar Association's Conference of Special Court Judges' program, Courts under Attack and Counterattack: Public Education, Media Relations, and Community Relations
- Peacemaker Courts
- Preparing Courts for Victims and Community
- Citizen Volunteers: CASA and Foster Care Review Boards
- Judicial Branch Staff Education Resources and Development
- Incorporating Community and Interagency Education Projects in Judicial Branch Education
- Recent Developments in Adult Education Theory and Practice



The conference brochure will be sent out shortly. Mark your calendars now for what promises to be another fantastic NASJE annual conference. ■

## Leadership Convocation: A New Addition to the NASJE Annual Conference Sunday, October 5, 1997

The chairs of judicial education committees generally serve for a limited term, much of which is spent in the "learning curve" as they assimilate information necessary to be an effective leader. If these individuals are to maximize their effectiveness, we must shorten the learning curve and enable them to network with others in similar positions nationally. If these leaders in judicial education can, early in their tenures

as chair, master the role/responsibilities of being a leader, the fundamentals of adult education, the techniques of developing presence for judicial education, the role of judicial education in changing the organization, and the national and state issues that affect judicial education, they can better and more effectively serve their terms. A leadership convocation that combines education with networking among judicial

education leaders can move these individuals forward in a shorter time than can be accomplished at the single state level.

### Important Subtopics

- Developing and Exercising Leadership
- Applying Adult Education Principles
- Developing Infrastructures

*continued on page five*



## PRESIDENT'S COLUMN

*Karen Waldrop Thorson*

**T**his article explains a concept introduced in the recent membership survey. It also offers a perspective on considerations the board made when discussing the NASJE Strategic Plan (which will be offered to the membership at the annual conference).

**Transformation.** We are each transforming within our role as professional judicial educators and our association is transforming into a more complex organization. Recent membership surveys reveal that our perspectives differ, our needs are diverse, and our individual situations represent a variety of environments.

One area in which views differ is that of membership. Many members treasure the closeness that a small organization offers: we come to know each other in ways that a large organization prohibits; we hold similar positions within our agencies so we understand each other well; we are bonded. Others feel that to grow in the theoretical sense, we must grow in the literal sense; with inclusion of others we learn and grow professionally; with a larger membership we enlarge our "presence"; with expansion will come new life for the organization. One of the dilemmas we face is that both views are valid.

**So what?** The questions are: How can we retain the value of the small organization and reap the benefits of a larger one? How can we maintain our closeness and yet include others who have much to offer? How can we manage transformation in a way that satisfies all of our members?

If you responded to the recent survey or participated in a recent regional conference call, you already know something about one answer to these questions. The issue of the growth of our association and the potential benefits that could result, as well as protection

of the benefits we currently enjoy in NAJSE, has occupied me for quite some time. Opinions you voiced ranged from opening-up membership totally (without categories) to leaving things just the way they have been.

**One approach.** One day, while I considered the pros and cons of expanding our membership, the idea of adopting "sections" of membership occurred to me. Based loosely on our state bar's organization, sections could allow NASJE to grow and yet leave the current core of membership intact. Sectional membership could be offered to judicial education leaders (chairs of judicial education boards, commissions, committees), judicial education technologists (distance learning experts), support personnel (those who perform the registration and logistics for programs), and others. At its February meeting, the board agreed to try this approach.

The first phase of this new approach was evident to you when you read the article in this newsletter on the Leadership Convocation, the optional all-day Sunday program for judicial education leaders and state judicial educators. Responses from the membership survey show that judicial educators will bring about fifty judicial education leaders to this convocation.

Although judicial education leaders are welcome to stay for the remainder of the conference, the Sunday program is designed especially for them. After this convocation participants will be offered membership in the new section for judicial education leaders. Membership will include a reduced membership fee, a subscription to the *NASJE News*, listing in a judicial education leadership database, and future programs such as the Leadership Convocation. Section membership does not include eligibility for office or voting privileges.

Since most leaders serve on boards, commissions, or committees that have terms of office, we anticipate that section membership will be limited. Then their successors will begin a term and, we hope, obtain section membership. In most cases, membership in the section will be based upon recommendation of the judicial educator—that is, recommendation to the leader(s) that membership will be beneficial and recommendation to NASJE that the individual is indeed a leader in judicial education.

**What's in it for me?** This is the question many adult educators say is fundamental to learning. So what is in this new section membership for the judicial education leaders? (1) formalized networking; (2) exposure to judicial education from other perspectives; (3) support from other leaders and judicial educators; (4) an organized association with a ready-made structure and products to meet their unique needs; and (5) access to *NASJE News* articles written for and by judicial education leaders.

And what is in this new section membership for the judicial educator? (1) We all work with boards, commissions, and committees. Leaders of these groups are influential, but often must experience a steep "learning curve" before they become effective leaders—programs like the leadership convocation can shorten that curve. (2) We all know that we cannot "do" judicial education alone—it takes a strong contingency of people to make judicial education a viable tool for the court system. Section membership will strengthen the bond between the judicial educator and the judicial education leaders. (3) We often feel we are the sole voice for sound adult educational practice in the judiciary, and it is often an uphill battle to convince leaders that the practices we recommend are sound. Section

*continued on page nine*

# The Institute for Faculty Excellence in Judicial Education: A Few Observations

*Hon. Judith S. H. Atherton*

**D**uring the last week of January, the National Council of Juvenile and Family Court Judges in Reno, Nevada, played host to twenty judges and judicial officers from around the country in a unique judicial education training program. The first-ever Institute for Faculty Excellence in Judicial Education was the culmination of months of intensive planning and preparation by Krista R. Johns and her blue-ribbon faculty of judges and judicial educators. To participate in the Institute, judges were required to have had several years' experience as judicial faculty as well as a continuing commitment to judicial education. The Institute's goal of providing an "opportunity for participating judges to focus on individualized effort in one or more aspects of their faculty role, while broadening their overall perspective about the nature or purpose of judicial education" provided the focus of five days of diverse and inviting experiences. As a judge who has taught several judicial education programs and who serves on our statewide education committee, I was nominated by our state judicial educator to participate in this program.

The Reno session was the first phase of the three-part Institute. It provided the classroom component where participants were introduced to a variety of subjects ranging from an analysis of the goals of judicial education, to an introduction to general education theory, to learning and exploring new techniques, technologies, and resources. As a participant in the Institute, each judge was to develop and present an independent project for later presentation to the group at large. The projects began to take form by the end of the Reno session. Development of the independent project constitutes the Institute's phase two. Each participant, with the aid of a judge faculty mentor, is now in the process

of working on those projects. Phase three will be a three day session in September at Lake Tahoe (perhaps in compensation for Reno in January). There, participants will present their projects, with the goal of demonstrating both subject matter and presentation abilities. Finally, that session will serve as a forum for discussing the long-term implications of the experience. It is my hope, as a participant, to create with the other participants a mechanism for meaningful ongoing exchange among ourselves and the faculty in the future.

The Reno session began with participants first being challenged to consciously identify the passion they bring to their work, and, by extension, to the courses they teach. We were reminded that this was a task of detection rather than invention, that we were already following that passion but could, by naming it, better understand the seat of our own creative power. We were reminded of the words of Nelson Mandela, that "as we let our own light shine, we unconsciously give other people permission to do the same." To be so challenged at the outset set the tone for a time of self-examination and discovery.

A second theme ran through the Institute. Although all participants

had regularly taught courses on issues affecting the judiciary, not all had a background in educational and learning theory. We were offered a crash course in some of those fundamentals, including an introduction to experiential learning theory and an analysis of the roles judge-faculty members can play (for example, information source, provocateur, facilitator, story-teller). Daily journal writing opened a door into a method of reflection and critical analysis. Teaching techniques and technologies were shared by the faculty and among the participants, from the use of overhead images, new computer programs and interactive role plays to demonstrations of time-tested methods.

The tremendous effort, creativity, and commitment that went into the Institute bore immediate and foreseeable fruits. The participants left with more insight into their commitment to the process of judicial education, more understanding of dynamics of education, more ideas about techniques, presentations and resources. However, they benefited, I think equally, by spending time in an informal open setting, sharing experiences, and getting to know colleagues from around the country. That more intangible product will continue to bear fruits. ■

---

## State Justice Institute Alert!

**N**otice to all judicial educators: the State Justice Institute is awaiting your curriculum adaptation grant applications! SJI has allotted up to \$175,000 for curriculum adaptation grants this year, and has only received requests for one-third that amount. Now is the time to submit your request.

Over the past several years, requests for curriculum adaptation grants have decreased steadily: from 15 applications in 1994, to 7 applications in 1996 and only 4 applications thus far in 1997. This downward

trend has the State Justice Institute wondering if this category of grant requests is still a valid one. In fact, they are anxious to hear from you on this issue: Is this program still needed? What would make it easier to use? If you have comments regarding the curriculum adaptation grant program, call or write to Pamela Bulloch at SJI (SJI@clark.net or 703-684-6100 [ext. 210]) by September 12, 1997 or earlier, if possible. The board may consider adjusting this grant category, given the decreased amount of requests. ■

---

*Judge Atherton is a district court judge in Salt Lake City, Utah.—ED.*

# A Biographer's Biography: Jim Toner



Over the past nine years, Jim Toner has served as biographer of those who have left their marks on the field of judicial education. His portraits in the *NASJE News* have given us a glimpse of the "whos" behind the "whats," making human interest stories out of what might otherwise have been glorified résumés. As do most portraits, Jim's gave us a glimpse of the artist as well as the subjects; they revealed his interest in each individual's family, history, and personal beliefs, and his own sense of humor. With his recent retirement from the post of *NASJE* biographer, we wanted to take an opportunity to look past the résumé of M. James Toner to find the human interest side.

When most people are asked about Jim, their responses come in the form of a story. A composite of these vignettes forms a more complicated picture than appears at first blush. The stories reveal someone with strong pride in his Irish roots, his North Dakota and Minnesota family ties, and his Catholic faith. They also show someone who has studied in Europe, has been active in a number of civic organizations, and who has, at various times, been a hot-rodder, a bicyclist, and a jogger. Add to these his devotion to wife Susan and daughters Kristen, Nicole, and Bridget, and one gets a much richer view of this man who has, for the past seventeen years, been largely identified in our professional circles as associate director for continuing education of the National Council of Juvenile and Family Court Judges.

No story about Jim would be complete without significant reference to his famous sense of humor. This humor cannot be stopped by language barriers. When a group of Bulgarian judges and officials visited in Reno, Jim's opening question was, "How many of you know who Rodney Dangerfield is?" Once the simultaneous translation was completed, the guests were quick to give up the name of Bulgaria's answer to Rodney Dangerfield. Jim then went on to say that like his hero, Rodney Dangerfield, he also came from a small town; in fact, the town was so small that the welcome sign was nailed to the back of the "please come back again" sign. The Bulgarian visitors responded with the international response to Jim's jokes: groans and rueful chuckles.

Judges attending courses at the National Council of Juvenile and Family Court Judges will be greeted by the towel joke. "The University Inn has improved greatly since its days as the College Inn. In fact, one judge at the last program was remarking to me that he could tell that the Inn was a really good hotel, because the towels were so thick he was having a hard time getting his suitcase shut." Groan though one must, Jim's colleagues agree that there is something endearing about a repertoire that is gently corny instead of biting.

Indeed, individuals interviewed for this portrait consistently used words like loyal, trustworthy, brave, clean, reverent, generous, and honest to describe Jim. This may result from his Midwestern upbringing in a family that valued education and service to others. Born in Hettinger, North Dakota, Jim is the eldest of eight children, raised primarily in St. Paul, Minnesota. There are strong, pioneering women in his background, among them a homesteader and a one-room school administrator.

As director of judicial education programming for the oldest judicial membership organization in the U.S., Jim Toner retains personal responsibility for the 1,500-person National

Juvenile Justice Conference held annually in the spring. As Arne Schoeller at the Council says, "After the first of November, it doesn't matter what you want to call Jim about; be sure to leave the message that you want to talk about the Juvenile Justice Conference, or he won't call you back." Much of Jim's time is spent sharing from his encyclopedic knowledge of the juvenile justice field, suggesting expert presenters or current special interest areas to judicial educators across the country. In addition, he manages a staff of more than ten, a budget that nears \$2 million, and hundreds of faculty and consultants each year. Between travel, training, and staffing Council committees, Jim still finds time for grant writing and helping fledgling court and social work organizations with conferences.

Jim came to the National Council of Juvenile and Family Court Judges in 1972 from his position as assistant director of the Missouri Law Enforcement Assistance Council. His previous work experience included foundation administration, marriage counseling, training coordination, and hands-on work as a juvenile officer in the St. Louis Juvenile Court. His first position at the Council was as director of development. It was in that position that Jim developed the audiocassette training library for judges and other juvenile court personnel. He later moved into the position of director for special projects, finally taking his current position in 1982. Among the strengths that he brings to his current position are a genuine interest in others, combined with a prodigious ability to listen and a willingness to jump in and help wherever needed. Jim has helped staff members who were moving, has worked with employees to accommodate special family needs, and has developed a knack for remembering things that are important to the individuals who work with him.

Jim's language abilities in Latin and Italian come from his student years. A 1961 graduate of the St.

*continued on page twelve*

# NEWS FROM THE NORTHEAST

Spring finally hit the Northeast after a relatively mild winter for our section of the country. Spring means judicial education programs, and the Northeast judicial educators have been busy traveling in-state and up and down the I-95 corridor. Here is a glimpse of our activities:

The Connecticut and New Jersey judiciaries collaborated on a presentation on "Children and the Courts," which was funded by the State Justice Institute.

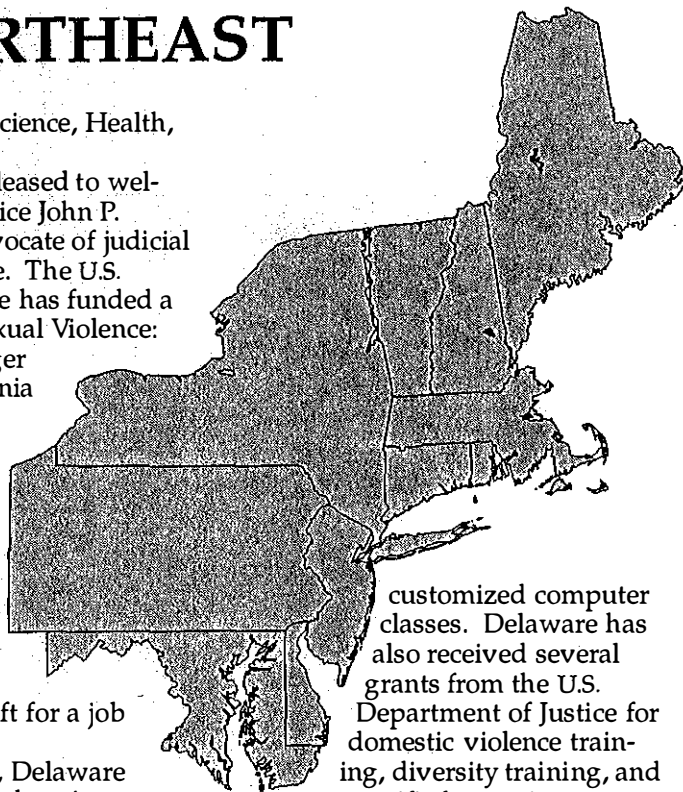
The District of Columbia hosted "Medical and Legal Issues" for judges from New Jersey, New Hampshire, and the District of Columbia. This training was presented by Krista Johns, of the National Council of Juvenile and Family Court Judges in Reno, Nevada. D.C. is also proud of its yearlong Spanish Language Program with sessions for beginning, intermediate, and advanced levels. May 14-17, 1997, found D.C. judges at a program entitled "Courts and Genetic Testing," which is funded by a grant from the Human Genome Project. The instructor was Professor Franklin Zweig from the

Einstein Center for Science, Health, and the Courts.

Pennsylvania is pleased to welcome new Chief Justice John P. Flaherty, long an advocate of judicial education in his state. The U.S. Department of Justice has funded a seminar entitled "Sexual Violence: Stranger, Non-Stranger Rape" for Pennsylvania judges. In addition, several judges from the District of Columbia and Montana have been invited to participate in this training.

Maine recently hired Naira Foifer to succeed Marcy Kamin Crane who left for a job in private industry.

Last, but not least, Delaware inaugurated a comprehensive staff development program after finally receiving funding from the General Assembly. Training included orientation, customer service, "Giving Good Advice without Giving Legal Advice," Frontline Leadership for Supervisors, and



customized computer classes. Delaware has also received several grants from the U.S. Department of Justice for domestic violence training, diversity training, and a certified court interpreters' program.

The Northeast is looking forward to hosting the **1998 NASJE Annual Conference in Portland, Maine, October 17-21, 1998.** ■

## Leadership Convocation, *continued*

- Role of Education in Shaping/ Changing the Organization
- Developing "Presence"
- Networking with Peers Nationally
- Issues and Trends in Judicial Education

### Program Description

This program is designed for judicial educators and the leaders in judicial education in their respective states. Designed to provide the fundamentals of serving as a leader in judicial education, the program will also provide participants with the opportunity to network with other leaders in judicial education from many other states. Participants will become familiar with applying adult education techniques to pro-

grams, developing infrastructures to support judicial education, using education to shape the system toward agreed-upon goals, and exercising techniques to assure judicial education has "presence" in their respective states.

### Objectives. At the conclusion of this program participants will be able to:

1. Identify the components of curriculum and program development.
2. Apply the fundamentals of adult education to curriculum and program development.
3. Define the role and responsibilities of leadership in judicial education.

4. State several techniques for establishing, maintaining, and improving the "presence" of judicial education.
5. List/explain the issues that could affect judicial education now and in the future.
6. Explain the role of education in shaping/changing the organization/system.

### Activities

Activities will include opportunities for participants to share information relevant to their state. This will begin the networking process that we hope will continue after the convocation. Other activities will address characteristics of leaders and curriculum/program development. ■

# “Religious Traditions and the Courts”: A New Effort at Transformational Learning

All of us who work in the field of judicial education have become quite familiar with the concept of enrichment courses, those courses in our curricula that are designed for mid-career or late-career judges and court staff, those individuals who may have already mastered cognitive and skills based objectives, but who hunger for something more, who have come to know about what Justice Christine Durham of the Utah Supreme Court calls that “profound difference” between “informational” teaching and “transformational” learning. (Durham, *Education for Development: The Courts As Learning Organizations*, Leadership Institute in Judicial Education, Blowing Rock, North Carolina, April 13, 1993 [unpublished]). All judicial educators are involved in efforts to ensure competency and achieve measurable performance improvements, but we are also engaged in that elusive, ineffable quest to provide our constituents with opportunities for personal growth. Some of us call it moral and ethical development, while others borrow the words of Erickson and call it “generativity.” Students of Perry call it “commitment” in the context of “relativism,” while devotees of Kohlberg refer to this high level of moral and ethical development as “stage five.” Whatever we call it, we are all trying to provide these opportunities. If we are good practitioners of adult education principles, we know that education cannot make moral development happen. We also know that we can’t measure it particularly well. What we have learned that we are able to do, though, is provide those opportunities for transformational learning and that adults can and do take responsibility for their own growth.

Kohlberg (1973) suggested that, in the case of the development of moral judgment, there tends to be a crystallization of the process after about the age of 25. As Terry (1988) has pointed out, however, research

since Kohlberg’s initial work indicates that this is not necessarily true, that given the appropriate stimulus and vehicle, significant development can occur throughout life, including the area of moral development (Gould, 1978; Havighurst, 1972; Knox, 1977;

Neugarten, 1975). The stimulus may be a crisis experience that demands change, requiring the adult to reestablish equilibrium between environment and life; it may, however, be a learning activity that provides the catalyst for development. (Terry, *Lifelong Learning*:

## Figure 1 1997 Florida College of Advanced Judicial Studies Religious Traditions and the Courts

### Introduction to Topic and Opening Remarks

The Honorable Bob Young, Course Moderator  
Circuit Judge, Twelfth Circuit, Bartow

Mark E. Chopko  
General Counsel  
United States Catholic Conference, Inc.  
National Conference of Catholic Bishops, Washington, D.C.

The Honorable Stephen A. Dakan  
Circuit Judge, Twelfth Circuit, Sarasota

The Honorable Michael Raiden  
County Judge, Polk County, Bartow

Bruce Rogow  
Professor of Law  
Nova Southeastern Law Center, Ft. Lauderdale

J. Brent Walker  
General Counsel  
Baptist Joint Committee on Public Affairs, Washington, D.C.

### Separation and Free Exercise Clauses: An Introduction and Overview

J. Brent Walker

### Separation and Free Exercise Issues as You Will See Them

All Faculty

### Divorce, Custody, Visitation, and Annulment Issues and the Impact of Religious Traditions in Your Court

All Faculty

### Medical - Legal Issues and Religious Values of Litigants

All Faculty

### Religious Speech: Public Acknowledgments

All Faculty

“Canons” to the right of them,  
“Canons” to the left of them . . .

Volleyed and thundered: Reconciling your duty as a judge with your own personal religious beliefs and practices.

All Faculty

*An Omnibus of Practice and Research*, Volume 12, No. 2, page 4, [1988]).

To provide such learning activities, judicial educators have experimented with "Law and . . ." seminars (law and literature, law and the humanities, law and economics, law and psychology, etc.). Some of the braver among us have even experimented directly with courses about the works of Perry, Erickson, and Kohlberg and their relevance to judging. We have worked with atti-

tudinal objectives in courses on racial, ethnic, and gender bias. We have expanded our curricula to include a universal fairness component. We have used these and other vehicles in an attempt to broaden the horizons of our constituents beyond parochial boundaries. As Justice Durham has noted in her overview of the 1990 SJI/AJS cosponsored conference on "The Future and the Courts," there are some emerging societal trends that

will have a heavy impact on the institutional judiciary. These involve increasing ethnic and cultural diversity, the aging of America, feminization of poverty, technological advances (especially in biotechnology and genetics), and changes in family structure and in the role of family in regulating behavior. Additionally, new legal issues are generated by such societal trends. Judicial branch professionals not only need the cognitive knowledge and the behavioral skills to conduct themselves with legal sufficiency in this "brave new world," they also need to be able to adapt to change quickly and accommodate unfamiliar world views. To quote Justice Durham again, "The idea that learning, particularly learning in the context of lifelong professional development, is an essential part of adapting to change and preparing for the future, is one that has received a great deal of recent attention in the fields of education and business." It is our job as state judicial educators to make sure that this idea of learning as lifelong professional development becomes a centerpiece of judiciary educational offerings as well.

To that end, Florida experimented in May of 1997 with a new "Law and . . ." course that we had never tried before. This course, entitled "Religious Traditions and the Courts," was a two-day seminar during which participants considered issues involving the accommodation of various religious traditions and beliefs in the court setting. (See Figures 1 and 2.) Tenth circuit judge, Bob Young led a distinguished faculty in exploring the impact of the world's great religions on important legal issues. In addition, Judge Young and the faculty led discussions on adapting court schedules, procedures, and surroundings to accommodate, when appropriate, religious traditions of parties, witnesses, and attorneys. The participants in this course learned to resolve legal issues with an understanding of the underlying religious components that the court must consider before ruling. Florida, like a number of other states, has seen a wave of immigration and, as a conse-

*continued on page ten*

## Figure 2 Religious Traditions and the Courts

At this two-day course, participants consider issues involving the accommodation of various religious traditions and beliefs in the court setting. Tenth Circuit Judge Bob Young will lead a distinguished faculty in exploring the impact of the world's great religions on important legal issues. Judges who attend this course will also have an opportunity to consider their own free exercise of religion and what, if any, limits might be placed upon them under the Code of Judicial Conduct. Please note that this course is eligible for two hours of judicial ethics credit.

At this course you will learn how to:

Recognize basic religious tenets of the world's major religions

Identify the legal significance of various religious beliefs and practices

Identify the impact of major religions on the formation of the law

Adapt court schedules, procedures, and surroundings to accommodate, when appropriate, religious traditions of parties, witnesses, and attorneys

Recognize and distinguish establishment clause and free exercise issues in different contexts and resolve conflicts

Resolve legal issues with an understanding of the underlying religious components that the court must consider before ruling

Discussions include the following:

**Medical decision making** — organ and bodily fluid exchange, declination of treatment, death, suicide, and assisted suicide

**Family privacy** — custody and visitation of parents, grandparents, and clergy

**Prisoner rights and rites** — diet, dress, exercise of beliefs, and wearing or displaying iconography

Become familiar with the Religious Freedom Restoration Act (RFRA) and apply it in various settings (e.g., zoning issues, private schools, and public forums)

Consider your own exercise of religious practices and discuss what, if any, limitations may be required under the judicial canons and whether these restraints are constitutional (e.g., after dinner speaking at a religious institution fund raiser, service on a board of a national evangelical organization, solicitation of funds for one's church, synagogue, mosque, etc., expression of personally held religious beliefs from the bench or in a public forum or medium)

# Harvard/Penn State Leadership Institute for Continuing Professional Education

Catherine S. Lowe

The mood was festive on Harvard Square. It was March and spring break and most of the "students" were graduates of other institutions visiting Harvard briefly to take advantage of one of the special emphasis programs being offered. One of these, the Leadership Institute for Continuing Professional Education cosponsored by Harvard and Penn State, brought me to Cambridge with thirty-five others from three countries.

Since the topic was generic—"Continuing Professional Education"—the Institute attracted professionals from a number of disciplines in addition to judicial education. Among them were graduate and continuing medical education; adult and community education; business development; legal education; continuing and distance education and international programs; CPA education; information systems; continuing education systems for architects; library systems; instructional design and development; curriculum development, drug evaluation, and research; and occupational therapy.

I was one of five participants invited to serve as seminar leader. Each seminar group had seven or eight members and remained together throughout the week. It was the seminar leaders' responsibility to convene discussion and study groups, to guide their work in completion of assigned tasks, and to prepare each member for oral participation in the next day's program.

The Institute was organized as a colloquium for adult educators as learners—an informal conference drawing heavily on participant expertise for group discussion. Despite the collegial tone, the program was demanding. Not only were participants engaged in back-to-back seminars from 8:45 a.m. to 5:00 p.m. daily, they were also

expected to spend two to three hours each night preparing for the following day.

Types of learning experiences were varied and included the case study method, a debate, a satellite broadcast, lecture, small and large group discussion, role play, and structured journaling.

Several assumptions formed the framework for the Harvard/Penn State learning process, including:

- Learning is a lifelong process.
- At its best, learning is "transformational."
- Professional education is an integral part of the learning continuum.
- Professional educators, whether in the public or private sector, must be competitive and take responsibility for "growing" the enterprise.
- The context for continuing professional education in both the public and private sectors is political.
- The educator must have available and appropriately select technology to meet learners' needs.
- Strategic financial positioning and a marketing perspective are essential to today's continuing professional educator.
- The continuing professional educator is responsible to be a change agent.
- Continuing professional education has both an ethical mission and an action agenda.

Adult learners at the Institute had opportunity to examine and test the validity of these premises in dyads, triads, small and large groups, and in conversation with individual faculty members, both in the classroom and in more social settings. Virtually all Institute participants took issue with at least some of these assumptions.

One of the most intriguing discussions took the form of a debate over the appropriate locus of control for continuing professional education.

Three members of the group were selected and arbitrarily assigned a position. Each was directed to vigorously argue that continuing professional education should be housed in a university setting, an organizational setting (such as the Administrative Office of the Courts), or in a professional association. Various members of the class represented each of the three groups, so the debate was not only vigorous, but each perspective was vocally supported by related segments of the larger group. This time the "organizational" perspective prevailed, which was somewhat ironic in light of the fact that participants had traveled across the country to attend a program on the prestigious Harvard campus. (For a full discussion of the merits of each locus of control for continuing professional education, see *Effective Continuing Education for Professionals* by Ronald M. Cervero. Jossey-Bass, Inc., publishers, San Francisco, California, 1988. Chapter 5: "Differing Institutional Approaches to Effective Education," pp. 75-93. Chapter 6: "Deciding When to Collaborate with Other Educational Providers," pp. 94-111.)

In addition to the debate about locus of control for continuing professional education, there was an intense discussion about the roles of the continuing professional educator. Participants had little difficulty with the notion of educator as teacher and faculty developer, as resource manager and facilitator, as leader and environmental scanner, and as researcher and client representative. There was general agreement regarding the assumption that learning takes place in a constantly changing context and that the nature of professions themselves is rapidly changing, as are our jobs as continuing professional educators. Additionally, there was agreement about the value of technology, particularly in increasing the availability of subject matter via distance learning techniques.

*continued on page eleven*

---

Catherine S. Lowe is the director of the California Center for Judicial Education and Research.—ED.



# NASJE Committees for 1997

Listed below are the members of the committees of the National Association of State Judicial Educators. If you are interested in serving on a committee for 1998, please notify Karen Thorson, president, at (602) 542-9431.

## Membership (Libby Hodges)

Sherry Carson (GA) (98) chair  
Denise Kilwein (KS) (98) v/chair  
Holly Hitchcock (RI) (97)  
Judith Anderson (WA) (97)  
Callie Dietz (AL) (99)

## Education (Franny Maguire)

Nori Cross (OR) (98) chair  
Blan Teagle (FL) (97) v/chair  
Franny Maguire (DE) (97)  
Meredith Hafford (NCJFCJ) (97)  
P.M. Dubaigh-Ingrassia (NM) (98)  
Ingo Keilitz (98)  
Callie Dietz (AL) (98)  
Jennifer Fasy (UT) (98)  
Thomas Langhorne (VA) (99)  
Kenny Miller (TX) (99)  
Prof. Thomas Galligan (LA) (99)

## Standards (Richard Saks)

Tony Fisser (CT) (98) chair  
Rich Saks (NJ) (98) v/chair  
Cathy Springer (IN) (97)  
Ellen Marshall (DC) (97)  
Joe Trotter (AU) (98)  
Jennifer Fasy (UT) (99)

## Nominating (Blan Teagle)

Cathy Springer (IN) (98) chair  
Mari Kay Bickett (TX) (98) v/chair  
Sheila Redel (Canada) (97)  
Bunny Cantor (PA) (97)  
Martha Kilbourn (CA) (98)  
Rita Culbertson (KY) (98)

## Mentor (Judith Anderson)

Hope Lochridge (TX) (98) chair  
Judith Anderson (WA) (98) v/chair  
John Meeks (OH) (98)  
Nori Cross (OR) (98)  
Suzarue Keith (TN) (99)  
Ester Ochsman (NAWJ) (99)

## Project Management (Ellen Marshall)

Jim Drennan (NC) (98) chair  
Sheila Sewell (OK) (98) v/chair  
Tony Fisser (CT) (99)  
Ingo Keilitz (99)

## Bylaws Revision (John Meeks)

John Meeks (OH) (98) chair  
Susan Lesseman (FL) (98) v/chair  
Dan Schenk (SD) (97)  
Bob Clayman (MA) (97)  
Paul Biderman (NM) (98)  
Hon. Jose Lopez (DC) (99)

## Newsletter (Franny Maguire)

Diane Cowdrey (UT) (98) chair  
Maureen Lally (WA) (97) v/chair  
Blan Teagle (FL) (97)  
Michael Pack (KY) (98)  
Franny Maguire (DE) (99)  
Phil Schopick (OH) (99)

## Diversity Task Force (Michael Pack)

Cathy Lowe (CA) (98) chair  
Kathleen Sikora (CA) (98) v/chair  
Leslie Johnson (MS) (97)  
Libby Hodges (RI) (98)  
Maureen Lally (WA) (98)  
Rich Reaves (GA) (98)  
Alana Moravetz (MN) (99)

## Policy and Procedure Manual

(ad hoc project, no terms) (Ellen Marshall)  
Ellen Marshall (DC) chair  
Sherry Carson (GA)  
Sheila Redel (Canada)  
Judith Anderson (WA)  
Libby Hodges (NH)

## Futures Conference (Blan Teagle)

(ad hoc committee, no terms)  
Blan Teagle (FL) chair  
Rita Culbertson (KY) v/chair  
Harvey Solomon (JMI)  
Hon. Jose Lopez (DC)  
Jim Drennan (NC)  
Hope Lochridge (TX)  
Alana Moravetz (MN)  
Mary Fran Edwards (NJC)  
Libby Hodges (NH)

## Liaison (Blan Teagle)

(ad hoc committee, no terms)  
Blan Teagle (FL) chair  
Dee Beranek (FL)  
Dan Schenk (SD)  
Rich Reaves (GA)

## President's Column, *continued*

membership will pool the voices of the judicial educators, and leaders will hear from many (not just one voice) that organized, adult education principles are not only effective, but crucial to the success of judicial education if we are to implement change. (4) Our association will benefit in so many ways—new ideas, new perspectives, an expanded approach to what we do, and the vast knowledge and experience of those who work with us to make judicial education successful.

*What now?* It is important that each of us evaluate the benefits of this new approach and serve as the link between our association and the judicial education leader(s) in our respective organizations. We must encourage these leaders to participate in the Leadership Convocation and eventually become a judicial education leadership section member. Once this first section becomes stabilized, we can consider other types of sections.

We are members of NASJE at a very exciting time. We have the opportunity to foster a kind of growth that will enable the association to meet the complex needs of judicial education. And we have the opportunity to be instrumental in making a difference for those who will follow us.

If you would like to learn more about section membership and the other aspects of the strategic plan the board has created—and if you would like to offer your perspectives as to its further development—plan to attend the special early-morning session on Tuesday at the annual conference. ■

## Membership Information

To receive NASJE membership information, contact Sherry Carson, chair of the Membership Committee, at (706) 542-7403. ■

**"Religious Traditions and the Courts,"** *continued*

quence, has become very multicultural. As expected, many of these cultures worship at alternative altars, and have religious practices with which most of us are unfamiliar. The participants wrestled with

hypotheticals involving cults, sects, and privacy considerations, witnesses and oath taking, the wearing of religious iconography, religious considerations in child custody disputes, the wearing of religious garb,

organ harvesting, issues of when life begins and ends, and religious pluralism. (See Figures 3 and 4 for sample hypotheticals.)

Judge Young and Blan Teagle designed the course and wrote the hypotheticals that were used as the basis for discussion. It was Judge Young's idea to construct the first day and a half of the course as a sort of Arthur Miller round table style discussion with Judge Young as the moderator. Instead of having "panelists," Judge Young interspersed other faculty members among the students who sat in a U-shaped classroom formation. There were no formal introductions at the outset. Rather, participants were asked to contribute to the discussion with equal interest for their ideas as for those of the faculty.

During the last half day of the program Blan Teagle facilitated a more traditional classroom discussion of the Code of Judicial Conduct and what ethics advisory opinions and case law have to say about balancing social and religious commitments with judicial responsibilities and the Code of Judicial Conduct.

At this writing, most of the evaluations are in the response to the course has been overwhelmingly favorable. Have we been able to measure whether moral development was achieved? The answer is decidedly no, but as Terry has said. "Since moral development cannot be taught to anyone, but must be based on the personal decision of the learner, facilitation is the only way it can be effectively achieved." What we know we did was to provide a forum in which a fairly homogenous group of western educated, predominately Judeo-Christian jurists had an opportunity (in an environment of both challenge and support) to think about and discuss religious traditions and practices with which they may not have been familiar. While the objectives of the course are concrete and are listed in Figure 2, there were probably tacit, unspoken objectives. As Judge Young has put it, "A central purpose of the course was tolerance and understanding. The former is not possible without a dose

**Figure 3**  
**Sample Religious Tradition and the Courts Hypotheticals**

**Iconography**

The morning of jury selection in a criminal case the prosecutor appears wearing an unusually large wooden pectoral cross (or large Star of David). The defense lawyer objects. You sustain it. The prosecutor replaces the cross with a much smaller one, this time on his lapel. Defense still objects. Does it matter what the religious preferences of the other lawyer or clients, victim or jurors, are? What crime is charged? Does the prosecutor's First Amendment right collide with Canon 3B(6)? Does the state's lawyer's cross violate the establishment clause?

Consider other implements and iconography of religion: yarmelke, turbans, purdah, or even carrying the Bible to court, or to the witness stand.

What if the bench or wall behind it, had a plaque of the ten commandments?

**Jurors**

Regarding a juror's refusal to judge another person: is the juror able to judge the sufficiency of the state's evidence, or would he or she be able to decide if only corporations are involved? Is there a recognized doctrine that prevents deliberations on religious grounds? When is a juror's religion an appropriate inquiry? Does the juror's Art. I. Sec. 23 right to privacy prevail over the parties' right to a fair trial? Consider a deliberating juror's religious dietary needs and holiday adjournments especially the question of whether Yom Kippur is one or two days and whether Ramadan is an "important" holiday. Considering Muslims, would you allow a practicing male Muslim to stop the trial a couple of times for brief prayers, called salat. (Actually the prayers are five times per day, but three of them, upon arising, noon, and sunset, may not interfere). Consider RFRA and Canon 3.

**Figure 4**  
**Sample Ethics Audit Hypotheticals**  
**Fund Raising and Solicitation**

You are a member of the board of deacons of a Presbyterian church. You have been asked to chair a committee created for the purpose of carrying out a solicitation campaign for the church. Can you do it? If you cannot chair, can you be a member of the committee?

Can you just serve on a church committee, the purpose of which is to oversee solicitation funds for restoration of a church organ?

You have been asked to participate in a services auction run by a religious organization and friends will donate services as opposed to goods, to be auctioned. Can you do it?

You have been asked to serve as chair of an annual fundraising dinner for a religious organization. Can you do it?

You have been asked to serve as an usher during a religious service where responsibilities include passing a collection basket or plate. Can you do it?

of the latter. I hope throughout the course we were able to stress the commonalities of beliefs, as opposed to the differences."

This is not to suggest that we were trying to encourage "secular humanism" or inculcate the notion that all religions are actually one. A caveat to judicial educators is that if you attempt this course in your state, you run the risk of being accused by a few of trying to indoctrinate moral relativism. This is, of course, not what the course is designed to do at all. As most students of Kohlberg's theory of moral development know, one's state of development has to do with the *criteria* one follows in making moral judgments, or reaching moral and ethical conclusions, not the conclusions one reaches. The stages of development describe *reasoning*

behind *conduct*, not the conduct itself. Kohlberg's stage five is called "principled morality." There is certainly a commitment, but that commitment is made after recognition of the existence of ambiguity and uncertainty. The course does not exist to change participant's views, but to encourage self examination.

Anyone interested in obtaining copies of these hypotheticals may write to Blane L. Teagle, senior attorney, Office of the State Courts Administrator, 500 South Duval Street, Tallahassee, Florida 32399-1900. You may also be interested in talking with John Meeks, executive director of the Ohio Judicial College, who has experimented with a two and a half mini-course on this same topic, also facilitated by Judge Young. ■

## Transitions

**D**enny Catlin has retired as Michigan judicial educator and has joined the faculty of the Criminal Justice Department at New Mexico State University in Las Cruces. **Naira Foifer** is the new judicial educator in Maine. **David H. Hass** is the new director of judicial education in Wisconsin. **Phil Schopick** has been named assistant director of the Ohio Judicial College. Previously he was an education specialist at the college. **Christy Tull** has been named education specialist with the Ohio Judicial College. ■

### Harvard/Penn State Leadership Institute , *continued*

There was less agreement about the notion of continuing professional educator as change agent with a responsibility to produce transformational learning opportunities and to navigate within a political environment.

The Institute itself was a fish bowl for transformational learning in that it provided frequent opportunity for disclosure, reflection, sharing with partners, and small group discussion. The primary concept, introduced on the first morning of instruction, was that each participant had already had a transformational experience and had the ability to take the essence of that experience and to transfer it to a professional or work-related setting. In examining one such "triggering event," participants explored what changes had occurred that resulted in a personal paradigm shift (a profound change in an individual's beliefs and assumptions about self, others, and/or the world). In small seminar groups, participants engaged in a guided discussion of the potential for the paradigm shift to ultimately result in sweeping social change.

The environment was certainly conducive to establishing the trust required for transformational learn-

ing. Students took most meals together, including breakfast at the residential hotel just off campus, lunch in the dining room adjacent to the classroom, or dinner at Julia Child's restaurant or at the Harvard Faculty Club. Discussion spilled over into the evening and seminar leaders met frequently to help one another address issues that arose in small groups.

By the end of the week, the group appeared to have reached consensus about the leadership role and ethical responsibilities of the continuing professional educator and a clearer notion of the obstacles which arise in various contexts and settings, and how to address them.

Much of the last morning was devoted to individual evaluations of the program, and a composite evaluation was subsequently furnished to participants. The intense ten-page evaluation consisted largely of questions requiring a narrative response such as: "In what ways did the Institute meet your expectations?" "In what ways did the Institute not meet your expectations?" "To what extent were you challenged by the faculty?" "To what extent did you reflect on your own practice? reflect on where the field is headed? develop your own action agenda? estab-

lish a network of continuing professional educators?" "How valuable was the opportunity to interact with faculty members?" "How useful or appropriate were the various teaching styles used in the program?" "What comments do you have regarding your experience with your small discussion group?" "What other instructional formats would you suggest be incorporated into the Institute?"

And finally, learners were asked to comment on each of the issues presented in the curriculum, from the goals of continuing professional education to transformational learning and its implications for program design, continuing professional education as a part of a learning continuum, credentialing requirements, competitive strategies, planning responsibly for continuing education, and the roles of the continuing professional educator, to name a few.

In conclusion, the value of the Harvard/Penn State Institute for Continuing Professional Education depends, I believe, on the professional learner's tolerance for dealing with generic, rather than occupation-specific, concepts and for interacting with other professional learners across disciplinary lines. ■

## A Biographer's Biography, *continued*

Paul Seminary with a B.A. degree, Jim was selected from the Archdiocese of St. Paul, Minnesota, to attend North American College and Gregorian University in Rome, Italy. After receiving his Bachelor of Sacred Theology degree there, Jim went on to complete a Masters Degree in Social Work at St. Louis University. Years later, his oldest daughter Kristen also obtained an M.S.W. degree.

No one knows where Jim's dancing ability originates, but long-time colleague Thelma Sekiguchi confirms that he knows every dance step ever invented and that he is a natural on the dance floor. Jim has been known to demonstrate an Irish jig during evening programs of the Council. This agility has also helped him hold his own in racquetball con-

tests with student workers at the Council.

There is a rumor that Jim would someday like to be a sports car driver. Another rumor is that Jim plans to retire to Ireland and take over management of a pub named "Toners." In the meanwhile, his hobbies include seeing foreign films with his wife Susan and encouraging his daughter Bridget's interest in horses (they recently built a horse barn). Jim has served as president of the Reno Sierra Club and as president of the National Association of Social Workers, Nevada Chapter. He regularly teaches an evening class at his church and also serves as supervisor/mentor for graduate social work students in the University of Nevada. Among the many advisory boards on which he

has served, Jim most often mentions the Casa De Vida, a home for young mothers, and the Editorial Committee of the *NASJE News*.

Jim Toner's vita lists his height at six feet, one inch, and his weight at 200 pounds. While his profiles of other judicial educators did not include similar statistics, they did bring out tidbits of information that illustrated lesser-known aspects of the subject's life. Always kind as a biographer, Jim has helped honor individuals in judicial education by not only telling about what they accomplished, but by describing them as unique persons. While Jim has left off the *writing* of stories for the time being, we look forward to his continued *story-telling* whenever the occasion arises.

Thanks again, Jim. *Slàinte!* ■



### National Association of State Judicial Educators

#### NASJE Editorial Committee

**President**  
Karen Waldrop Thorson  
Phoenix, Arizona

**President-elect**  
Ellen Marshall  
Washington, D.C.

**Vice-President**  
Blan L. Teagle  
Tallahassee, Florida

**Secretary**  
Franny M. Maguire  
Wilmington, Delaware

**Treasurer**  
Elizabeth L. Hodges  
Concord, New Hampshire

Diane Cowdrey, *Chair*  
Salt Lake City, Utah

Maureen Lally, *Vice-Chair*  
Olympia, Washington

Phil Schopick  
Columbus, Ohio

Franny M. Maguire  
Wilmington, Delaware

Michael Pack  
Frankfort, Kentucky

Blan L. Teagle  
Tallahassee, Florida

Karen Waldrop Thorson  
*ex officio*  
Phoenix, Arizona

Anne Kelly  
*Managing Editor*  
National Center for  
State Courts



NonProfit Org.  
U.S. Postage  
PAID  
RICHMOND, VA  
PERMIT NO. 750

©1997, National Association of State Judicial Educators. 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.

This newsletter, published quarterly by NASJE through the National Center for State Courts, is made possible by a grant from the State Justice Institute. Opinions expressed herein, however, do not necessarily reflect the views of the State Justice Institute, the National Association of State Judicial Educators, or the National Center for State Courts. Address all correspondence and inquiries to *NASJE News*, National Center for State Courts, 300 Newport Avenue, Williamsburg, Virginia 23187-8798; (757) 259-1841