

NATIONAL ASSOCIATION OF STATE JUDICIAL EDUCATORS

NASJE News

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Foundations in Pluralism: *An Opportunity for Dialogue*

Hon. Dale Segrest

President Bill Clinton recently called for a greater dialogue about the problems of racism. His call underscores the reality that the problems associated with racial division have not been ended by the efforts of civil rights-era legislation and court decisions. The president makes a very valid point in his call for dialogue. However, finding ways to engage in meaningful discussion is not as easy as one might think. Often, attempts to discuss

racial division simply become the opportunities for venting race-based feelings. The problems associated with racial division are charged with emotion. Persons who attend meetings that are called for the express purpose of discussing racial attitudes often leave the meeting more entrenched than ever in their deeply held feelings.

The judicial branch of government is not immune to the problems associated with racial division.

Despite the fact that judges are trained to deal fairly with all races and strive diligently to overcome the impact of society's racial division, there is still great danger that racial division makes itself felt in our work.

Clearly, the need for meaningful educational ventures and forums that will deal effectively with the problem of racial division is very great. The president's call for dialogue is justified and timely. But how can we structure meaningful discussions? How can we structure discussions so that they will actually cause us to change our attitudes about race and racial division?

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Hon. Dale Segrest is circuit judge, Fifth Judicial Circuit, Tallapoosa County, Alabama. These are excerpts from an article that originally appeared in Court Review, volume 34, number 3/4 (1997).

Court Review is the official journal of the American Judges Association. Used with permission. This is another article in a series on the issue of public trust and confidence in the courts.

Two Programs Help Improve Courts' Service to the Public

Courts can improve their customer service with two training programs—one from San Diego County, California, and the other from the American Judicature Society.

The Balance Beam

Four municipal courts in San Diego County have developed a new customer service-training program specifically for court staff. *The Balance Beam* provides court staff with the fundamental and advanced skills needed for contact with the public and a comprehensive approach to customer service in the courts.

The Balance Beam is a two-part

training program, which includes

- Two videos, *The Fundamentals of Court Customer Service* and *Handling Difficult Court Customers*
- Two complete leader's guides created for experienced and novice trainers
- Reproducible participant workbooks
- Classroom exercises
- A "tips for trainers" handbook for nontrainers

What is unique about this training program is that municipal court staff developed it for court staff. The customer service issues that court staff face today are different

from the generic training tapes currently available. *The Balance Beam* addresses issues and problems that staff face in dealing with litigants. The typical court customer may not want to be here, may resent the court, and may have a poor image of government employees.

The Balance Beam provides training in communication techniques and in how to depersonalize stressful encounters and diffuse difficult situations. To date, over 800 court staff in California have been trained with this easy-to-use program.

To order a copy of *The Balance Beam*, contact Sharon Lear at the

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PRESIDENT'S COLUMN

Ellen Marshall

It hardly seems possible that almost a year ago I had the pleasure of starting my term as your president. I remember the excitement of speaking to you at the business meeting in the lovely setting of Lake Tahoe, never knowing exactly what being NASJE's president meant, but feeling confident that I could give back to the organization some of all it has given to me. It has been a year of discovering the dedication of so many of you who make NASJE such a viable organization. NASJE could not function as well as it does without the time and effort exerted all during the year by so many of my colleagues.

History of NASJE

I am preparing for a session I will facilitate as part of the NASJE Orientation. That exercise brings back to me the rich history we are a part of as NASJE members. In 1973 six state judicial educators discovered one another at a court meeting in Oxford, Mississippi, and began laying the foundation for an organization to assist those involved in this emerging field of judicial education. The first annual conference of the new association was held in Chicago on August 25-26, 1975, and was presided over by its inaugural president, Sofron Nedilsky of Wisconsin.

Since its small but prophetic beginning, NASJE has conducted twenty-four conferences (two in 1978), and its membership has grown to 225 educators. Forty-four state judicial education offices are represented in NASJE, as well as national judicial education providers in Nevada and Illinois (states that do not have a state JEO), the District of Columbia, and Virginia, and international members from Australia,

Canada, the Philippines, and Russia. With the introduction of the Section Membership category at the Leadership Convocation at the 1997 conference, NASJE now includes judges on judicial education advisory committees, judicial education faculty members, and local court staff trainers.

NASJE has also significantly expanded its membership by the including other staff members in state judicial education offices. These colleagues continue to make important contributions, serving as officers and chairs of committees. In addition, the focus of NASJE has broadened to cover the professional education of court personnel other than judges. These changes have made us even stronger and expanded the universe we ultimately serve.

NASJE Publications

The Principles and Standards of Continuing Judicial Education was published by NASJE in 1991 to "guide all organizations and individuals responsible for the professional development of the judiciary throughout the United States." The Conference of Chief Justices, the National Conference of State Trial Judges and the Judicial Division of the ABA, and the American Judges Association endorsed *The Principles and Standards*. It has since been translated into twenty other languages and guides the development of judicial education programs around the world. The Standards Committee is currently developing standards for court support education.

The NASJE News is the primary communications vehicle of the association. It has been published quarterly since 1987 and reports on future trends in judicial education, successful education projects, and emerging educational practices and technologies. *NASJE*

News also serves a critical role in providing a forum for members to discuss judicial education practice between annual meetings. Currently, the committee is developing a Website on which *NASJE News* will be electronically published and, therefore, available to a much broader audience.

Early in NASJE's history, the few articles on judicial education were published in court administration journals or ABA-sponsored publications. What the world knew about judicial education in the early 1980s was what Paul Li and Dennis Catlin published. Since that time, the judicial education discipline has received much more attention in print. Through the JERITT (Judicial Education, Reference, and Information Technical Transfer) Project out of Michigan State University, several NASJE members have contributed to the publication of seven monographs on adult education as practiced in our courts. Two new monographs are in progress. Such scholarship will continue to add to NASJE members' individual professional development and contribute to the maturity of our profession.

Adult Education Practice

The persons who first met in Oxford, Mississippi were, for the most part, attorneys with little formal instruction in adult education. However, they found the adult education literature and began developing judicial education systems based on that practice. It was at the annual NASJE conferences that such information was shared among its members. Soon most states began to offer faculty development programs à la Gordon Zimmerman and other instructors. Today, since the founding of the Leadership Institute in Judicial Education in 1989, most of our

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WESTERN REGIONAL NEWS

The western states convene via conference call and electronic newsletter (*The Pipeline*) and confer informally on a regular basis about issues of common interest, including staff education, domestic violence training, and diversity curricula.

The Pipeline, published quarterly, provides a local vehicle for transmitting updates from and about the NASJE Board ("Board Bytes"), announcements of program innovations in the western states, news from national providers, facilities information (who's moved and where are they now), awards, and advance news of the annual conference.

A brief sampling of 1998 innovations in western state programs and publications includes:

- Hawaii—Civil Litigation (joint tort-feasors and the quagmire of joint and several liability).
- New Mexico—SJI-funded, multi-state Hate Crimes Teleconference (recipient of the New Mexico Anti-Defamation League 1998 Education Award); "Judging Science" (Professor Charles Nesson's program on judicial gatekeeping, based on the PBS Fred Friendly Seminar model).
- California—"When Bias Compounds: Insuring Equal Justice for Women of Color in the Courts" (this S.J.I.-funded program was designed by Lynn Schafran and evaluated by Maureen Connor); Court Clerks' Training Institute at Stanford (peer education model will be offered at NASJE's 1998 Annual Conference).
- National Council of Juvenile and Family Court Judges, Reno, Nevada—The Janiculum Project recommendations; preparations for a centennial celebration of the founding of the juvenile court.
- Washington: Municipal Court Managers' Conference (with cross-regional technical assistance from Ohio).

Other News from the West

Oregon, in addition to its panoply of courses in judicial education, is building its curriculum for court staff.

Utah has relocated its Administrative Office of the Courts to 450 South State, P.O. Box 140241, Salt Lake City, UT 84111-0241. Phone and fax numbers are unchanged.

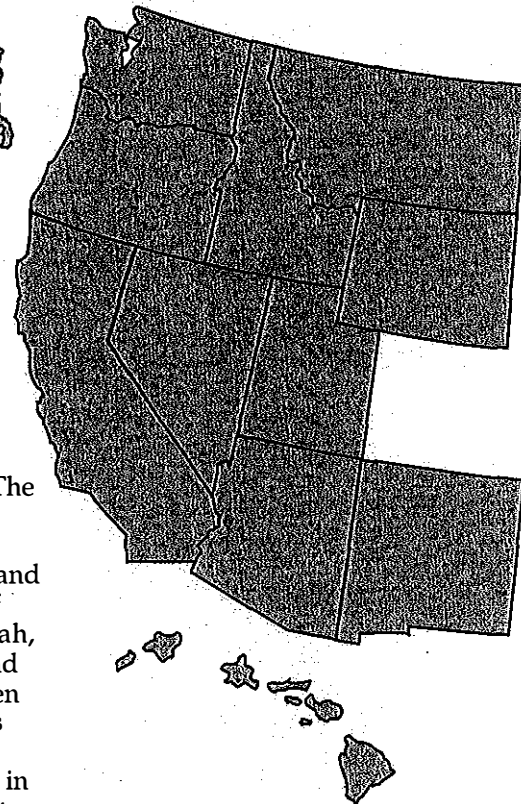
Utah is cosponsoring a regional conference with the University of Utah Institute of Genetics titled "Courts and the Challenge of Genetic Testing." The program is sponsored by funds from the Einstein Institute on Health, Science, and the Courts and will include a limited number of state and federal judges from Utah, Montana, Idaho, Washington, and Wyoming. The program has been offered in several other locations around the country.

California's AOC will relocate in the spring of 1999, returning to its former home in San Francisco's Civic Center. Eight classrooms will circle the state-of-the-art Judicial Council meeting facility.

Krista Johns, assistant director for permanency planning at the National Council of Juvenile and Family Court Judges, is pursuing a political career by running for the position of public administrator/public guardian for Washoe County, Nevada.

What's New on Video

The California Center for Judicial Education and Research has released two diversity videos and accompanying curricula: *Making a Difference: The Role of the Court in Domestic Violence Cases*, and *Fairness in the California Courts* (with segments addressing the needs of trial and appellate jurists and court administrators).



Alternative Delivery

Oregon hopes to make curriculum materials and publications available via the Internet. New Mexico and Arizona have received accolades for satellite broadcasting. California has published six of its benchguides on CD-ROM and has a real-time audio project in the works.

Because the region is composed of a large number of very active states, there's a great deal going on. For additional information on programs and products, please contact either the state judicial educator or Cathy Lowe, Western Regional Director.

We look forward to seeing our colleagues from the Midwest, Southeast, and Northeast in New Hampshire in October! ■

NASJE Diversity Task Force Resource List

The NASJE Diversity Task Force surveyed program directors in June 1998 for contributions to a resource list of current judicial and court staff education programs, projects, and consultants related to fairness in the courts. "Fairness" includes all topics related to equal justice (e.g., jury selection, domestic violence, pro pers, court interpreters, the court as employer, customer service, court/community outreach, alternative/appropriate dispute resolution models, etc.), and "programs/projects" includes standalone programs or integrated course segments. The survey specifically invited submission of projects that are "transferable," or accessible in a curriculum or videotape format.

More than 60 resources were compiled from the survey responses, 14 of which are listed below. To obtain a complete copy of the Resource List, call Michael Roosevelt at 415/356-6708, or e-mail your request to michael_roosevelt@jud.ca.gov.

1. *Assuring Justice in a Pluralist Society*: highly participatory presentation by law professor Verrellia Randall, University of Dayton School of Law, on ways that judges and the court system can better provide justice to those in our society who are disenfranchised or disengaged. Contact: John Meeks, Ohio Judicial College; 614/752-8677. [Consultant]
2. *Building a Bias-Free Environment in Your Court*: two-and-a-half-day course on race, gender, cultural awareness, and other diversity issues, focusing on ways to build and maintain a bias-free courtroom and court system; October 5-7, 1998. Contact: Michele Mont-Eton, National Judicial College; 800/255-8343. [Program]
3. *Colorblind Justice? Minority Youth Over-representation in Arizona's Juvenile Justice System*: one-day conference for juvenile justice community and public officials on race and cultural differences focusing both on problems created by misunderstanding and stereotyping and on positive, collaborative strategies between agencies and disciplines. Contact: Karen Lodoen, Arizona Supreme Court Education Services; 602/542-9651. [Curriculum—September 1998]
4. *Consumer Relations Certificate Program*: five courses aimed at improving customer service in the judicial branch—*Code of Conduct/Ethics, Dealing with Difficult People, Telephone/Counter Skills, The Business of the Courts, and Public Access to Records*. Contact: Liz Strong, Colorado Judicial Branch Trial Court Training; 303/837-3657. [Videotape, materials]
5. *Listening and Questioning: Skills Affecting Others' Perceptions of Our Fairness and Control*: two-hour presentation including exercises for new magistrates. Contact: Cynthia Kruska, Michigan Judicial Institute; 517/334-7805, ext. 105. [Materials]
6. *Men and Women: Talking Together* by Deborah Tannen and Robert Bly: videotaped discussion of the differences that gender can make in communication; portions can be used as part of a larger session on communication and gender. Contact: Diane Cowdrey, Utah Administrative Office of the Courts; 801/578-3822. [Videotape]
7. *Walk a Mile in My Shoes*: colloquium examining the books *The Business of Fancy Dancing*, by Sherman Alexie, and *In the Spirit of Crazy Horse*, by Peter Matthiessen, with Mr. Alexie as guest speaker. Contact: Judith Anderson, Office of the Administrator for the Courts, Washington State; 360/705-5232. [Law and Literature format]
8. *Task Force on Limited English Speaking Litigants*: study and policy development regarding limited English speakers, interpreting, and cultural equality. Contact: Holly Hitchcock, Rhode Island Supreme Court; 401/222-4942. [Task Force]
9. *Americans with Disabilities Act*: one-day program addressing ADA basics, including an ADA assessment and the particular needs of the deaf and hard-of-hearing communities, including use of available technologies. Contact: Maureen Lally, Office of the Administrator for the Courts, Washington State; 360/705-5232. [Materials]
10. *Justice on Wheels*: oral argument of the Wisconsin Supreme Court presented at various locations throughout the state and aired on cable-access television. Contact: David Hass, Director of State Courts Judicial Education; 608/266-7816. [Court/Community Outreach]
11. *Fairness in the California Courts*: standalone half- or full-day program for judicial officers (with or without court staff) on five general topics—gender, race/ethnicity, persons with disabilities, sexual orientation, and court administration. Contact: Michael Roosevelt, California Center for Judicial Education and Research; 415/356-6708. [Curriculum and Videotape]
12. *Strong at the Broken Places: Turning Trauma into Recovery*: videotape discusses how deep personal loss can be turned into a powerful tool for restoring hope and changing society; entire video used at juvenile justice conference; may be useful in other areas, including violence

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JERITT: The National Information Center for Judicial Educators

John Hudzik

The JERITT (Judicial Education Reference, Information and Technical Transfer) Project was established in 1989 with funding from the State Justice Institute (SJI) to serve judicial educators. JERITT is cosponsored by the National Association of State Judicial Educators and the School of Criminal Justice at Michigan State University. It is the only national clearinghouse for information on continuing professional education for judges and judicial branch personnel. Continuing funding from SJI provides judicial educators with immediate access to the latest ideas and information on judicial education programming, as well as access to several forms of technical assistance for program and organizational development. Most of JERITT's services are free (a few are available for very nominal cost) to judicial educators from participating organizations.

Information Collection

JERITT collects information and maintains databases on over 300 organizations, as well as contact information on 600 individuals who administer, plan, and conduct judicial branch education in the United States and in several other countries. We have detailed information on over 6,500 seminars, conferences, and educational programs and over 73,000 subject-matter entries. We have information on more than 500 judicial education grants funded by the State Justice Institute and about 950 written and multimedia educational products, which were developed with SJI support. We also keep some educational materials from other judicial education programs, including the Federal Judicial Center.

John Hudzik is the director of JERITT and a professor in the School of Criminal Justice of Michigan State University, East Lansing.

Information Dissemination to Judicial Educators

Judicial educators from participating organizations can access JERITT services through several means at no cost: (1) by logging on to the World Wide Web at <http://jeritt.msu.edu>; (2) by requesting JERITT staff to conduct customized database searches about program content, pedagogy, materials, and judicial educators to contact for more detailed information and advice; and (3) by ordering and receiving JERITT's many publications (participating organizations receive one copy of JERITT publications free; additional copies are available at cost).

Publications

JERITT regularly publishes materials designed to inform judicial educators about the latest programs, methods, and techniques in continuing judicial education and adult education. These publications include the following annual releases: the *Judicial Education Directory*, which includes the names, addresses, phone and fax numbers, and e-mail addresses of individuals involved in judicial education in the United States and in several other countries; the *Judicial Education Programs Summary*, which is the only source of current information on judicial education and training programs offered throughout the USA by state and national judicial education organizations; the *Judicial Education Grant Awards Sourcebook*, which is a resource for grant writers, grant recipients, and researchers; and the *Judicial Education Resource Material Review*, which consists of annotated bibliographic-style citations of judicial education research reports on court processes, training notebooks, educational manuscripts, newsletters, training videotapes, audiotapes, and CD-ROMs developed in conjunction with grant projects.

JERITT also publishes the *JERITT Bulletin* (quarterly) and a *Judicial*

Education Monograph Series. Current monographs cover the following topics: (1) judicial education needs assessment and program evaluation; (2) mentoring in the judiciary; (3) education for development; (4) curriculum, program, and faculty development; (5) judicial education program management; (6) ability-based learning and judicial education; and (7) professional education and development of members of the National Association of State Judicial Educators. New monographs are issued periodically.

Technical Assistance

JERITT arranges and funds technical assistance consultations for state judicial education organizations by matching consultants with the technical assistance needs of a particular organization. These technical assistance consultations are designed to meet immediate program or organizational development needs. Application information can be obtained from the JERITT office or Web site.

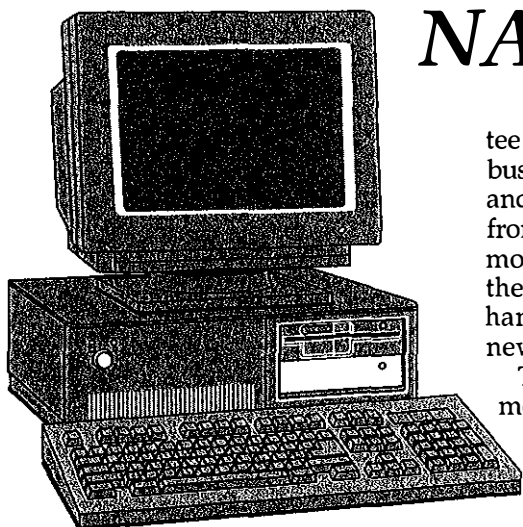
JERITT on the Web

JERITT's World Wide Web address is <http://jeritt.msu.edu>. At the present time, the JERITT Web site provides access to several of its databases, information on current JERITT publications, copies of current and past *JERITT Bulletins*, information on the Technical Assistance Program, current SJI product information, locations of SJI libraries, judicial education program trends, and links to other judicial education Web sites. The JERITT Web site is updated weekly, and new features are added on a regular basis.

JERITT's Evolution

As the field of judicial education grows and becomes more varied and sophisticated, JERITT will enhance its services to judicial educators. In the coming months, JERITT and its management panel,

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NASJE News Goes Online!

As part of the funding by the State Justice Institute, the *NASJE News* is being converted to an on-line newsletter. During the past few months, the newsletter commit-

tee selected a consultant, who is busy creating our own homepage and transforming the newsletter from its current state to something more interactive and current. By the time this newsletter is in your hands, you can read it on-line at our new address: www.nasje.org

The new homepage will have more than just the current issue. It will contain buttons to also take you to past issues of *NASJE News*, information on NASJE, information on subscribing to the newsletter, a search engine, and a "What's New" button. The search engine will allow readers to search the current and past issues that are published on-line by subject. Searching will be generated by key

words. The "What's New" button is one of the ways in which the homepage can provide more timely information than the newsletter. We will publish information on NASJE member news and transitions, new programs that are happening in the states, grant opportunities, and other current information of use to NASJE members and others. In this way, the *NASJE News* homepage becomes more timely than the old printed version. The "What's New" button will be updated periodically by a member of the newsletter committee. Members can call or e-mail the committee to add information to this button.

One of the buttons will be devoted exclusively to providing infor-

A Few Words About Listservs

With the debut of the on-line version of *NASJE News*, we thought our readers might appreciate a little information on one of the Internet's potentially most useful functions—the listserv. Some of what follows is taken from "The E-Mail Hornbooklet: A Sojourner's Guide to Using Electronic Mail," by Lawrence G. Simpson, Jefferson Family Court, Louisville, Ky. (Used with permission.)

A *listserv* consists of a group of individual e-mail addresses that reside under one e-mail address that serves as a banner or a title. When a message is sent to one address under this banner, all addresses receive it. This is a convenient way for people with mutual interests to congregate on the Internet. Incidentally, the term *listserv* springs from the fact that e-mail lists reside on a computer *server* provided by an Internet service provider, or ISP.

Two Web sites describe the usefulness of listservs: <http://www.lsoft.com/listserv-lite.html#what> and <http://www.webcom.com/impulse/list.html/>. The former

provides information about free listserv software ("Listserv Lite").

How are state courts using this technology? Kansas, for example, has listservs for court administrators, chief court services officers, judges who deal with child abuse cases, and various committees.

One example of an active listserv devoted to the courts is the National Center for State Courts' (NCSC) "court2court." NCSC's Information Service created this listserv in December 1995 in recognition that the knowledge and sophistication present in the field of court administration far exceeds what existed when NCSC was founded in 1971. This free, on-line forum provides a mechanism that easily taps into the tremendous pool of information—much of it unwritten—that resides outside institutions such as NCSC.

Subscribers post questions and exchange information related to the operation of courts. As of early July 1997, court2court had approximately 230 subscribers, including judges, clerks, and court administrators from state and federal courts; NCSC staff;

consultants; academicians; and even some internationals.

Participants conduct lively, informative e-mail exchanges on a number of topics important to court administration, including how to accommodate disabled litigants, handling of potentially toxic evidence at trials, and uniform court rules. To subscribe, just send an e-mail to court2court@ncsc.dni.us and state that you want to subscribe to the listserv.

Rich Reaves of the Institute for Continuing Judicial Education in Georgia has organized an informal listserv for NASJE members. The listserv has generated some discussion on specific topics. Because it is not maintained programmatically—that is, with someone checking in regularly to generate discussion—it is not used to its fullest potential.

Persons interested in becoming part of NASJE's listserv should contact Rich at rich@icje.lawsch.uga.edu or Bill Haynes, who will be taking over as technical manager of the listserv, at haynesb@arches.uga.edu/. ■

mation on NASJE. This should prove useful to members and non-members alike and should provide more visibility to the organization and, potentially, more memberships. We will publish information on the association in general, NASJE officers, committees, the annual conference, and how to become a member.

The on-line newsletter can be printed in two ways—one is simply to hit the print button and have it printed exactly as it appears on the screen (this is the HTML version), and the second is to use Adobe Acrobat, which requires downloading an initial program before printing. This will allow the newsletter to be printed as if it were typeset. The reader can decide which option to use, and the Adobe Acrobat option is available to download on the homepage.

Our web consultant is Alison York, court analyst in the Eighth Judicial Circuit of Florida. She was selected by the newsletter committee out of 11 applicants during our national search. Alison developed the Eighth Judicial Circuit's website, and the committee was extremely impressed with her work and expertise. She will work with the committee during the upcoming year to develop the homepage, create the search capacities, enter previous newsletters on-line, publish two newsletters on-line, and instruct committee members in updating future issues. She has been extremely helpful in designing the page and in working with the committee to make it user friendly and eye pleasing to our readers.

So, go ahead—jump into the World Wide Web and check out the *NASJE News* on-line! The homepage is designed to be easy to use, even for first-time web users. Future plans will build on the interactive nature of the homepage and possibly allow members to create discussion groups. Our aim is to use available technology to better communicate with each other and with others interested in judicial education. Let us know your ideas for continuing our use of the Web. ■

Two Programs Help Improve Courts' Service to the Public, *continued*

North County Municipal Court, 325 South Melrose Drive, Suite 120, Vista, CA 92083. The cost for the package is \$27.20, and checks should be made payable to the North County Municipal Court. The State Justice Institute provided the funding for the development of this program through a technical assistance grant.

Serving the Public: A Curriculum for Court Employees

Another useful training program for court staff uses elements of San Diego's program. *Serving the Public: A Curriculum for Court Employees*, which was developed by the American Judicature Society under a grant from the State Justice Institute, is a nationally applicable program with the following goals:

- To facilitate the adoption of strong service-orientation policies by upper-level court management
- To provide court staff with the opportunity to share personal experiences in dealing with challenging service situations
- To provide court staff with opportunities for reflection, practice, and review of the skills and knowledge that are essential to excellent customer service

The Kansas Municipal Court Clerks used the *Serving the Public*:

A Curriculum for Court Employees at their 1998 conference. A municipal court judge served as the program facilitator. The program included a discussion of who are court customers and what are their needs, and why customer service is so important.

Taped vignettes from *The Balance Beam* program brought home the point of how certain situations can be difficult to handle. Live role plays were also used. Examples of certain service situations included the angry customer, the repeat customer, the confused pro se customer, and the special needs customer. Responding to requests for legal advice is a frequent concern with court clerks, and the role play on this issue was lively and generated much discussion.

The "What Would You Say Next?" exercise was particularly helpful to the clerks. The exercise helped provide a vehicle for answering such questions from court customers as "Why is the fee so high? You people really stick it to the public."

Overall, this program was highly rated by the 150 clerks who participated. It was informative, helpful, and entertaining, and it gave participants an excellent opportunity to share ideas on how they do their best to provide good public service. ■

President's Column, *continued*

judicial education organizations have continued to grow in the knowledge of how adults learn. The educational and professional background of more than half of the members of our profession is now teaching or adult education.

Reflections

As I reflect upon the short but auspicious history of NASJE, I cannot help but be grateful for the foresight of the first judicial educators for founding our organization. I am

awed by the awareness of the thirteen past presidents of NASJE, who have led the organization and its members to make significant contributions to the ability of our courts to "do justice." And I am indebted to every one of you, my colleagues, who, through your efforts and scholarship, have created the organization and the profession I love.

I look forward to seeing you in October in North Conway, New Hampshire! ■

"People Change": What "Organizational Change" Really Means

Krista Johns

Organizational change is a hot topic in judicial education circles these days. Much is being written about "institutionalizing change" and "learning organizations," with whole seminars being offered to equip us to put our organizations in the appropriate stance. Unfortunately, below the rhetoric at the practical level, the recommendations don't always live up to the promotional hyperbole—and for good reason. While leadership, amenability to change, learning, and group dynamics all have validity in our work, the leap in application of these theories to organizations does not clearly follow.

One of the difficulties with applying change theories to organizations is the very definition of "organization." Phrases like "bureaucracies take on a life of their own," or "sometimes good people work in bad organizations" make us want to believe that an organization somehow can take on a human incarnation, separate from the individuals who are part of it. This isn't the case; organizations are made up of the efforts, dreams, and motivations of past and present leaders and followers. The sheer weight of accumulated history, habits, and customs can be daunting, but nevertheless survives only in the individuals who are connected to the organization.

Perspectives from the field of cultural memory can help us understand this more. Much of who we are as members of human society comes from the accumulated experiences, learning, and adaptations of our ancestors. While we have evolved biologically to survive in the changing world, much of our evolution is in the more fragile form of shared memories and lessons learned.

As a biological unit of survival, we still operate in tribes of 18 to 30, with the experiences and adaptations of each member critical to the group's survival. This size group permits a diversity of experience while also allowing for ready sharing of lessons learned among the members. Groups too small do not provide the range of learning needed; groups too large do not allow for "experience transfer" among the members. Individuals who operate alone in a cloistered environment are not adding to the group's ability to adapt appropriately to change. Groups that do not cooperate and share knowledge will hinder each member's survival. In the end, individual contributions make up "the group" and its success as a unit.

In the organizational setting, a core group (the "tribe") operates as a repository of cultural memory. This group, through the experiences and knowledge of its members, develops policies and procedures for regulating work behavior within the organization. People moving in and out of the organization adopt the accepted behaviors (whether positive or negative) and are reinforced by their peers. To an outsider, the organization may appear to have a persona of its own, but it is being led by the core group. The organization's ability to survive in a changing world depends on the adaptations made by the core group. A sudden loss from the core group may leave the organization ill-equipped to move forward; previous lessons learned and knowledge gained may be lost.

In terms of organizational change, then, the primary task will be identification of the core group. Individual leadership skills, amenability to change, learning, and healthy group functioning should be identified and enhanced within the core group as a critical step to organizational effectiveness. These skills will strengthen the core group, letting it envision a positive direction for the organization as a whole.

Communication with employees and constituents, goal setting, and performance measurement become secondary skills necessary for the core group to carry out its work through the organization.

This focus permits a recognition that "organizational change," "learning organization," and "institutionalizing change" are simply terms that relate to outcomes perceived from outside an organization, or outside the core group, if the individuals who make up an organization have appropriate adaptations to their environment. It allows for developments in the area of personal transformation and group process to continue in an appropriate venue—that of the individual and the group—while still carrying forward the expectation that organizations will also be changed as a result. Rather than the *leap* from personal to "organizational learning," for example, organizational impact becomes part of the natural progression of human development and development of "the tribe." This can make practical application of theory much easier to envision, and thus to fulfill. ■

JERITT: The National Information Center for Judicial Educators, *continued*

which is composed of experienced judicial educators, will be identifying ways to enhance and expand services. If you have ideas or suggestions, please contact us by any of the means listed below.

Contacting JERITT

Please contact JERITT to access its services, or to provide us with feedback or ideas for new services. Phone: (517) 353-8603; fax: (517) 432-3965; e-mail: Ms. Jennae Rozeboom, JERITT Administrative Assistant, at rozeboom@pilot.msu.edu.

We would like to hear from you!! ■

Krista Johns is the director of curriculum development for the National Council of Juvenile and Family Court Judges in Reno, Nevada.

Foundation in Pluralism: An Opportunity for Dialogue, continued

Many judges in Alabama believe that the *Foundations in Pluralism* project offers an excellent opportunity to deal with these problems.

In October 1995, a group of twenty Alabama judges gathered on the campus of Tuskegee University. The approach of the group was simple. The judges read *Up from Slavery*, by Booker T. Washington, *The Souls of Black Folk*, by W.E.B. Du Bois, *Barn Burning*, by William Faulkner, and *Sonny's Blues*, by James Baldwin. The educational method was primarily discussion. A group mixed by race and gender, under the leadership of experienced faculty members, engaged in detailed discussion of these literary and historical works.

In November 1996, thirty Alabama judges again convened at Tuskegee for a second three-day event in the *Foundations in Pluralism* series. Some of them had attended the first event in 1995. This time the judges read *The Autobiography of Malcolm X* and selections from *A Testament of Hope*, which is a collection of the writings of Dr. Martin Luther King, Jr.

Enrollment in these programs was limited so that every judge who

attended could fully participate in the discussions. The absence of recording devices minimized the risk that anyone would be either hesitant to participate or overzealous in participation.

So, what is important about the *Foundations in Pluralism* project? How does its approach differ from other attempts to discuss the problems associated with racial division? This approach invites the participating judges to consider and discuss specific texts and historical events, rather than attempting to pinpoint issues. The issues naturally emerge from the discussions, but the text approach depersonalizes the discussions so that there is far less danger of finger pointing and name calling. The discussion of historical events and literary texts provides an important, impersonal context for racial issues.

The material lends itself well to a discussion of jurisprudence. Equally important, judges are given valuable, specific information related to black history and black literature. Black history and literature add a new dimension to our understanding of the problems of racial division as they affect the operation of the judiciary.

Judges can learn a great deal about the cultural background of our legal system by studying these materials. More important, we can learn of things that are missing from the cultural background of the legal system. The issues of racial division emerge naturally from the discussion of the materials. As indicated previously, the advantage to this approach is that it is impersonal. Judges are not placed on the defensive. Judges are not invited to adopt a particular viewpoint, and they are not invited to defend a particular viewpoint. They are simply asked to consider the viewpoints of significant persons who have impacted on the legal system during the twentieth century.

Will the *Foundations in Pluralism* approach actually strengthen the ability of judges to deal with the problem of racial division? We submit that it can. Many judges will not agree with the arguments pre-

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sented by Malcolm X in his autobiography. However, by reading it, white judges are likely to become more empathetic and understanding of Malcolm X's deep distrust of the legal system. White judges may also realize that Malcolm X's distrust of the legal system is shared in many segments of the black community. And the distrust is not without reason. African-Americans are not Africans—they are Americans. There is a 400 year history of blacks in America. The heritage of slavery and segregation, both fully supported by the legal system, does little to inspire confidence in the legal system among African-Americans.

Sociologically and anthropologically, the heritage of slavery and segregation has left its mark on the structure of society. The attitudes that were produced by the institutions of slavery and segregation have an enduring quality, not only in the white community, which is often accused of being racist, but also in the black community. Unprotected by the established legal system, African-Americans under the domination of slavery

continued on page ten

Black history and literature add a new dimension to our understanding of the problems of racial division as they affect the operation of the judiciary.

Foundation in Pluralism: An Opportunity for Dialogue, *continued*

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and segregation responded with solidarity and self-help systems of conflict resolution. The black community is understandably reluctant to give up its solidarity and its self-help approach to conflict resolution.

However, the self-help system is instrumental in producing black-on-black crime. It is instrumental in placing a disproportionate number of blacks into the prisons and jails of this country. Much of the black literature of the twentieth century is protest literature. Little is said in that literature that places the judiciary of this country in a favorable light. When the entire background of slavery and segregation is considered, the reasons for the protest literature were crystal clear. In fact, it is difficult to imagine any other literature emerging during the twentieth century. Nevertheless, the protest literature presents a dilemma: if W.E.B. DuBois's "talented tenth"—the educated African-Americans who write and speak for their race—have no confidence in the American legal system, then how can we expect the unemployed and poorly educated African-Americans who gather around a barrel with a fire in it on some dingy street corner to have confidence that

the legal system can resolve their disputes? Just because we in the judiciary think that we provide rational solutions to conflicts does not mean that our African-American brothers and sisters will automatically "buy in" to our methods.

The immediate objective of *Foundations in Pluralism* is to acquaint judges with significant writings for edification, enjoyment, and understanding. The concept grows out of the law and literature genre. Law and literature seminars relate the work of judges to the larger context of the culture. Values on which culture is established are embedded in great literature.

Beyond the immediate enjoyment of the program, there are important long-term educational objectives. The American people are keenly aware that racial beliefs and racial tensions affect the delivery of justice. But to understand that a problem exists is not to solve it. Judges and others have much difficulty devising strategies to cope with the conflicts that result from racial beliefs and tensions. Judges, like others, are often aware of the racial biases of others, but totally unaware of their own biases. Judges, like others, have difficulty comprehending that each of us has an inevitable and indispensable frame of reference—body of experience or background—that affects the formation of judgments. Often, groups to which we belong influence our perceptions. Our groups frequently consist of other persons with backgrounds and experiences similar to our own. Biases of which we are totally unaware are shared and supported by the groups of which we are a part.

Like religion and other powerful cultural forces, racial and ethnic background leave their imprimatur on the human psyche. Awareness of such differences has been intensified by media events such as the O.J. Simpson trials and the various cases arising from the Rodney King incident. These high profile media events have not only intensified our awareness of the existence of differing attitudes based on racial identity; they have made us uncomfort-

ably aware of the *illusory reality* of the abstractions that form the foundation of the justice system. Abstractions such as justice, good, truth, evil—and even law itself—are the products of *consensus reality*. They exist because of widespread belief and acceptance.

In this postmodern world, we are increasingly aware of a lack of consensus. If persons from different backgrounds and groups look at the same empirical facts that evidence conflict, and the same possible remedies, but disagree as to which remedy is just, the consensus about the nature of justice disappears. The O.J. Simpson trials and the Rodney King trials cause thoughtful persons to wonder where we get our abstractions of justice and injustice, of right and wrong, of good and evil. These abstractions do not leap full grown from events themselves. We add some of the content of the abstractions in the process of interpretation.

Where are the notions about law and justice that seem indispensable to a justice system—and to civilization—stored and preserved? The idea underlying *Foundations in Pluralism* is that history and litera-

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ture are important storage places for these critical abstractions. History and literature embody our collective experience, forming the substrata for our interpretation of current events. Pluralism—the existence of groups with differing opinions about justice—challenges the ability of the entire society to arrive at a consensus on core values.

Legal philosopher Ronald Dworkin coined the phrase “interpretive community” to describe the aggregate community of lawyers, judges, and legal scholars who collectively maintain beliefs and skills that enable them to discern the meaning of legal texts. *Foundations in Pluralism* recognizes pluralism’s challenge to the viability to accepted meanings in the traditional “interpretive community.” Each cultural group interjects its distinctive group values, interpretations of events, and descriptive language into its members. Law’s interpretive community then has difficulty accurately discerning meanings that apply with equal force in all groups. Hence the importance of the study of authentic sources of the ideas and meanings posited by and within differing racial groups.

Law’s interpretive community clearly needs a stronger grasp of the pluralism from which racial issues arise. *Foundations in Pluralism*

approaches the educational task with an appropriate combination of daring and subtlety. It tackles the issues at multiple levels of consciousness, and achieves emotional acceptance and harmony at the same time that it imparts valuable specific knowledge.

The challenge of the twenty-first century is twofold. First, we must make certain that the judicial system is trustworthy. Second, we must find ways to encourage the African-American community to place their trust in the efforts of the judiciary. Judges are in a pivotal position to make a difference in the way the public views the legal system. The *Foundations in Pluralism* project is a viable means for judges themselves to become aware of racial differences and to become aware of the sources of racial differences. Only as we become aware of the sources of racial differences can we devise strategies to disarm the harmful effects of those differences while affirming the positive aspects of our cultural differences. Those differences lie deep in the heart of the culture, and can best be understood by careful consideration of history and literature. The hope for reconciliation lies in a clear understanding of the culturally posited differences. ■

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NASJE Diversity Task Force Resource List, *continued*

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| <p>prevention, mental health, substance abuse, and jurisprudence. Contact: Elizabeth Hodges, New Hampshire Judicial Branch; 603/271-2521. [Videotape]</p> <p>13. <i>Equality Before the Law</i>: two-hour discussion of “The Witness,” by Ann Petry, during five-day orientation for new judges; short story focuses on “outsiders” who may or may not have access to the justice system. Contact: Alanna Moravetz, Minnesota Supreme Court Office of Continuing Education; 651/297-7591. [Law and Literature format]</p> | <p>14. <i>Access to the Courts</i>: half-day discussion led by Missouri Supreme Court justice during new judge education program; focus on race/ethnic and gender fairness issues. Contact: Linda Evans, Office of State Courts Administrator, Missouri; 573/751-4377. [Consultant]</p> |
|---|---|

You should also check JERITT’s judicial education programs summary. The resource list and a selection of “transferable” curricula will be available at the annual conference. ■

Transitions

Chuck Ericksen has accepted a position as senior educator and director of the Court Executive Development Program of the Institute for Court Management of the National Center for State Courts in Williamsburg. Chuck previously served as judicial education manager for the State of Washington Office of the Administrator for the Courts.

Sheila J. Sewell has accepted a position with the Oklahoma Council on Judicial Complaints.

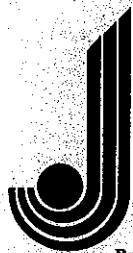
Jennifer Fasy has left her position with the Utah Administrative Office of the Courts.

A warm welcome to Marilyn Wellington, executive director, Judicial Institute, Boston, and Julie Dagenais Blackburn, National Judicial Institute, Ottawa, Ontario, Canada.

Blan Teagle is now the chief of court education in Florida. Dee Beranak, Florida's deputy state courts administrator, now supervises five senior managers in the

following departments—Dependency Court Improvement Project, Alternative Dispute Resolution Center, Guardian Ad Litem Program, Family Court Initiative, and General Legal Division.

Diane Cowdrey is now serving on the American Judicature Society Board of Directors. ■



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

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

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