

NATIONAL ASSOCIATION OF STATE JUDICIAL EDUCATORS

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Public Trust and Confidence in the Courts: *Implications for Judicial Educators*

Editor's Note: This article continues our series on public trust and confidence. What follows are excerpts from a telephone conference with Roger Warren, president of the National Center for State Courts; Karen Thorson, judicial educator, Arizona; Blan Teagle, chief of court education in Florida and president of NASJE; and Diane Cowdrey, director of education, Utah Administrative Office of the Courts.

DIANE COWDREY: This will be another part in the series looking at the issue of public trust and confidence . . . and the role for judicial educators. . . . I just want to start out with . . . what do you think we can learn from the public? What are they trying to tell us? . . .

ROGER WARREN: First of all, I think they are trying to tell us that we are not performing as successfully . . . as we think we are. . . . There is a huge gap in this country between the perceptions of those of us that provide justice services and the perceptions of those whom justice serves, and there is a lot of evidence that judges, people who work in the court, tend to think that the courts are performing most successfully, and lawyers next, and folks that use the courts and the public are generally the least satisfied with the way courts perform and I think that perception gap between the providers of justice services and the users of justice services is sort of at the heart of the problem. And in some areas, I think the public is just right. . . .

The public tends not to trust the courts and the court process. It tends to think that people are not treated equally in the courts, despite the fact that we believe in the value of equal justice under law. . . . And so whether or not the perception is accurate or inaccurate, I think in

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either case it is the responsibility of folks who work in the courts to educate the public.

Then the question becomes how do you do that? . . . How do you learn how to want to hear what the public is telling you, and then I think it gets into the general area of effective communication, which is what I've tried to focus on. That I think ultimately our biggest problem is not so much the performance

issues as the communications issues. . . . Not just deciding cases or resolving disputes, but communicating with the people that use the courts in ways beyond judicial orders and . . . case outcome.

DC: Court users have different standards for our performance or for the way the court system should be functioning than do the people who work in the courts. Is that a part of it, do you think?

RW: Yes, I think so. I think that people who work in the courts tend to focus a lot on practice and procedure and process and the current institutions that we have created. . . .

And what is important to the user is whether the process is fair, whether the outcome is fair, whether they were treated with respect, whether they had their day in court, whether they had the opportunity to tell their side of the story, whether they believe that the judge or jury cared about them, listened to their story, was trying to . . . do the right thing, was trying to be fair to everybody. . . . In the courts we tend not to look at outcome. We tend to look at output. . . . We tend to focus on things that are of institutional concern to the institution, but that tend to place the needs of the institution above the needs of the people that are using them. . . .

continued on page six

PRESIDENT'S COLUMN

Blair L. Teagle

In this, my first president's column, I want to thank all NASJE members once again for giving me this special opportunity to serve the association and judicial branch education. I look forward to a year of collaborative leadership. As those of you who were able to attend the annual conference in New Hampshire know, I was at that time reading an influential book by Russell Kirk titled *The Roots of American Order*. Kirk is a historian, and the perspective he has on change, advancement, and preparation for the future has particular resonance for those of us whose mission it is to help the courts adapt to rapid change through education. Kirk says the American Order of our day wasn't founded on ideology; it wasn't manufactured; rather, it grew. American Order isn't immutable, observes Kirk, for it will change in one respect or another as circumstances of social existence alter. American Order is, after all, a growing thing, and growth involves change. Likewise, says Kirk, American laws aren't like the laws Lysander gave to the Spartans; never to be altered at all. Quoting Edmund Burke, who said, "Change is the means of preservation," Kirk captures this essential tension between progress and permanence in governance, and in law especially. This paradox of change as a means of preservation is particularly pertinent to so many of the priorities that I look forward to working on with NASJE members and the broader judicial branch education community this year. As I said at the annual conference, I have four priorities for 1998-99.

1. To see the National Symposium on Future Judicial Branch Education come to fruition.

2. To explore ways to increase and enrich our communication with members either through, or in addition to the *NASJE News*.

3. To complete the comprehensive needs assessment and curriculum plan to help our annual education meeting continue to meet the evolving needs of NASJE members.

4. To continue building bridges to other court-related organizations and associations.

All of these goals have as a unifying theme to begin to prepare judicial branch education for major change.

1. National Symposium

With respect to the National Symposium, many of you know that NASJE is working with a coalition of other judicial branch education providers to put on this symposium in 1999. We will be able to make this happen through the generous sponsoring of an SJI grant. NASJE is responsible for facilitating the curriculum and program design. In September, we had an organizational meeting of the coalition partners in Chicago and made a lot of headway. In January, Karen Thorson and I will facilitate the curriculum-planning meeting, with representatives of each coalition partner and members of the larger judicial branch community helping us assess the various needs.

In October I mentioned the exciting possibility of combining the 1999 NASJE Conference and the National Symposium. This is a tremendous opportunity for NASJE members to prepare themselves for the twenty-first century, and it provides an excellent opportunity for NASJE to benefit

the broader judicial branch community. The dates of the National Symposium are Thursday, October 7, to Saturday, October 9, 1999, and it will be followed immediately by the annual NASJE Conference (the dates of which have not changed and are October 10 to 12). As this column goes to press, it appears that the National Symposium will occur in St. Louis, Missouri, at the Adams Mark, which is located in a beautiful part of the city across the street from the arch. Throughout the planning of this National Symposium and NASJE Conference, we have been very cognizant of the dates and have succeeded in avoiding date changes; we know changing the dates of the annual conference has created substantial problems in the past for NASJE members who schedule their own annual programs around our conference and who encountered conflict when we made date changes less than two years out. So, we are thrilled that the scheduling has worked out. I want to take this opportunity to thank William Brunson, Mary Fran Edwards, and their colleagues at the National Judicial College for assisting us in locating an appropriate site, and I want to thank Kenny Miller, immediate past education chair, who was going to be our regional host in 1999 for his support and understanding. We will be returning to San Antonio in 2000!

2. Enhanced Communication

As for my second priority, exploring ways to increase and enrich our communication with members, many of you know that I have a strong interest in investigating the feasibility of creating either an on-line or hard-copy journal of judicial branch education.

continued on page ten

1998 Annual Conference Held in New Hampshire

The National Association of State Judicial Educators held its annual conference at the Red Jacket Mountain View Inn in North Conway, New Hampshire, October 18-21, 1998.

New Member Orientation

An orientation for 24 new judicial educators was held on Saturday, October 17. Ellen Marshall and Kerny Miller served as instructors for this daylong program, which began with a history of NASJE and featured adult education theories, curriculum and conference planning, ethics, and maintaining of a presence in judicial branch education. A reception was held after the program for new members to meet with other conference participants.

Conference Sessions

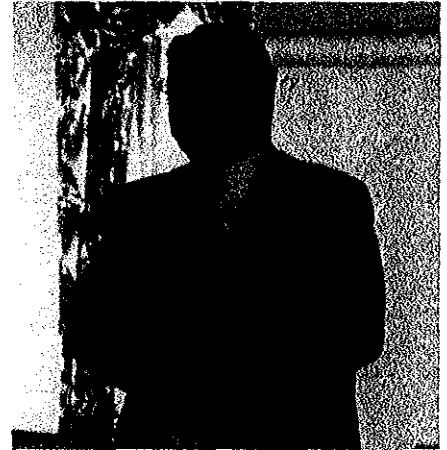
On October 19, Debra Koehler, judicial education and resource development specialist, Hawaii, presented an overview of a required training program for all court staff—"Simply Sensational Service." Hawaii has four versions of this program:

- One full-day session for court support staff (direct and frequent public contact)
- One half-day refresher session for court support staff (offered periodically)

- One full-day session for administrative personnel (focusing on internal customers)
- One full-day session for judges (packaged as a session to increase public trust and confidence)

Debra shared the types of obstacles Hawaii faced while rolling out this type of program and tips for avoiding such obstacles. It was clear that a great deal of effort was taken to make the program interactive and to direct it toward the adult learner. The program successfully incorporates small-group work, mini-lectures from the facilitator, video scenarios, and poignant discussion questions. In fact, one group had a rather lively discussion about "appropriate" work attire, which led to how the public's perceptions affects our ability to do our jobs effectively.

"High Tech Teaching Strategies," also on October 19, presented highlights of distance-learning programs by several judicial educators experienced with different distance-learning technologies. In addition to discussing the pros and cons of implementing distance-learning programs, participants saw demonstrations or listened to discussions of the advantages of using videotape, satellite broadcasts, a one-touch system, CDi and CD-ROM, internet-based training, and the National



Judge Ernest Borunda (CA)

Center for State Courts' new Education and Technology Center.

Joe Silsby and Debra Thompson of Missouri, Mary Ann Massey and Maureen Mucha of NCSC, and Phil Schopick of Ohio cooperated in the planning of the program. Karen Thorson of Arizona, Kevin Bowling of Michigan, and Paul Biederman of New Mexico participated as faculty. Anyone considering developing a distance-learning program or facility is invited to contact any of these educators.

NASJE members were treated to a preview of the highly successful, mandatory diversity training designed for California judiciary and staff—"Cultural Inclusiveness: A Workshop for Community Leaders." Judge Ernest Borunda, Catherine Lowe, and Kathleen Sikora led the group through a series of exercises that helped identify diversity issues.

Dr. Robert Kegan once again revitalized NASJE members during his plenary presentation, "Inward Bound: Transformational Learning for Professional Development" on October 20. His remarks focused on personal growth and development as he led participants through a series of exercises designed to help them continue their growth through learning. Participants were challenged to identify their own learning needs and were taught how to

continued on page eleven



NASJE members new and old at the annual conference in New Hampshire.

Assembly of Court Associations: A Welcome Networking Experience

The first-ever gathering of the Assembly of Court Associations was recently convened in Washington, D.C. Under the sponsorship of the National Center for State Courts (NCSC), current and upcoming leaders of prominent national associations came together to begin what is hoped to be an ongoing coalition of court and justice system organization leaders.

On June 6, 1998, leaders from 23 court- and justice-related associations met and exchanged ideas and information. To provide a foundation for group consideration of issues, Roger Warren, NCSC president, delivered an overview of leadership challenges and principal issues facing the courts (as developed at the 1996 Conference on the Future of the Judiciary). Among the issues for courts and their leaders to address:

- the unique nature of the times we live in
- the vast and revolutionary changes in judicial administration
- the current movement from adjudication and adversary structures to a "new era" of therapeutic and alternate models for achieving justice
- the increased emphasis on the educative role of courts
- the need for greater public outreach and community collaboration
- the public's dissatisfaction combined with heightened expectations

Given the serious nature of the complex challenges facing the judicial branch, the Assembly recog-

nized the need to organize and forge alliances for better addressing those challenges. Primary objectives of this gathering included encouraging closer relationships between these groups; initiating and increasing networking and communication between these leaders of our justice system; promoting and harnessing potential activities and coalitions; identifying and discussing common issues and developing common ground; creating potential national leverage and leadership on issues of common interest; and forging parallel vision and actions.

Each association provided an overview of its objectives and described significant concerns and initiatives under way or forthcoming. Those initiatives included use of communication professionals in the courts; national-scope conferences on public trust and confidence and the Third National Symposium on Court Management in August 2000 (to initiate a dialogue between court and community leaders on the critical issues confronting the courts in the next century); planning for a drug court institute; training for professionals in juvenile justice; program development for a symposium on the future of judicial branch education; interstate transfer of court cases involving guardianship; and concerted efforts to create and establish alliances with other organizations. Without exception, all participants were actively involved in enhancing the justice system.

While the groups recognized there would be areas of strong agreement and issues upon which total agreement would never be

reached, along with differences in priorities, they recognized that by working together and creating a significant force, common ground could be covered with benefits multiplied. Participants collectively organized and prioritized the items into six main categories:

- Dealing effectively with a multicultural society—the importance of delivering equal justice and providing leadership
- Courts performing as an organization—understanding the needs of judicial and nonjudicial staff and attempting to work together
- The gap between expectations and funding—improving relationships with funding agencies
- The changing roles of judges and courts—examining the roles portrayed and expected vis-à-vis ethical issues and constraints while addressing user expectations
- Public trust and confidence—providing support for current initiatives to ensure public trust and confidence in the judicial system
- Threats to judicial independence—increasing public understanding of and communication about the judicial system and developing better outreach and input, while demonstrating court accountability for service

Goals and strategies were discussed for each area. The experience of collaborating and building coalitions further energized and empowered attendees.

So what comes next? Participants shared addresses and phone and fax numbers, and a synopsis of Assembly discussions was published. Biographical sketches for each association are being distributed, and participants expressed strong support for ongoing communication and sharing of ideas, even suggesting a regular meeting of associations, perhaps at the state or regional level. The associations are planning to share faculty and

continued on page twelve

Editor's Note: This article was prepared by representatives of the Assembly of Court Associations—Hon. Kevin S. Burke, judge, Hennepin County (Minnesota) District Court and member of the Board of Directors of the National Center for State Courts; Janet G. Cornell, president, National

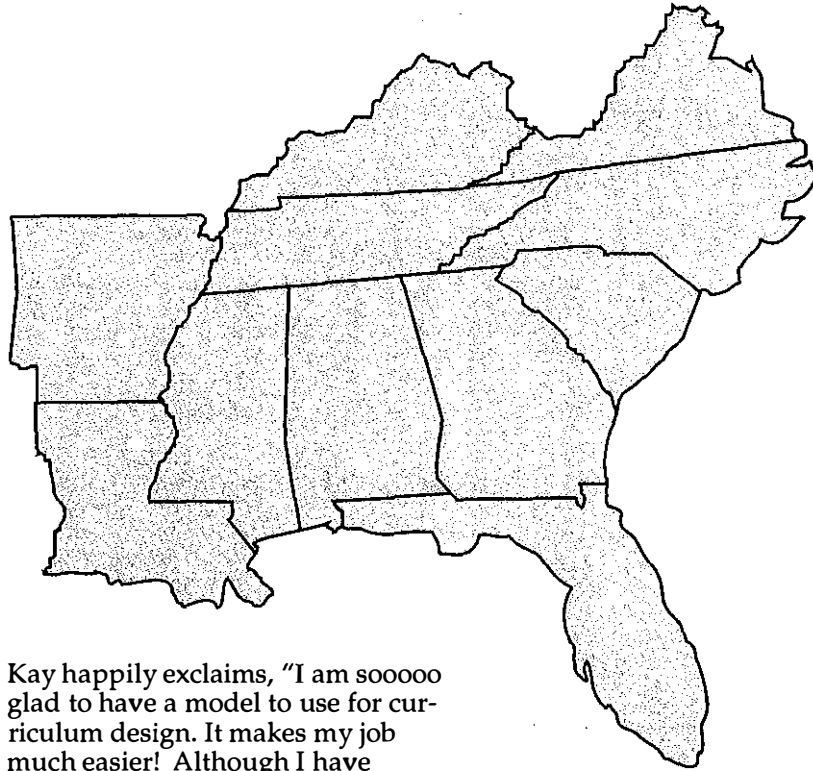
Association for Court Management; Blan L. Teagle, president, National Association of State Judicial Educators; Majorie McCoy, president, Council of Appellate Staff Attorneys; and Judith Meadows, president, American Association of Law Libraries.

SOUTHEASTERN REGIONAL NEWS

The Florida Office of the Administrator for the Courts has a new "chief" of education, Blan Teagle. Although the *NASJE News* covered this transition in the last issue and it is posted on the Web site, the Southeast would like to publicly acknowledge Blan for his continued hard work and dedication to continuing judicial branch education, not only in Florida, but also as the president of the National Association of State Judicial Educators. Florida is also busy with implementing the Dependency Court Improvement Project, which sent a team to the Leadership Institute in June 1998. The staff contact for the Florida Dependency Court Improvement Project is Ms. Patricia Badland.

The Georgia Institute for Continuing Judicial Education (ICJE) is currently working on a set of training videos for bailiffs and nonjudicial personnel, which will address working with the public. The first video was shot in mid-November 1998, and ICJE hopes to have a final product available in the spring of 1999.

Ms. Kay Palmer of Arkansas invited the director of the Ohio Judicial College, John Meeks, to Arkansas in July 1998 to lead a retreat for the general jurisdiction judges' committee. The purpose of the retreat was to plan programs for the upcoming year and to address the future of judicial education for general jurisdiction judges in Arkansas. John used the Kolb model as the basis for his teaching. The judges took the LSI that uses Kolb's learning circle and designed programs around the circle. Kay replicated John's program in a certification committee for limited jurisdiction clerks' retreat the following week, and designed three one-day programs using Kolb. Since implementing the Kolb model, Arkansas has had one general jurisdiction judges' program and two certification programs. Comments from the respective education committees indicate the "circle" really works.



Kay happily exclaims, "I am sooooo glad to have a model to use for curriculum design. It makes my job much easier! Although I have known about the circle for quite some time, I had not used it with any of the committees."

Kentucky also attended the Leadership Institute in June 1998. The Kentucky team concentrated on refining its judicial branch education and training model to incorporate more technology in its training and education efforts and to coordinate training and education efforts among elected and appointed employees of the Court of Justice. Education Services is currently developing quarterly courses to be offered at the Administrative Office

of the Courts for all employees and will publish a new limited jurisdiction benchbook. The new benchbook will be published in print and on a CD-ROM and will be posted on a secure Web site.

On a very mixed note, Rita Culbertson has announced her retirement after 27 years of service, effective February 1, 1999. The employees of the Kentucky Court of Justice are extremely happy for Rita, but will miss her dearly. ■

Transitions

A fond farewell to P. M. Dubhaigh-Ingrassia of New Mexico, who is leaving the New Mexico Judicial Institute to pursue other interests.

A warm welcome to the following new members: Jerry Martin and Kris Prince of the Utah Administrative Office of the Courts and Christy Tull of the Ohio Judicial College.

Maureen E. Connor is the new executive director, as well as a senior associate, of the Judicial Education, Reference, Information, and Technical Transfer (JERITT) Project at Michigan State University, East Lansing. Former executive director John K. Hudzik, professor of criminal justice at Michigan State, is still a senior associate of JERITT. ■

Public Trust and Confidence in the Courts: Implications for Judicial Educators, *continued*

"Where the court has an opportunity, it is going to care about and appear to care about the well-being of the people before the court. . . . Just like a sort of change of character, just by talking about ourselves as caring about people and their problems and . . . in viewing ourselves not as professionals, but just as people."

We have our own aspirational standards like the Trial Court Performance Standards, which I think are very attuned to a consumer or user perspective, but I think in most courts, things like the Trial Court Performance Standards are, at this point, aspirational, and really aren't serious efforts to evaluate one's own performance. . . . We tend still to measure our performance by these old, more conventional measures that are not outcome based.

KAREN THORSON: I think all of us really agree wholeheartedly with everything you were saying. . . . I don't think we are going to see enormous change throughout the system overnight. Why we have the differences in public perception as opposed to how we see ourselves, and how insular the courts have been for decades. And so I guess the question I'd like to ask you is . . . how would we institute . . . systems so that we do not find ourselves making change today, and then becoming insular after that change and not being responsive on an ongoing basis. Is there an opportu-

nity for that here, and if so, what role do you think the National Center could play, judicial education could play, in putting in . . . a system so that we have continuing reexamination and continuing alteration from this point forward?

RW: I think that's a great question. . . . I think the initial challenge is really . . . how to get the ball rolling, how to create sufficient willingness to change (so) that things start to move forward and then . . . sustaining that. . . . Creating learning organizations. . . .

And I think you folks as judicial educators are right at the heart of all this because . . . we're really talking about . . . judges and others with leadership responsibility in a court viewing themselves as learners and being receptive not just to receipt of evidence or data or information about the circumstances of a case or a dispute that is before the court, but also being receptive to learning about the needs and the aspirations of the people who stand before the court. And we tend, I

think, to view the work of the court as resolving cases rather than resolving people's problems. . . .

The reason people change is that they learn to change. I mean people do not change, we know, because they are coerced to, or forced to. That just doesn't work. People have to want to change, and to do that they have to learn to change and learn why changing is important for themselves and . . . the people around them.

KT: Judicial education traditionally has been seen as information dissemination. . . . I think our hope would be that judicial education would be a player in helping . . . the court . . . to buy in and have ownership rather than as you said, being told to change, coerced to change. How do you see, or do you see, a way for us in this process, to help change the way many folks look at judicial education, which is as information dissemination, a fix-it, a tool to make something right after we've decided what is wrong?

RW: I think you're right. It's moving from a learning environment that is . . . teacher focused to one that is learner focused. . . . I think the idea of seeing judicial education as a process of offering opportunities to students to learn and to change, and to decide for themselves the kinds of change that are necessary for them to develop as a person, . . . whatever role they have in the court setting, . . . is exactly the direction judicial education should go in.

KT: I guess the question in my heart is really . . . where would be in your view a good place to start?

RW: To me it doesn't make much difference where you start, you just start with whatever student you have. . . . The kinds of change we are talking about are going to have to be top to bottom, . . . and I think it's appropriate to expect leadership from people who have leadership responsibilities. But I think this change can come as effectively—

and be initiated, at least as effectively—at any level in an organization, and in most successful change processes, the change process is often initiated on the front line by somebody with day-to-day knowledge and responsibility for dealing with the problem, and oftentimes it's the manager who is much more remotely connected to the day-to-day problems, who is the last to change. . . . My own bias, I guess, is to try to start wherever the student is, and so I would tend to want to start with questions like, what is the purpose of the courts. . . .

I oftentimes mention this book, I think it's called *Nuts*, by the CEO at Southwest Airlines who came along and basically . . . said that . . . if you really want to serve your customers, you shouldn't focus so much on your customers as your employees, because if you treat your employees well, and they are motivated and they believe in the mission of the organization, they will be your best customer service representatives.

I think that with judges, . . . it's particularly important. I think one of the great challenges that we have, one of the two or three big challenges we have, is to get judges to see themselves in a larger context than their strictly judicial decision-making role. And you know that's why 99.9 percent of all judges got on the bench. . . . That's what a judge represents to them, and virtually none of the judges sitting on our courts got there because they viewed themselves as an organizational leader or manager, because they wanted to improve access to the justice system, or . . . for any of the other kinds of values that we use to measure the performance of the court system as a whole. . . . Until we can really interest and motivate judges to care about judicial administration, courts are never going to perform to the level that the people really have a right to expect that they should.

DC: Customer service is one of the areas that educators have focused

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on and we've done customer service classes probably in most of our states. . . . But it sounds like what we are all talking about is moving past teaching about something to having a shift in our thinking, to having a cultural shift, and I do see a really good role for educators in that process, because that is the change process that we work with. I mean that's what we do when we really want people to learn and change their behavior. We're looking for that kind of change. So I guess I'd like to ask all three of you, where you might have seen some cultural shifts in your organizations or in your state in the area of public trust and confidence.

BLAN TEAGLE: (There are) two things that I would mention in Florida. One of them has to do with the public opinion research and the focus group research that our Judicial Management Council did. And there were really three main findings that came out of their research and they reflect what Roger is talking about and what's going on nationally, and would be borne out

by the research that the National Center has done. (1) You know and Roger has talked about how people are dissatisfied with the way courts work, that they take too long. (2) People really strongly believe that your financial status, if not the major factor, is at least a major factor in determining the outcome of your case. And a third, and kind of a disturbing one to us, was that people do not like having to engage lawyers to use the court system. People do not like lawyers, they don't trust the legal profession, and then 72 percent of those surveyed said that their view of lawyers affects their view of Florida's courts. . . . There is a Professionalism Commission of the Florida Bar and I think this was a wake-up call to us that judicial education and the bar's Professionalism Commission needed to work together and so one of the things that we've done is to implement a lot of judicial education in the area of attorney professionalism. . . .

The second shift would be in the area of faculty and what we do with faculty development. And I think

continued on page eight

Public Trust and Confidence in the Courts: Implications for Judicial Educators, *continued*

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that there has been a profound shift in interest among our deans, our department heads, and our education chairs, and they have tried to convey to the faculty the importance of judicial decision making and how one announces the decisions of the court. How a jurist explains what is going on . . . procedurally and explains the ultimate outcome of the decision. . . .

KT: We've done the public opinion polling as well and took that a step further, as both Florida and Utah may have, and that is employee polling—employee focus groups. (We) came back, Roger, with a lot of information that validates what you were saying earlier about folks sometimes feeling disenfranchised with the courts even though they may have worked there for 25 years. . . . We have had over the years some public members on some of our policymaking committees. Our chief justice is really going much further now in seeing that public members are included on more and more and more committees and some in very high level

places within the hierarchy of our committee structure. We are doing ongoing citizen summits all around the state. . . . What we are doing in those citizen summits is not just getting feedback, but putting before the public the chief justice's initiatives for what he calls Justice 2002, which are four descriptors of the court and what the courts are trying to do—for example, one is protecting communities' families and children—and finding out from the public which of those they value the highest and how they would see the court being more responsive in those areas. So some real definitive information is coming from that.

DC: Roger, tell us about some shifts you have seen either in your organization or across the country in some of the other states and districts.

RW: Well, I think that the kinds of things that Blan and Karen mentioned are certainly major themes. . . . It was sort of taking off on Blan's insight or the insight of the polling in Florida that got the Center involved in this current

(public trust and confidence) initiative a couple of years ago and a . . . major theme, of course, as this whole thing has developed around the country is public education and viewing communication as a two-way street. That is, involving the public in the work of the courts and listening to what they have to say and as reflected in the citizens' committees in Arizona and Louisiana and other states.

And so I think that for judicial education, . . . you know the conclusion, the inference, would be that you or we are too focused on competence training. That is, trying to train judges (who are) neutral arbitrators, (who) know the law, (who) are good at analyzing case law and evidence and fact and follow(ing) the rules, and (who are) knowledgeable about all those rules. . . . The stuff we typically refer to in terms of professionalism, . . . we tend to focus on that—in that area too exclusively—and don't focus on judges in their role that is most important to the litigants, which is more at the empathetic level. I mean, does this person care about me? Is he or she really trying to look out after my interest, my rights, trying to be fair to me? If a litigant feels that the judge is really trying to be fair and do the right thing, the litigant ends up universally being satisfied no matter what the outcome was, no matter how skillful the judge was in doing the sort of judicial decision making; you know, the technical stuff involved in judicial decision making. So for me, the distinction is ultimately between the rule of law and sort of the rule of legalism. . . .

If the courts are to reconnect with the people that they are serving, they are going to have to learn to talk in an ordinary kind of human language and they are going to have to learn how to communicate that they care. . . . We are going to have to become people oriented and people focused much more so than we are now, and much less sort of case focused and competence focused. . . .

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In viewing this whole enterprise as a human kind of enterprise rather than sort of a bureaucratic, . . . mechanical kind of process and I think it's just that human communication . . . (is an) area (where) we can make our greatest strides. You see things like drug courts or the judge in family court or juvenile court that really does make a connection with a family or a child or an offender. . . . And I think one of the reasons that those courts are becoming as prominent as they are is—what they have in common—is this sort of therapeutic jurisprudence. . . . Where the court has an opportunity it is going to care about and appear to care about the well-being of the people before the court. . . . Just like a sort of change of character, just by talking about ourselves as caring about people and their problems and . . . in

viewing ourselves not as professionals, but just as people. . . .

KT: I'll add another layer to that, if I might. I think what we found here is that frequently people generalize the term court to mean the . . . justice system. . . . We've begun to do a lot multidisciplinary education. I'm doing a lot of programs that involve public defenders, prosecutors, victim advocates, treatment providers. . . . I would just like to put in a plug for. . . the basic change model that education represents. Foundationally, we know that if we ask people what's working well, what isn't working well; those questions like you asked earlier, what is the system, what is the purpose of the courts, what is your role, . . . we bring them to reconsider and we talk about what might need to be done differently. Another piece that sometimes seems to be left off is recognition of those areas where change is made. For example, as the chief justices move forward with their conference, with their public trust and confidence initiative, one of the things that I hope they don't overlook is recognizing those courts and those judges who are striving to make those changes in line with what's being asked of them. I think sometimes because our leadership doesn't always have management background, management training, they sometimes don't realize how important that reinforcement component is.

And as judicial educators, we can play a big role in bringing people to the table and plowing the ground and getting them to reexamine and think (about) new ways and then move towards something new. But that recognition, it could come through judicial education, but it's not as powerful as if it came through (the) chief justice or the court. . . .

RW: At the last meeting of the chiefs' public trust and confidence committee, there was a trial judge from Massachusetts who was a

speaker on the program. . . . (Another judge) had asked (the) question, What can we do? And, that was exactly the point he made. . . . You have these trial judges out there that are doing all sorts of stuff and what you can do is just give them support. . . . But I think that having an educational program where the point is made and made and made over and over again in different ways by different people, so it really sunk in and these chief justices . . . begin to view their responsibility increasingly wider; . . . that it wasn't just running their court or just dealing at the state court, but that they have a responsibility for the development of all of the people throughout the justice system in their state. . . . I think your point is a good one that we need to get the chiefs to see their wider responsibilities. ■

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NJC Appoints New President

The Board of Trustees of the National Judicial College (Reno, Nevada) recently appointed Percy R. Luney, Jr., formerly dean of the law school at North Carolina Central University in Durham, to succeed V. Robert Payant as the institution's chief executive. Judge Payant has served as NJC's president for eight years.

"I am deeply honored to follow in the footsteps of Judge V. Robert Payant. After more than twenty-six years of service to the institution he loves—as a faculty member, associate dean, dean, and president—Judge Payant has retired. The good news is that he has retained the title of president

emeritus and will continue to be involved with the College," Luney said.

President Luney earned an A.B. degree from Hamilton College and received his law degree from Harvard Law School. He was a professor of law at Duke University and served as a visiting professor at several additional law schools in the United States, as well as a Fulbright Lecturer at Kobe University, a visiting professor at Doshisha University Faculty of Law in Kyoto, and a visiting research scholar at Waseda University and the University of Tokyo, Japan. He has been a visiting professor at Washington University in St.

Louis, Missouri, and the University of Oregon in Eugene. He also served as an associate for Birch, Horton, Bittner, Monroe, Pestinger & Anderson of Washington, D.C., and Alaska. Luney serves as legal counsel and advisor for the U.S. Department of the Interior in Washington, D.C., and Flisk University in Nashville.

He is the author of a number of law review articles and has served as a private judge and arbitrator in a court-annexed arbitration program developed by the U.S. District Court in North Carolina. Luney is a native of Washington, D.C. ■

President's Column, continued

tion. I hope it will be a publication that will complement the *NASJE News* and provide a vehicle for more in-depth researched articles on adult education theory and practice in the context of the judiciary. This year I will be appointing an ad hoc committee to conduct a feasibility study and report its findings to the membership committee.

3. Educational Needs Assessment

Also mentioned above was the comprehensive needs assessment. During 1998, immediate past president Ellen Marshall shepherded through an SJI grant application, and we were fortunate to receive the funding to do a comprehensive needs assessment. Carla Kolling, state judicial educator from North Dakota, will be facilitating the needs assessment process, and this should greatly enhance the education committee's ability to meet the changing needs of the membership.

4. Outreach to Other Organizations

My final priority, continuing to build bridges to other organiza-

tions, is directly related to priorities one and two and, perhaps to a lesser extent, three. The National Symposium on the Future of Judicial Branch Education will prove to be an excellent example of collaborative leadership—several organizations working together, sharing their own unique strengths, with a primary emphasis on improving the administration of justice. Roger Warren took a giant step toward cooperation among court associations by sponsoring the first annual Assembly of Court Associations in June of 1998 in Washington, D.C. This launched a formalized network of court-related associations and gave leadership from more than 20 such organizations an opportunity to meet face to face and share ideas about the future. NASJE very much appreciates Roger Warren's initiative in this area and, following his lead, will continue to look for opportunities to serve the larger community.

The unifying theme of all of the above is preparation for change. Along with that we must appreciate and recognize that our role as judi-

cial branch educators is ultimately to see that justice is done. Russell Kirk reminds us that in preparing for change we want to hold on to what we do well and respond to the public as best we can to inspire their trust and confidence while remaining true to our ultimate mission. In his wisdom, Kirk says, "Do not fear change, but respect what endures." A commitment to due process, equal protection, and rule of law are at the root of order in the American justice system. Burke was right, that change is the means of our preservation, but Kirk reminds that also we must have permanence in some things if change is to be improvement: "Permanence and progression are not enemies, for there can be no improvement except upon a sound foundation and a foundation cannot endure unless progressively renewed."

I look forward to the coming year as together we build upon a sound foundation to progressively renew NASJE. ■

New Section Members

NASJE News would like to welcome the following new section members:

Pamela J. Abernathy, Salem, Oregon
 Judith Atherton, Salt Lake City, Utah
 Katheryn T. Barrett, Mesa, Arizona
 Daniel J. Becker, Salt Lake City, Utah
 Stephen Bevil, Chattanooga, Tennessee
 Ernest Borunda, Chula Vista, California
 Tom E. Gray, Gallatin, Tennessee
 Mahalliah Hughes, Gallatin, Tennessee
 George Lovell, Columbia, Tennessee
 Myron K. March, Salt Lake City, Utah
 Ron L. Marquardt, Kingman, Arizona

Robert E. McBeth, Renton, Washington
 Michael Nelson, St. Johns, Arizona
 Susan Null, Redding, California
 Martha Phillips, Knoxville, Tennessee
 Coral M. Shaw, Henderson, Auckland, New Zealand
 R. Michael Traynor, Chandler, Arizona
 Nancy Vaidik, Valparaiso, Indiana
 Brenda Waggoner, Knoxville, Tennessee
 Janice R. Wilson, Portland, Oregon
 Joyce Ziegler, Laguna Niguel, California

1998 Annual Conference Held in New Hampshire, *continued*

change their own impediments to learning. Judging from the evaluations, NASJE members hold Dr. Kegan in high esteem and requested that he return as a speaker at a future conference.

The breakout session "Establishing Peer Training Programs and Peer Ethics" was taught by a team from California. The session provided an overview of the peer-taught training program for court clerks that is conducted at Stanford University each summer. This program has been evolving for the past nine years and now is administered by the California Center for Judicial Education and Research (CJER). Classes are developed and taught by court staff. Faculty development is provided by Dr. Gordon Zimmerman. The session provided information on starting such a program, training faculty and developing curriculum, working out the administrative and logistical details, and making such a training program fun for participants. An ethics segment has recently been added to the program and was demonstrated in the session.

Pamela Bulloch and Mary DeCarlo, of the State Justice Institute, provided an overview of the grant-writing process in their breakout session, "Grant Writing and Resources." They discussed the preapplication phase, how to estab-

lish the need for funding, how to write the actual grant application, and how to implement the project.

Plenary Session: "World Peace Begins at Home"

The plenary session on October 21 featured Dr. Victor LaCerva, medical director, Family Health Bureau, New Mexico Department of Health, Santa Fe. Dr. LaCerva focused his remarks on domestic violence, violence in our society today and domestic violence in particular, and the need to work within the family to identify sexual violence and abuse. He especially noted the need for judicial educators to focus training on problems of our teenage population, includ-

ing drugs, alcohol use and abuse, sexual abuse, and low self-esteem.

New Officers for 1998-99

NASJE also elected new officers for 1998-99 at the conference. Those new officers are Blan L. Teagle, chief of court education, Florida, *president*; Franny M. Maguire, training administrator, Delaware Administrative Office of the Courts, *president-elect*; Catherine S. Lowe, director, California Center for Judicial Education and Research, *vice-president*; Maureen A. Lally, judicial education specialist, Washington Office of the Administrator for the Courts, *secretary*; and Sherry G. Carson, conference coordinator, Institute of Continuing Judicial Education, Georgia, *treasurer*. ■

Judicial Educators Can Audit ICM Courses

The Institute for Court Management is pleased to announce a new policy allowing course auditing for judicial educators. Effective January 1, 1999, state or federal judicial educators can receive free tuition for any National Program. Interested judicial educators can familiarize themselves with ICM courses, evaluate courses for potential replication through state partnerships, or increase their ability to advise local court administrators and staff regarding the ICM curriculum. Attendance is subject to availability, so please register early. For more information or to register for a course, contact Chuck Ericksen at (800) 616-6160. ■

experts, ongoing association program details, and membership rosters.

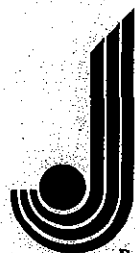
Those in attendance committed to share what they had learned with their groups. Information will also be included on the National Center for State Courts' Web site, and linkages will be created between appropriate Web pages.

This is truly the commencement of groundbreaking national-level collaboration. State court systems are facing complex challenges and are coming under attack by critics in some quarters. Resources are stretched, and progress looks challenging. Assembly participants expect to increase their strength through coming together—and to see dramatic effects on those loom-

ing challenges. Look for more work to come from this coalition.

Associations represented at the assembly were the American Association of Electronic Reporters and Transcribers, American Association of Law Libraries, American Judges Association, Conference of Chief Justices, Conference of State Court Administrators, Council of Appellate Staff Attorneys, International Association of Women Judges, National Association of Appellate Court Clerks, National Association for Court Management, National Association of Drug Court Professionals, National Association of State Judicial Educators, National Association of Women Judges,

National Center for State Courts, National College of Probate Judges, National Conference of Metropolitan Courts, National Conference of Special Court Judges, National Conference of State Trial Judges, National Consortium of Task Forces and Commissions on Racial and Ethnic Bias in the Courts, National Council of Juvenile and Family Court Judges, National Court Reporters Association, National Juvenile Court Services Association, and the State Justice Institute. Court public information officers, a group with no formal professional organization, were represented, as well. ■



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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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